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STUDENT CODE OF CONDUCT

PHILOSOPHY AND PURPOSE

The University of Montevallo strives to maintain an educational community that fosters the development of students who are ethical, civil and responsible persons. Students of the University are expected to conduct themselves in a manner consistent with the University's policies and procedures, code of conduct and student handbook. As a community of learners and scholars, all are expected to maintain conduct which assures orderly pursuit of educational goals, positive regard for the rights of others and a safe environment. The purpose of this document is to set forth the specific authority and responsibility of the University in maintaining behavioral expectations and standards.

DEFINITIONS

Business Day: the days of the year the University is officially open and functioning, which does not include weekends, days the University is officially closed or official University holidays.

Complainant: the individual or group affected by the alleged incident. The terms complainant and victim may be used interchangeably. In some situations, the complainant and the reporter may be the same individual or group.

Conduct Educator: a staff member trained in the conduct review process to adjudicate cases and who has the administrative authority and responsibility for oversight and enforcement of Student Conduct policies and procedures and the imposition of sanctions in an efficient, consistent, fair and educationally meaningful manner.

Reporter: the individual or group filing an incident report for an alleged violation.

Student: an individual who is admitted, enrolled or registered for study at the University of Montevallo for any academic period including time periods between academic sessions. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with the University of Montevallo are considered students. A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, fraternity or sorority recruitment, orientation, placement testing and residence hall check-in.

Student Organization: an organization which has been fully approved by the Campus Life Advisory Committee and has registered with the Student Life Office by Sept. 30 of the current academic year. More information about student organizations can be found at www.montevallo.edu/student-organizations.

University Conduct Council: a hearing body composed of faculty, staff and students that hears

cases involving alleged violations of the Student Code of Conduct. University Conduct Council cases involving academic dishonesty must include only two faculty representatives, two student representatives and one staff representative.

JURISDICTION

The University's interest in enforcing its Student Code of Conduct extends beyond UM's campus and property to off-campus functions, events and activities that are sponsored, endorsed or supported by the University (e.g., athletic events). Students may also be subject to disciplinary measures for conduct occurring off-campus when the behavior violates the Code and:

- takes place while the student is acting or functioning as a representative or an extension of the University (whether or not the student has been formally designated as such); or
- reflects negatively and directly on the University's image or reputation or threatens to undermine public support for the University or fulfillment of its educational mission; or
- impedes, interferes with or compromises the University's goals of preventing violence, promoting the health and safety of UM students and all members of the University community and providing timely support and resources to assist those struggling with substance abuse or addiction; or
- demonstrates conduct in a manner inconsistent with generally accepted standards of behavior, including those set forth or implicit in the University's statutory charter, its policies and official publications.

Procedures governing the disposition of Code of Student Conduct violations will apply to off-campus violations but may be modified as necessary to accommodate practical considerations and limitations created by the nature of the off-campus conduct (e.g., incarceration).

DIVISION OF ENROLLMENT & STUDENT AFFAIRS AUTHORITY

The Board of Trustees and the President of the University are ultimately responsible for governing the University. The student conduct system is administered by the University's Chief Student Affairs Officer. The University's Chief Student Affairs Officer, in turn, designates the Director of Student Conduct with administrative authority and responsibility for oversight and enforcement of Student Conduct policies and procedures. This responsibility includes formulating and implementing policies and procedures, in cooperation with other appropriate University bodies, for the consideration of conduct violations and the imposition of sanctions in an efficient, consistent, fair, legal and educationally meaningful manner. The Director of Student Conduct may further delegate responsibility to various judicial bodies and administrative staff (e.g., Housing and Residence Life staff and University Conduct Council).

When there is an allegation that a student has committed an offense that is also a crime, a student can be charged both by the criminal justice system and the student conduct system. Disciplinary action at the University will normally proceed independently of pending criminal charges even if charges involving the same incident have been dismissed by the criminal justice system.

STUDENT CODE OF CONDUCT POLICIES

This section establishes the rules and policies all students and student organizations are expected to follow under the duty and corollary powers inherent in educational institutions.

Institutions protect their educational purposes through the setting of standards of student conduct and scholarship and through the regulation of the use of University facilities. Lack of familiarity with institutional rules is not an excuse for an infraction.

Students are responsible for their own conduct and for the conduct of their guests. Student organizations have similar responsibility for maintaining good conduct among their members and guests and at activities they sponsor. All members of the University community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of

others. The University reserves the right to hold individual members responsible for their personal actions and to hold organizations responsible for the actions of their members.

A. Academic Integrity

All academic work should be the result of an individual's own efforts and should be free of fraud and deception. Students may not give or receive unauthorized aid in completing academic work and meeting academic requirements, as those acts may constitute academic dishonesty.

1. Academic dishonesty includes, but is not limited to, cheating, plagiarism, fabrication of information or citations, facilitating acts of academic dishonesty by others, unauthorized prior use of examinations, submitting the work of another person or work previously used without approval and tampering with the academic work of others. See Appendix C at www.montevallo.edu/appendices.

B. Alcohol-Related Misconduct

The University complies with federal and state law in prohibiting the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs and/or alcohol by students and employees on its property or as part of any of its activities. Alcoholic beverages may be lawfully consumed by individuals who are 21 years of age or older only within the privacy of their personal residence hall rooms. Prohibited behaviors include:

1. Possession of alcohol by a person under the age of 21
2. Consumption of alcohol by a person under the age of 21
3. Public intoxication
4. Disorderly, drunken, lewd or indecent conduct while under the influence of alcohol
5. Possession of alcohol-related paraphernalia by a person under the age of 21 (e.g., empty containers)
6. Open containers in vehicles or in open spaces or public areas of residence halls (lobbies, hallways, etc.)
7. The presence or possession of alcohol in an on-campus residential room in which only underage residents live
8. Provision or distribution of alcohol to individuals under the age of 21
9. The use of common containers (kegs, coolers, etc.) that provide unrestricted access
10. Violation of other provisions of the Student Code of Conduct while under the influence of alcohol

Students and student organizations must comply with the published regulations and applicable laws concerning the transport, display, provision, possession and consumption of beer, wine and other alcoholic beverages.

Violation of alcohol policies may result in disciplinary sanctions and/or administrative fees. For more information, see University Policy 01:105 at www.montevallo.edu/policies.

C. Drug-Related Misconduct

Prohibited behaviors include:

1. Possession and/or use of any counterfeit, illegal, illicit, dangerous or controlled drug or other substance. This includes prescription medications.
2. Manufacture, sale and/or distribution of any counterfeit, illegal, illicit, dangerous or controlled drug or other substance. This includes prescription medications.
3. Possession of drug paraphernalia (e.g., pipes, bongs)
4. Disorderly, lewd or indecent conduct while under the influence of an illegal or illegally obtained drug

5. Violation of any other provision of the Student Code of Conduct while under the influence of an illegal or illegally obtained drug

Violations of drug policies may result in disciplinary sanctions and/or administrative fees. For more information, see University Policy 01:105 at www.montevallo.edu/policies.

D. Dangerous Behaviors

Intent is not an element of this violation, but will be considered in the application of sanctions.

Prohibited behaviors include:

1. Conduct or action that has the potential for physically harming another person. Included is conduct which creates conditions that pose a risk of physical harm to another, which causes reasonable apprehension of physical harm and/or which results in unwelcome physical contact.
2. Cruelty to and other offenses against animals as defined by state and local laws and statutes
3. The use or display of any object or instrument in a dangerous or threatening manner
4. Driving under the influence of alcohol or while intoxicated
5. Physical or verbal threats of violence or placing a person in fear of imminent physical injury or danger
6. Physical abuse, physical intimidation, coercion and/or other conduct that threatens or endangers the health or safety of another person or violates a legal protective order
7. Actions that have the potential for damage or destruction or create hazardous conditions

E. Weapons

Possession of a weapon on or within any University premises must be in accordance with the University of Montevallo Weapons Policy 01:140, which can be found at www.montevallo.edu/policies.

F. Disorderly Conduct

Intent is not an element of this violation, but will be considered in the application of sanctions.

Prohibited behaviors include:

1. Conduct that disturbs the peace, interrupts the learning or residential environment and/or disrupts the rights or privileges of others
2. Deliberate and significant interference with the freedom of expression of others
3. Making, causing or continuing any loud, unnecessary or unusual noise that disrupts the normal operations of the University or infringes on the rights of other members of the University community
4. Contemptuous, disorderly behavior or perjury at any disciplinary hearing and/or knowingly violating the terms of an official disciplinary sanction
5. Any disorderly conduct adversely affecting the student's suitability as a member of the academic community

G. Disruptive Activity

Prohibited behaviors include:

1. Interference with or disrupting the normal activity and operations of the University or its educational mission, programs or events
2. Conduct that causes or provokes a disturbance that disrupts the academic pursuits of others including, but not limited to, obstruction or disruption of teaching, research, administration, disciplinary procedures or other University activities including its public service functions or of any other authorized activity

3. Behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program or the ability of others to profit from the class or program
4. Intentional obstruction which unreasonably interferes with freedom of movement (pedestrian or vehicular)
5. Throwing or dropping objects or substances out of buildings
6. Non-compliance with reasonable time, place or manner restrictions on expression
7. Failure to leave immediately when asked to disperse by University or law enforcement officials

H. Abusive Conduct or Sexual Misconduct

Prohibited behaviors include:

1. Physical abuse of any kind including, but not limited to, fighting, assaults or actions which result in physical harm
2. Sexual misconduct or abuse: Please see definitions for sexual misconduct at www.montevallo.edu/title-ix-definitions.
3. Hazing for the purpose of pledging, initiation, admission into, affiliation with or as a condition for maintaining membership in a group, organization or team. Hazing is any intentional, knowing or reckless act, whether on or off campus, which endangers the mental or physical health and safety of any person, regardless of consent, or which violates public law or University Policy 01:110 at www.montevallo.edu/policies.
4. Bias-related acts of violence, intimidation, harassment and/or discrimination. For more information, see UM Policy 01:120 at www.montevallo.edu/policies.
5. Harassment: Harassment is conduct that is sufficiently severe or pervasive so as to threaten an individual or substantially interfere with the individual's education, employment or access to University programs, activities or opportunities and that would detrimentally affect a reasonable person under the same circumstances. This includes harassment occurring through the use of various forms of technology and media commonly referred to as cyberstalking and cyberbullying.
6. Voyeurism: Voyeurism is the secret viewing of another person in a place where that person would have a reasonable expectation of privacy. This includes recording images of a person where they would have a reasonable expectation of privacy.
7. Distributing a private image. Per Alabama law, a person commits the crime of distributing a private image if he or she knowingly posts, emails, texts, transmits or otherwise distributes a private image with the intent to harass, threaten, coerce or intimidate the person depicted when the depicted person has not consented to the transmission and the depicted person had a reasonable expectation of privacy against transmission of the private image. Recording and/or disseminating a private image for the purpose of ridicule or embarrassment when the depicted person had a reasonable expectation of privacy and also constitutes a violation of University policy. For the purpose of this policy, an image includes photographs, digital image, video, film or other recording of a person.
8. Lewd behavior and/or indecent conduct or exposure

I. Fire and General Safety

Prohibited behaviors include:

1. Starting a fire or creating a fire hazard on University property without University authorization. Precautionary steps should be taken by residential students while cooking including turning on vents (where applicable), opening windows and closely monitoring cooking food.
2. Unauthorized possession of or use of fireworks and explosive materials, the ignition or detonation of anything which could cause damage to persons or property or disruption by fire, smoke, explosion, noxious odors, stain or corrosion.