

# **Jacksonville State University Code of Student Conduct**

2020-2021

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For the most up to date Student Code of Conduct, please visit our website at

<http://www.jsu.edu/community-standards/index.html>

## **I. Purpose**

The Office of Community Standards and Student Ethics supports the Jacksonville State University mission through remaining student centered and educational in its disciplinary procedures. The Code of Student Conduct is a way for the University to publicly expect all students (undergraduate, graduate and non-degree seeking, on campus or off campus) to maintain standards and respect for the University community. The process outlined below is designed to support students who may engage in misconduct through an educational and restorative method. The Office of Community Standards and Student Ethics upholds the general mission and goals of the institution while recognizing and respecting the rights, privileges and responsibilities of all JSU students.

Students who have completed the process of violating and being held accountable to the Code of Student Conduct should end the process with a larger understanding of the impact of their decisions and how to grow and be a more mindful community member.

## **II. Philosophy**

The philosophy of the Office of Community Standards and Student Ethics is educational and attempts to have the Respondent reconcile with any potential victims and the greater community at large. This restorative justice philosophy is best achieved through cooperation between the offender and the administrator that is holding them accountable. The hopeful benefit of this philosophy is transformational learning of everyone involved.

## **III. Statement of Values**

**Professional Responsibility:** Balance developmental and educational needs of the student with the obligation of Jacksonville State University to protect the safety and welfare of the academic community. In situations where the behavior of a student poses a risk to self or others, Jacksonville State University staff must take action consistent with applicable laws and regulations.

**Nondiscrimination:** Protect human rights and promote appreciation of diversity and multicultural practice at Jacksonville State University.

**Equal & Consistent Treatment:** Treat all students with impartiality and accept all students as individuals with rights and responsibilities. Seek to create and maintain a campus climate in which learning and personal growth and development take place. Follow procedural guidelines when enforcing the Code of Student Conduct as outlined by Jacksonville State University's Code of Student Conduct.

**Confidentiality:** Confidentiality is maintained with respect to all privileged communications and to educational and professional records considered confidential. Information is only shared in accordance with institutional policies and relevant statutes, where given informed consent, or when required to prevent personal harm to themselves or others.

**Respect:** Opportunity for every student and University employee to be treated with respect and dignity with the freedom of speech and open exchange of ideas.

#### **IV. Statement of Freedom of Expression**

All members of the Jacksonville State University can enjoy the right to freedom of speech and expression. The right to free speech and expression does not include unlawful acts or activity that endangers or threatens to endanger the safety and/or well-being of any member of the JSU community. In addition, it does not include any activity that materially interferes with the education or well-being of other students or the mission of Jacksonville State University.

Members of the Jacksonville State University community are encouraged to engage in opportunities of free speech and expression to be intellectually and culturally challenged and therefore better prepared to deal with the issues they encounter in a changing and diverse society. These encounters can occur with activities and discussion that embody courtesy, mutual respect and charity.

The following procedures have been established to safeguard students' rights while also providing safety and protection for members of the University community. In addition, to ensure that multiple demonstrations or assemblies do not conflict or lead to major University disturbances.

1. The Office of the Dean of Students should be notified of any planned or scheduled demonstrations or peaceful assemblies in advance. Demonstrations or peaceful assemblies are generally defined as any public manifestation of welcome approval disapproval, protest, or conscience by a student or group of students. Standard space reservation procedures must be followed for the use of any university space;
2. Factors that students should take into account for any demonstrations or peaceful assemblies:
  - a. Blocking or impeding vehicular or pedestrian traffic is prohibited,
  - b. Blocking access to or from campus buildings or offices is prohibited,
  - c. Activity that promotes violence against person or property is prohibited,
  - d. Observers may not interfere with participants of the demonstration or assembly in any way; unless requested by the participants of the demonstration,
  - e. Activities of participants or observers that disrupt or disturb classes, meetings, or any other normal functions of the university are prohibited,
  - f. All individuals participating in or observing a demonstration or peaceful assembly must comply with any reasonable request of university officials of the University Police Department.

#### **V. Scope of Authority**

Jacksonville State University's conduct system has authority in all non-academic disciplinary matters. The University reserves the right to discipline students and recognized student organizations for acts of misconduct wherever they occur.

The University, at its discretion, may pursue disciplinary action against a student while the student is also subject to criminal proceedings. The University reserves this right, even if criminal charges are pending, reduced, or dismissed. The university disciplinary procedures are administrative proceedings, not criminal or civil in nature. Therefore, formal rules of evidence and procedures akin to civil or criminal trials are not applicable.

As a Jacksonville State University community member, students are expected to uphold and abide by all local, state, federal, and international laws. Referrals received from any University or police authority, regardless of location, are subject to possible code of student conduct proceedings for the accused.

Students being held accountable to the Code of Student Conduct includes behavior that may have occurred before, during and/or after an academic term. Additionally, violations of the Code of Student Conduct during the academic year, between academic terms, during times of non-enrollment, or during periods of suspension or dismissal will be addressed.

All policies, processes, and procedures outlined in the Code shall also apply to a student's conduct, even if the student withdraws (or graduates) from school while a disciplinary matter is pending.

The Code of Student Conduct and all applicable processes apply to recognized student organizations. Student organizations shall be responsible for the conduct of members in relation to the organization from the time of application for recognition until such time as they are no longer recognized by the University. Violations of the Code of Student Conduct during the academic year, between academic terms or during periods of suspension or dismissal will be addressed.

The Code shall apply to an organization, even if the organization disbands while a disciplinary matter is pending. The reasonable observer standard is utilized when determining individual conduct vs. recognized student organization conduct.

## **VI. Definitions**

**Accused Individual:** A student accused of an alleged violation of the Code of Student Conduct.

**Administrative Hearing:** A process in which the facts of an alleged violation of the Code of Student Conduct are presented to an administrative hearing officer to determine if a violation(s) took place and if sanction(s) are appropriate.

**Advisor:** A person who attends a hearing to support a student during the conduct process. Advisors may only confer with the student they are advising, and cannot speak on a student's behalf. An Advisor can be any person of the student's choosing, at the student's expense. Students may only have one advisor during a conduct hearing. Advisors cannot serve as witnesses. If a student needs assistance finding an advisor, the Office of Community Standards and Student Ethics will provide this information upon request. An individual who is charged in same fact pattern related to the complaint may not serve as an advisor.

The "potted plant" rule applies to Advisors throughout the investigation and disciplinary process. While a FERPA release may allow University officials to answer general questions about a matter, University officials will not meet with Advisors separately or discuss particulars of the investigation with them. Any inquiries should come directly from the Complainant or Respondent. Further, Advisors may not speak on their party's behalf or otherwise interfere with meetings or proceedings. Advisors must be accompanied by their respective parties when viewing any evidence.

Where either the Title IX Coordinator or the Hearing Officer determines that an Advisor's conduct undermines the integrity of this policy or interferes with meetings or proceedings, an Advisor may be prohibited from continuing to serve in their role. Where there are unreasonable delays due to an Advisor, the Title IX Coordinator or Hearing Officer may elect to hold meetings or proceedings absent their presence. The affected party will be permitted to obtain a substitute Advisor.

Where employees are involved in an investigation, the selection and availability of an advisor may be impacted by applicable collective bargaining agreements, contract requirements, legal requirements, and University policy.

**Administrative Hearing Officer or Conduct Officer:** Also referred to as the Hearing Officer. University staff, faculty or graduate students designated by the Director of Community Standards and Student Ethics (or designee) and trained to adjudicate violations of the Code of Student Conduct.

**Affirmative Consent:** Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender, gender expression or gender identity.

The following are principles that apply to the above definition of affirmative consent:

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. When consent is withdrawn or can no longer be given, sexual activity must stop.
5. A person is incapable of affirmative consent when they are:
  - a. Less than sixteen years of age;
  - b. Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or
  - c. Incapacitated.
6. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
  - a. A person is incapacitated when they are unconscious, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent.
  - b. Depending on the degree of intoxication, a person who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
  - c. Affirmative consent cannot be gained by taking advantage of the incapacitation of another. In evaluating responsibility in cases of alleged incapacitation, the fact finder asks two questions: (1) did the Respondent know that the Complainant was incapacitated? If not, (2) should a sober, reasonable person in the Respondent's situation have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," affirmative consent was absent.
  - d. If the fact finder determines based on a preponderance of information that both parties were incapacitated, the person who initiated the sexual activity alleged to be nonconsensual due to incapacity is at fault.
7. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - a. Examples of coercion and intimidation include using physically or emotionally manipulative conduct against the Complainant or expressly or implicitly threatening the Complainant or a third party with negative actions that would compel or induce a reasonable person in the Complainant's situation to engage in the sexual activity at issue. Examples of sexual coercion include statements such as "I will ruin your reputation," or "I will tell everyone," or "your career (or education) at Jacksonville State University will be over" or "I will post an image of you naked."
  - b. Examples of force or a threat of harm include using physical force or a threat, express or implied, that would place a reasonable person in the Complainant's situation in fear of physical harm to, or kidnapping of, themselves or another person.

**Appeals Coordinator:** Title IX Coordinator or VP of Student Affairs (or designee) will function as the Appeals Coordinator and ensure that the Appeals Panel is appropriately trained and equipped with relevant information to adjudicate the received appeal.

**Appeals Panel:** The Appeals Panel will be comprised of three (3) University officials (University staff or faculty) who have been trained to adjudicate violations of the Code of Student Conduct.

**Appeal Process:** A process designed to review and ensure the integrity of the process and decisions of a University hearing board or the decisions of an administrative hearing officer. Additional information on the appeals process, including grounds for appeal, can be reviewed in Section XV of the Code of Student Conduct.

**Bystander:** A person who observes a crime, impending crime, conflict or unacceptable behavior.

**Bystander Intervention:** A bystander's safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

**Code:** Refers to the Code of Student Conduct

**Complainant:** A person who makes a referral to the Office of Community Standards and Student Ethics alleging that a violation of the Code of Student Conduct has occurred. Under certain circumstances, a University official may file a complaint on behalf of someone who experienced prohibited conduct but who cannot or will not themselves take a formal role of a Complainant. Generally, the University may bring a complaint where there is evidence that this policy has been violated.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual or as otherwise permitted or required by law. Jacksonville State University is committed to protecting the confidentiality of Reporting Individuals, and will work closely with Reporting Individuals to obtain confidential assistance regarding any incident of prohibited conduct as outlined in these policies.

During any portion of the complaint procedures, the parties shall not record, either by audio or video, the meetings, interviews, interrogations or any portion of the process. However, parties will be granted access to the Incident Report, Investigative Report and any accompanying evidence and materials by making an in-person appointment during normal business hours.

**Faculty member:** A person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

**FERPA:** Family Education Rights and Privacy Act- protects all Jacksonville State University students' records. Information allowed to be released is called directory information and is defined in the catalog under General Information – Policy on Privacy Rights of Students.

**Gender:** A socially constructed collection of traits, behaviors, and meanings that have been historically attributed to biological differences. The distinction between gender and sex reflects the usage of these terms: Sex usually refers to the biological aspects of maleness or femaleness, whereas gender implies the psychological, behavioral, social, and cultural aspects of being male or female (i.e., masculinity or femininity.) The term gender as used throughout this policy includes gender identity and gender expression.

**Gender Expression:** Outward behavior and appearances (e.g. hair, clothing, voice, body language) by which people manifest their gender identity.

**Gender Identity:** A person's deeply-felt, inherent sense of being a boy, a man, or male; a girl, a woman, or female; or an alternative gender (e.g., genderqueer, gender nonconforming, gender neutral) that may or may not correspond to a person's sex assigned at birth or to a person's primary or secondary sex characteristics. Since gender identity is internal, a person's gender identity is not necessarily visible to others. When one's gender identity and biological sex are not congruent, the individual may identify along the transgender spectrum.

**Hearing Board:** A group of trained students and faculty/staff who determine if a student(s) is responsible for a violation(s) of the Code of Student Conduct (excluding cases of sexual misconduct). A chairperson will be responsible for facilitating and managing the adjudication process. The Director of the Office of Community Standards and Student Ethics (or designee) will advise the hearing board as the Hearing Officer and may sit in on the adjudications of the board to ensure proper procedures are followed.

**Hold.** A temporary or permanent status of a student's educational records that prevents a student from being able to register for classes, make registration changes, access enrollment and other services. Holds will be placed on student records and kept in the university Registrar's Office. A full description of record holds is available in Section XVI of the Code of Student Conduct.

**Informal Resolution.** A process, other than a formal disciplinary proceeding, by which the Director of Community Standards and Student Ethics or designee and the Respondent may voluntarily and mutually agree upon terms and conditions to address a violation of the Code of Student Conduct.

**International House Conduct Advisory Board:** A dynamic group of staff and students to determine International House specific sanctions if a student of the International Program and/or House is found responsible for violations by the Office of Community Standards & Student Ethics. Students may be notified of those sanctions immediately following retrieval of their Administrative Decision Letter and is typically communicated from someone on the International Programs staff.

**Interim Measures:** Interim measures include support or accommodations, protective measures, and/or restrictive directives intended to protect the safety and well-being of the parties and the University community and to promote an accessible educational environment.

**Investigator:** A person(s) who has been identified and trained to gather information in cases which involve alleged violations of the Code of Student Conduct. The investigator shall be a member of the university community and not an individual who is suspended or expelled or under any other conduct outcome. An individual who is charged in same fact pattern related to the complaint may not serve as an investigator.

**No Contact Order:** A written directive prohibiting contact with a protected individual, either directly or through a third party. If the accused or Respondent and a protected person observe each other in a public place, it is the responsibility of the accused or Respondent to leave the area immediately and without directly contacting the protected person.

**Persona Non Grata:** An individual is no longer permitted to be present on the University's owned, -leased, -operated, or - controlled property. Such individual may be issued an administrative trespass warning by University official or a criminal trespass by UPD.

**Pre-Hearing conference (or meeting):** A meeting with a professional staff member where a student can learn more about the conduct process, as well as ask any questions related to the actual hearing. Pre-Hearing meetings are to discuss processes and procedures only, and do not review the facts or substantive nature of a conduct referral.

**Preponderance of Information:** A standard of proof that indicates that the information provided leads an administrative hearing officer or hearing board to decide that "more likely than not" a violation did or did not occur. This is the standard of proof for all alleged violations of the Code of Student Conduct. The preponderance standard is lower than the standard of "beyond a reasonable doubt," which is used in criminal court cases. If the evidence presented meets this preponderance standard, then the accused should be found responsible.

**Privacy:** Information related to a report of prohibited conduct will only be shared with those University employees who "need to know" in order to assist in the active review, investigation, or resolution of the report, including the issuance of interim measures. The University will determine which employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly. Jacksonville State University will limit the disclosure as much as possible, even if the University determines that the request for confidentiality cannot be honored. Even University officials and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible.

Jacksonville State University may notify the parents or guardians of any dependent students who are Respondents regarding conduct charges or sanctions, particularly disciplinary probation, loss of housing, suspension and dismissal.

**Privileged or Confidential Resources:** Individuals that, with very few exceptions, are confidential resources to those wishing to disclose alleged violations of the Code of Student Conduct, including but not limited to

sexual misconduct. Such resources include licensed medical professionals, licensed mental health counselors, and clergy.

**Prohibited Conduct:** Alleged conduct or acts of misconduct, as defined in these policies, which may give rise to an investigation and a judicial or disciplinary proceedings.

**Reporting Individual:** Encompass the terms victim, survivor, Complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of an alleged violation of the Code of Student Conduct.

**Respondent:** A person who is alleged to have violated the Code of Student Conduct. Encompass the term Accused Individual and any other term used to reference an individual who is responding to a report of a violation and the subject of an investigation or a judicial or disciplinary proceeding. Includes the person accused of a violation who has entered the University's judicial or conduct process.

**Retaliation:** Adverse action against another person for reporting a violation. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

**Rights and Responsibilities:** While the policies are outlined in the Student Handbook and can be referred to at any time, students have a responsibility to know the policies and abide by them in order to avoid violating a policy. In addition, students have a responsibility to Jacksonville State University to report any known violations of the Code of Student Conduct to maintain proper order and respect in the University community. With an allegation of violating the Code of Student Conduct, all students have rights as listed herein and are afforded to any accused student upon first notification of an allegation.

**Sanction:** An outcome imposed for the violation of the Code of Student Conduct. Generally, sanctions are educational in nature and intended to modify the student's behavior as well as build an awareness of personal responsibility and community standards. Sanctions may also be given to protect the JSU community and preserve a safe educational environment for all members. More information on sanctions can be found in Section XIV of the Code of Student Conduct.

**Sanctioning Officer:** The Director of Community Standards and Student Ethics or designee retains the sanctioning authority for both Administrative Hearings and Panel Hearings.

**Sex (sex assigned at birth):** Sex is typically assigned at birth based on the appearance of external genitalia. When the external genitalia are ambiguous other indicators (e.g., internal genitalia, chromosomal and hormonal sex) are considered to assign a sex with the aim of assigning a sex that is most likely to be congruent with the child's gender identity. For most people, gender identity is congruent with sex assigned at birth; for TGNC individuals, gender identity differs in varying degrees from sex assigned at birth.

**Sex Discrimination:** Includes all forms of sexual misconduct by employees, students, or third parties against employees, students, or third parties. Students, University employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the University campus and whether or not the incidents occur during working hours.

**Sexual Orientation:** A component of identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction. A person may be attracted to men, women, both, neither, or to people who have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, among others. Sexual orientation does not always appear in such definable categories and instead occurs on a continuum.

**Special University Program:** Any academic, student service-related, student life, athletic, or other university program where student voluntarily submits to and can be held accountable for violation(s) of additional rules of conduct or program rules.



**Student:** Any individual who has applied to the University and/or is taking courses at Jacksonville State University on a full-time, part-time, or non-degree seeking basis. Included in this definition are those enrolled at all campuses and remote locations (i.e. online, study abroad, etc.). Student status lasts until conferral of a degree or certificate, or is permanently separated from the University for academic or non-academic reasons. Also included are those individuals who are not officially enrolled for a particular semester, but who have a continuing relationship with the University.

**Student Organization:** Any number of persons who have complied with the formal requirements for Jacksonville State University student organization recognition and registration.

**Transgender:** An umbrella term used to describe the full range of people whose gender identity and/or gender role do not conform to what is typically associated with their sex assigned at birth. While the term “transgender” is commonly accepted, not all TGNC people self-identify as transgender.

**Witness:** A person present at the time of an incident who attends a hearing to share information about a particular incident. Character witnesses are not allowed and are not taken into consideration when determining responsibility or sanction(s). The relevancy of witness information will be evaluated by the hearing officer or chairperson of a board hearing. Witness statements can be accepted in lieu of attending the hearing but must be emailed directly to the hearing officer from the witness using only official JSU email accounts. Witnesses cannot serve as advisors.

**University Official:** Any individual who is employed, contracted with or appointed and performing administrative or professional responsibilities within the scope of the person’s authority by the University.

**University Premises:** The premises of Jacksonville State University, including all land, buildings, facilities, and other property in the possession of, owned, leased, licensed, managed, or controlled by the University (including adjacent streets and sidewalks, online networks and domains).

## **VII. Prohibited Conduct**

Acts of misconduct or prohibited conduct are defined as any behavior that is inconsistent with University policy or as outlined in the Student Handbook or other University publication. Acts of misconduct are subject to the terms, conditions, and processes described herein. Acts of misconduct apply to anywhere the student may be when engaging in that conduct (on University owned property, not on University owned property, outside the state, country, etc.). Please refer to JSU’s Gender-Based and Sexual Misconduct policy for misconduct subject to that policy.

**Abuse of the Judicial System.** Abuse of the Judicial System include but are not limited to:

- Failure to obey the official correspondence by a Hearing Officer or University official.
- Falsification, distortion, or misrepresentation of information or testimony before a University official, staff member, and/or judicial body.
- Disruption or interference with the orderly conduct of a judicial proceeding.
- Institution of a judicial proceeding knowingly without cause by filing a false report or statement.
- Attempting to discourage an individual’s proper participation in, or use of, the judicial system through intimidation or any other means.
- Attempting to influence the impartiality of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- Harassment (verbal or physical) and/or intimidation of the Hearing Officer, a member of a judicial body, or other University official prior to, during, and/or after a judicial proceeding.
- Influencing or attempting to influence another person to commit an abuse of the judicial system.

### **Alcohol.**

- (1) **Alcohol Distribution.** Distribution, manufacture, or sale of alcohol in violation of University policy or law, or other violations of the University Alcohol Policy.

- (2) **Alcohol Use.** Possession or use of alcohol in violation of University policy or law, or other violations of the University Alcohol Policy.

Cases where injury, referral to a hospital, vandalism, use of a vehicle while under the influence, police involvement, or actions bringing discredit to the University will be referred to the conduct process. Also, impairment which can be attributed to the use of alcohol, possession of alcohol beverage(s) in designated “dry areas”, including hallways and common areas, or other violations of JSU’s Alcohol and Other Drug Policy.

It should be noted that the presence of empty alcoholic beverage containers in or about residence rooms, halls and/or University grounds is prima facie evidence of use, consumption, and/or transportation. Empty alcoholic beverage containers shall not be considered appropriate décor for residential facilities. Open containers of alcoholic beverages are generally not permitted in common areas and other public areas unless approval is granted by the Dean of Students or Associate Dean of Students.

Residents of University Housing are subject to all local and state laws concerning the use, possession, sale, and transportation of alcoholic beverages. Residents above the age of 21 years old, living in University housing, shall not possess bulk quantities of alcohol (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event). Please refer to section VIII of the Code of Student Conduct, JSU’s Alcohol and Other Drug Policy, and the University’s Housing policy for additional guidance regarding use of alcohol in residential facilities.

Any student found responsible for violating this policy may be subject to a \$150 fine, educational sanctions, and additional sanctions.

**University Housing.** Any student found responsible for violating this policy, regardless of where the incident occurred, while living in University housing, may be subject to housing probation, a \$150 fine, and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be suspended from University housing.

**Special University Programs.** Students found responsible for violating this policy may be subject to additional scrutiny if they are enrolled in a University program with a stricter alcohol use policy. The Director of Community Standards and Student Ethics may notify the head of the department or program of a finding of responsibility. For these purposes, it is understood that students participating in the Fast Start Academy, the International House program, the nursing program, the social work program, and ROTC have agreed to oblige by additional program policies.

*Please refer to the Jacksonville State University (JSU) Alcohol and Other Drug Policy for additional guidance.*

**Arson.** Arson is the willful or malicious burning of property (such as a building) especially with criminal or fraudulent intent. Arson includes but is not limited to:

- Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.
- Causing a fire or explosion, or unauthorized use of any potential incendiary device or equipment.

**Assault.** A threat of bodily harm coupled with an apparent, present ability to cause harm. Examples of violations regarding Assault include but are not limited to:

- Inflicting bodily harm upon any person.
- Taking any action for the purpose of inflicting harm upon any person.
- Threatened use of force upon any person.
- Subjecting another person to unwanted physical contact.
- Slapping, kicking, shoving, or otherwise striking another person.

**Attempt.** Attempting to engage in conduct, which, if completed, would result in the violation of any rule or policy applicable to the University. A student may be charged with and found responsible for the prohibited conduct which if completed would have been a violation of the Code of Student Conduct.

**Biased Incident.** Bias related incidents including, but are not limited to any violation of the Code of Student Conduct motivated in whole or in part by a consideration of race, sex (including gender identity), color, religion, ancestry, national origin, age, disability, veteran status, or sexual orientation may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation.

**Hate Crime.** An act in which criminal offense is committed against persons, property, or community that is motivated in whole or in part, by the offender's bias against group or individual's race, religion, ethnic/national origin, sex, gender identity, gender expression, age, political beliefs, disability, or sexual orientation. Biased incidents are those actions by an individual or group that is motivated by bias but does not rise to the level of a criminal offense.

The fact that the offender was biased against an individual's race, religion, ethnic/national origin, gender, age, political beliefs, disability, or sexual orientation does not automatically mean that a hate crime was committed. The act must have been motivated, in whole or in part, by a bias. Upon referral to judicial proceedings, the incident may be classified as a hate crime, a crime, prohibited conduct or violation under these policies and/or the Code of Conduct, a biased incident or an act of free speech.

**Bicycles/Motorized Scooters.** No bicycle or motorized scooter may be kept or ridden anywhere inside residential, academic, or administrative buildings.

**Bribery.** The offer or acceptance of anything of value in exchange for favorable treatment by a University official, UPD, or other official. Forms of bribes may include gifts or payments of money, property, various goods, privileges, services and favors.

**Bullying.** Bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more individuals. It is further defined as unwanted purposeful written, verbal, non-verbal or physical behavior including, but not limited to, any threatening, insulting, or dehumanizing gesture by a student that has the potential to create an intimidating, hostile, or offensive educational/living environment or causes long-term damage, discomfort or humiliation; or to unreasonably interfere with another individual's school performance or participation; is carried out repeatedly; and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:

- Unwanted teasing
- Threatening
- Intimidating
- Stalking
- Cyber-stalking
- Cyber-bullying
- Physical violence
- Theft
- Sexual, religious, or racial harassment
- Public humiliation
- Destruction of school or personal property
- Social exclusion, including incitement and/or coercion
- Rumors or spreading of falsehoods

**Camping or Shelter Construction.** Constructing shelters, camping, or sleeping out on University owned properties is prohibited at all times.

**Complicity.** Aiding, helping, or otherwise assisting another in violating any rule applicable to the University. Complicity in any prohibited act(s) of the Code of Student Conduct, including the failure to remove one's self

from incriminating situations and/or report the incident to proper authorities. One who is complicit may be referred to as an accomplice. A complicit student may be charged with and found responsible for the violation committed by another. Students are also responsible for the actions and behaviors of their guests.

**Computers.** Misuse, abuse, and unauthorized use of computers and/or technology, and/or use of technology for unauthorized purposes;

**Damage to Property.** Any action that causes damage or which would tend to cause damage to the property of the University or property of a member of the University community or other personal or public property.

**Discrimination.** Any distinction, preference, advantage for or detriment to a person or group based on race, color, national origin, gender, gender identity, marital status, pregnancy status, sexual orientation, age, religion, disability, predisposing genetic characteristics, military status, and domestic violence victim status.

**Dishonesty.** Knowingly furnishing false information to any person, including University officials. Acts of dishonesty include, but are not limited to, acts of manipulations, misrepresenting the facts or failing to disclose relevant information, or engaging in other deceitful behavior. Conflicting or inconsistent statements and evidence may be considered evidence of dishonesty.

JSU recognizes the impact of trauma on a student's ability and willingness to be forthcoming and to recall information. The Director of Community Standards and Student Ethics will consider the totality of the circumstances and consult other University officials when necessary.

**Disruptive Behavior.** Obstructing or disrupting University activities, including but not limited to, teaching, research, administration, disciplinary procedures, or other authorized activities including public service functions. It can include participation in campus demonstrations which disrupt the normal operations of the University and infringes on the rights of other members of the University community by 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 or vehicular, on campus.

- Disruption or obstruction of teaching, research, administration, or other University activities, including its public-service functions on or off campus, or other authorized non-University activities.
- Leading or inciting others to disrupt activities associated with the operations of the University.
- Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

**Disorderly Conduct.** Conduct which is disruptive, lewd, or indecent, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, which breaches the peace of the community. Disorderly conduct may include any of the following:

- Engages in fighting or in violent tumultuous or threatening behavior.
- Makes unreasonable noise.
- In a public place uses abusive or obscene language or makes an obscene gesture.
- Without lawful authority, disturbs any lawful assembly or meeting of persons.
- Obstructs vehicular or pedestrian traffic, or a transportation facility.
- Congregates with other person in a public place and refuses to comply with a lawful order of law enforcement to disperse.

#### **Drugs.**

- (1) **Drug Distribution.** Distribution, manufacture, or sale of drugs, narcotics, chemicals and/or drug paraphernalia in violation of University policy or law, or other violations of the University Drug Policy.
- (2) **Drug Use.** Possession or use of drugs, narcotics, chemicals and/or drug paraphernalia in violation of University policy or law, or other violations of the University Drug Policy.

“Drugs” are considered to be any mind-altering substances, regardless of legality, including but not limited to opiates, barbiturates, amphetamines, marijuana, hallucinogens, “designer drugs,” and illegal steroids, except for legally authorized doses for medical purposes. Banned substances include but are not limited to, the following:

- Controlled substances, as defined by state law, requiring a prescription, but are obtained without a physician’s order, such as methedrine (speed), amphetamines (Ritalin, Adderall, etc.), antidepressants (Prozac, etc.), sedatives and barbiturates, tranquilizers, and pain killers (Valium, Vicatin, etc.).
- Narcotics, such as morphine, heroine, codeine, ketamine, and cocaine in any form.
- Chemical substances and organic matter, such as LSD (Acid), marijuana, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, psilocybin or psychedelic mushrooms, etc.
- Designer drugs, including but not limited to: synthetic marijuana (K2, Spice, herbal potpourri).

Unauthorized (without prescription) use or possession of any of the above is an illegal act. Use, possession, or sale of these substances may also result in legal action. The University will remain cognizant of its responsibility to civil matters.

Any student who is involved with drugs is encouraged to consult the Health Services for help. Information given to a University health care provider or Counselor is privileged and the provider cannot voluntarily disclose it to anyone and cannot be forced to testify to it in court or elsewhere. Other members of the staff or other students may also help with drug problems; however, students should realize they are not necessarily bound by confidentiality.

Action taken by the University in all cases of drug violation will be guided by a concern both for the emotional and physical welfare of the student involved and for the maintenance of a suitable educational environment for all members of University community.

Drug violations include but are not limited to:

- Possession, sale, consumption, distribution or being knowingly in the presence of narcotics or other controlled substances is prohibited except as expressly permitted by law.
- Further, any items that can be utilized for or are designed for the use of drugs (i.e. bowls, bong, hookahs, etc.) are not allowed on campus property.

It should be noted that the presence of empty containers with drug residue, roaches, buds/stems, paraphernalia or items designed for the use of drugs, in or about residence rooms, halls and/or University grounds is prima facie evidence of use, consumption, and/or transportation of drugs.

Any student found responsible for violating this policy may be subject to a \$150 fine, educational sanctions, and additional sanctions.

**University Housing.** Any student found responsible for violating this policy, regardless of where the incident occurred, while living in University housing may be subject to housing probation, a \$150 fine, and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be suspended without a refund from University housing for a period of at least one (1) year and subject to an additional \$150 fine.

Where a student has received an official warning regarding *suspected drug use*, including but not limited to reported marijuana odor in or around their residence, a student may be found responsible for violating the University’s drug use policy and subject to additional sanctions, including room change without a refund.

If drugs or drug paraphernalia is found in a common space, the rebuttable presumption will be that all student tenants are responsible for possession and/or use of illegal drugs.

**\*\*Please note that students found responsible for smoking, drug use, and/or tampering with fire safety equipment may be subject to separate fines associated with each individual charge originating from the same documented incident.**

*Special University Programs.* Students found responsible for violating this policy may be subject to additional scrutiny if they are enrolled in a University program with strict drug use policy. The Director of Community Standards and Student Ethics may notify the head of the department or program of a finding. For these purposes, it is understood that students participating in the Fast Start Academy, the International House program, the nursing program, the social work program, and ROTC have agreed to oblige by additional code of conduct.

**Dumping/ Littering.** No one shall intentionally dispose of trash of any kind anywhere except a designated trash receptacle. Dumping or littering may include but is not limited to the act of dropping and leave objects such as aluminum cans, cardboard boxes or plastic bottles on the ground and leave them there indefinitely or for others to dispose of as opposed to disposing of them properly. Dumping and littering violations include but are not limited to:

- Depositing, dumping, littering or otherwise disposing of any refuse on University property, except in duty designated refuse depositories.
- Leaving trash outside the residence door or on a balcony.

**Failure to Comply.** Failure to comply with the direction of, and/or present identification to any University official when that official has been identified and is acting expressly within their authority to uphold a University policy. University officials include faculty and staff of the University. Also included are student employees who are carrying out assigned work responsibilities. Failure to comply with a verbal or written directive given by a University official, including obligations associated with any disciplinary sanction(s); Interfering with the normal operation of the teaching/learning environment. Violations of Failure to Comply/Abide include but are not limited to:

- Failure to comply with reasonable and lawful requests or directives of University officials or law enforcement officers acting in the performance of their duties and/or interference with faculty, staff, or student-staff acting in the performance of their official duties.
- Attempting to, or successfully evading, avoiding, or delaying questioning by a University official or employee or UPD officer.
- Failure to show proper student identification or other identification to any faculty, staff, or student to staff in the performance of her/his official duties.
- Violation of federal, state, and/or local laws.
- Violation of published University policies, rules, and regulations (i.e. Code of Conduct, Academic Policies, etc...)
- Failure to show proper student identification or other identification to any faculty, staff, or student to staff in the performance of her/his official duties.
- Failure to provide student identification to UPD upon request.
- Aiding, abetting, or procuring another person to violate a University policy.

**Failure to Self Report.** Students are required to self-report reportable offenses, including but not limited to, any felony offense, or any misdemeanor offense or statutory infraction involving danger to another, moral turpitude, or an offense involving the illegal possession / use / distribution of drugs. Please review JSU's Student Self-Reporting policy for additional guidance.

**Firearms, explosive or incendiary devices.** Possession or use of firearms, explosive or incendiary devices, other weapons (including replicas or likeness), or chemicals which are of an explosive or corrosive nature in University buildings or at University events or functions. Please review section XI of the Code of Student Conduct and JSU's Weapons policy for additional guidance.

**Fire Alarm.** The instigation of false fire/explosion, or emergency alarms, bomb threats. Knowingly disregarding a fire alarm, bomb threat, or refusing to evacuate a building or a section of a building where a fire alarm is sounding or an order to evacuate has been given in addition to entering a building while a fire alarm is sounding. This includes entering or exiting from a fire escape unless during a fire drill or in the case of an actual fire.

**Fire Safety Equipment.** Tampering/misusing or damaging fire extinguishers, alarms or other safety equipment. Tampering with smoke detectors includes removing the batteries, covering the smoke detectors, removing the smoke detectors, or otherwise disabling the smoke detectors.

Any student found responsible for tampering with fire safety equipment, including smoke detectors, may be subject to a \$300 fine per tampered equipment and additional sanctions.

**University Housing.** Any student found responsible of tampering with fire safety equipment, including smoke detectors, while living in University housing may be subject to housing probation, a \$300 fine per tampered equipment, and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be suspended without a refund from University housing for a period of at least one (1) year and subject to an additional \$300 fine.

Where the tampered equipment is in a common living space, the rebuttable presumption will be that all student tenants are responsible and all student tenants may be subject to an individual fine of \$300 per tampered equipment.

**\*\*Please note that students found responsible for smoking, drug use, and/or tampering with fire safety equipment may be subject to separate fines associated with each individual charge originating from the same documented incident.**

**Fraud.** Furnishing false information to the University or others with intent to deceive is a personal abrogation of such responsibility, which is contrary to the well-being of a University community. Fraud includes, but is not limited to:

- Forging alteration, or misuse of University property, including library material, private property on the campus, auto decals, identification cards, grade reports, or other personal identification instruments requested by an official.
- This includes using another student's ID card to get meals at the dining center.
- Using another student's ID card to access a residence hall.
- Alteration, or misuse of University documents, identification and keys or access cards.
- Tampering with or illegally influencing voting or vote counting procedures or regulations as set forth by the Student Government Association for any campus election.

**Gambling.** Gambling, including, but not limited to, contests of chance, illegal lottery and policy for money or something of value, promoting or advancing gambling, gambling using University computing/network facilities, possessing gambling devices or gambling records is prohibited at the University.

Gambling on University property or at University-sponsored or supervised functions for money or stakes is prohibited.

**Harassment.** Any form of harassment and/or any form of harassment based on perceived or actual identities; In addition to harassment on the basis of legally protected status, Jacksonville State University prohibits harassment of students on any basis, which the University defines to include, persistent, severe, pervasive, unwelcome, and inappropriate conduct that actually or potentially interferes with a student's ability to work or learn.

The University reserves the right to take disciplinary action based on such conduct whether or not it meets with the legal standards of discrimination or harassment. Harassment violations include but are not limited to:

- Action(s) which recklessly and/or intentionally endanger(s) the mental or physical health of any individual and/or results in a cessation of normal activities and operations of the University
- Persistent, severe, pervasive, unwelcome, and inappropriate conduct that actually or potentially interferes with a student's ability to work or learn.

**Hazing.** All forms of hazing are prohibited. Any intentional, knowing, or reckless act committed for the purpose of joining or retaining membership in an organization that causes an individual or group of individuals to violate the law or JSU policy or where there is a substantial risk of emotional, mental, or physical harm. For a full definition of hazing, please refer to section XI. A. Risk Management Policy of the Code of Student Conduct.

**Intimate Partner Violence:** (relationship violence, domestic violence, or dating violence) A pattern of coercive behaviors that serve to exercise control and power in an intimate relationship, as defined below. The coercive and abusive behaviors can be physical, sexual, economic, psychological, verbal and/or emotional in nature. This includes any behaviors that intimidate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married. Intimate partner violence includes dating violence and domestic violence, both of which are defined below.

**Dating Violence:** Any act of violence, including but not limited to physical, sexual, psychological, and verbal violence, sexual or physical abuse or threat of such abuse, which occurs between individuals who are or have been in a social relationship of a romantic or intimate nature. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship, as defined below. In determining the existence of such a relationship, consideration will be given to the length and the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence:** Any violent felony, non-violent felony, or misdemeanor crime or threatened act of violence against the Complainant committed by (1) a current or former spouse or intimate partner; (2) a person with whom the Complainant shares a child; or (3) a person co-habiting with the Complainant as a spouse or intimate partner. Domestic violence also includes behavior that seeks to establish power and control over the Complainant by causing the Complainant to fear violence to themselves or another person. Such behavior may take the form of harassment, property damage, intimidation, and violence or a threat of violence to one's self (i.e., the Respondent) or a third party. It may involve one act or an ongoing pattern of behavior.

**Intimate Relationship** (intimate partner): The existence of an intimate relationship shall be determined based on the individual's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. This relationship may be characterized by some or all of the following: emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identity as a couple, and familiarity and knowledge about each other's lives. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.

**Invasion of privacy.** All forms of invasion of privacy including, but not limited to the recording, filming, photographing, viewing, transmitting or producing the image or voice of another person without the person's knowledge and expressed consent while in an environment that is considered private. In such circumstances, the use of undisclosed and/or hidden recording devices is prohibited, as is the storing, transmission and/or distribution of any such recordings. This policy pertains to areas on campus that are considered private or



where there is an expectation of privacy, including but not limited to a residence, restroom, shower, office, locker room, or gym;

**Physical Harm.** Infliction of, or threat of physical harm to any person(s) or thing or their property (when disruptive or detrimental to the community);

**Pets.** No one shall bring any pet with the exception of service animals for the disabled or companion animals, belonging to them or under their control, into any University owned or operated building or chain a pet outside any building. Students with service or companion animals must register with Disability Support Services and should provide prior notice to the building manager.

- Owners must keep pets on a leash at all times.
- Owners are expected to clean up after their pets. Feces must be placed in a plastic bag tightly and securely tied and sealed. The plastic bag must be deposited in an appropriate building garbage receptacle.
- Owners are expected to be responsible owners who appropriately vaccinate their animals and render appropriate medical and behavioral care.

**Pet Ownership Responsibility.** Owners are expected to care for and protect their pets. Animals are dependent on people for more than just food, water and shelter. They also need their owners to protect them from harm. Animal cruelty includes abandonment, starvation, torture, and dog fighting.

- Owners are expected to appropriately vaccinate their animals and provide them with appropriate medical attention.
- Owners are expected to provide their pet with the necessary care and attention, including but not limited to regular exercise, as to ensure the pet's medical and behavioral health.
- Owners are expected to provide the pets with the necessary training and obedience instruction to reinforce positive behaviors. Obedience training may include positive reinforcement training, clicker training, and relationship-based training.
- Owners are liable for the actions of their pets (bites, scratches, etc.). Personal renter's insurance including liability insurance should be obtained to cover the cost of liability should the pet harm a person.
- Owners should ensure that their pet is not a nuisance (odor, excessive noise, or other disturbance created by the pet). In general, wild animals, animals not typically kept as pets, and ones that are likely to be too big, too noisy, too fierce, too temperamental, or which are trained for protection will not be allowed.
- Owners are expected to comply with any additional University rules and regulations, including those outlined in the University Housing's Animal Policy.

In the event that a pet causes harm, or threatens to cause harm to an individual, i.e.: physically threatening or harming an individual, the pet must be removed from campus immediately and permanently. There will be no written warning. The University reserves the right to require the removal of a pet or obedience training at any time whether or not prior warnings have occurred.

**University Housing.** Students who may have a pet in their residence per University Housing policy must have an approved pet application for an approved unit. The approved pet application cannot be transferred to another unit without prior notice to and approval from the building manager. Students are expected to clean up after their pets and to be responsible pet owners.

Students who fail to appropriately submit a pet application or otherwise violate the University's pet policy may be placed on housing probation and will generally be given an opportunity to remedy the situation within three (3) calendar days. In limited circumstances where there is a legitimate safety concern, the University may require students to remedy the situation within 24 hours upon notice.

Students who continue to violate the University's pet policy may be subject to an interim housing suspension without refund until they cure the situation. Where a pet has caused harm or threaten to cause

harm to an individual, students must immediately remove the pet. Failure to immediately remove the pet may result in the student being subject to an interim housing suspension without refund until they cure the situation.

Students who repeatedly violate the University's pet policy may be subject to housing suspension without refund.

**Sexual Assault.** Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly known as "date rape" and "acquaintance rape"), fondling, statutory rape, and incest. Sexual assault is (1) sexual intercourse or (2) sexual contact (3) without affirmative consent.

1. **Sexual intercourse:** Sexual intercourse means any penetration, however slight, with any object or body part, as follows: (a) penetration of the vulva by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.
2. **Sexual contact:** Sexual contact means intentional sexual touching, however slight, with any object or body part, whether directly or through clothing, as follows: (a) intentional touching of the lips, breasts, buttocks, groin, genitals, inner thigh, or anus or intentionally touching another with any of these body parts; (b) making another touch anyone or themselves with or on any of these body parts; and (c) intentional touching of another's body part for the purpose of sexual gratification, arousal, humiliation, or degradation.
3. **Affirmative consent** (as defined above)

**Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent, which is 16 years old in the state of Alabama.

**Sexual Exploitation.** Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute sexual assault or sexual harassment. Examples of sexual exploitation include but are not limited to the following:

- Recording, photographing transmitting, viewing, or distributing intimate or sexual images or sexual information without the knowledge or consent of all parties involved; voyeurism (i.e. spying on others who are in intimate or sexual situations)
- Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;
- Exposing one's genitals to another person without the consent of that person;
- Intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact that significantly increases the likelihood of STI contraction and/or pregnancy by the nonconsenting party;
- Exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed;
- Trafficking people to be sold for sex; and,
- Causing another person to become incapacitated with the intent of making that person vulnerable to nonconsensual sexual assault or sexual exploitation.

**Sexual and Gender- Based Harassment:** Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise, when the conditions outlined in (1) or (2), below, are present.

Gender-Based Harassment is harassment based on gender, sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, nonverbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) or (2), below, are present. \

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of benefits or detriments to a person's employment or academic standing (including, for example, grades, recommendations, promotions, quality of assignments or compensation), or participation in any University programs or activities or is used as the basis for college decisions affecting the individual (often referred to as "quid pro quo" harassment);

2. The conduct has the purpose or effect of interfering with an individual's study and/or work performance, or creating an intimidating, hostile or offensive work and/or learning environment. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual's participating in or benefitting from the University's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether there is a power differential between parties; and,
- Whether the conduct implicates concerns related to academic freedom or protected speech.

Although it is not possible to list all examples of conduct that constitutes sexual and gender-based harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual and gender-based harassment depending upon the totality of the circumstances, including the persistence and severity of the conduct and its pervasiveness:

- Sexual advances — whether they involve physical touching or not;
- Sexual epithets, jokes, references to sexual activity, comments on an individual's body, or comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, or other images;
- E-mail, instant messaging, voicemail messages or postings on social networking sites or blogs containing sexual content or references;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments of a sexual nature;
- Making sexual comments or jokes about person's pregnancy, calling a pregnant person sexually charged names, spreading rumors about their sexual activity, and making sexual propositions or gestures;
- Attempting or threatening to subject another person to unwanted physical contact;
- Repeatedly following another person in or about a public place or places, sending unwanted text messages, letters, email and/or voicemails, persistent pursuit of another person;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

**Sexual Misconduct.** Any form of sexual harassment or sexual misconduct including, but not limited to sexual assault, stalking, dating violence, intimate partner violence, domestic violence, and sexual exploitation. Please refer to JSU's Gender-Based and Sexual Misconduct policy for misconduct subject to that policy.

**Smoking.** The University is primarily smoke free. Smoke free zones include all University buildings and University housing, including the UREC Center.

Smoking (cigarettes, electronic cigarettes, vaping, cigars, hookas and pipes) in the residential area is only permitted in the areas for that purpose.

Smoking violations include but are not limited to:

- Smoking in unauthorized areas of campus as outlined above.
- The unauthorized sale of cigarettes and other tobacco products is prohibited anywhere on University property.

It should be noted that the presence of ashes, in or about residence rooms, halls and/or University buildings creates a rebuttable presumption that a student has violated the University's smoking policy.

Any student found responsible for violating this policy may be subject to a \$150 fine, educational sanctions, and additional sanctions.

**University Housing.** Any student found responsible of smoking while living in University housing may be subject to housing probation, a \$150 fine, and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be suspended without a refund from University housing for a period of at least one (1) year and subject to an additional \$150 fine.

If evidence of smoking is found in a common space, the rebuttable presumption will be that all student tenants are responsible for violating the smoking policy.

**\*\*Please note that students found responsible for smoking, drug use, and/or tampering with fire safety equipment may be subject to separate fines associated with each individual charge originating from the same documented incident.**

**Soliciting.** No student or non-student entity may sell, solicit, survey, publicize on University property without the prior written approval of the Dean of Students or Associate Dean of Students.

**Stalking.** A course of conduct directed at a specific person that would cause a reasonable person to fear. Stalking involves repeated and continued harassment, which causes the targeted person to feel emotional distress, including fear and apprehension. A stalker may know the targeted person, may be a past partner, or may be a stranger. Here are some examples of stalking behaviors:

- Pursuing or following;
- Non-consensual (unwanted) communications or contact- including face-to-face, telephone calls, voice messages, electronic messages, unwanted gifts;
- Showing up at one's home or place of work unannounced or uninvited;
- Constantly calling and hanging up;
- Trespassing;
- Surveillance and other types of observation;
- Use social networking sites and technology to track you.

**Cyberstalking:** using the Internet or other electronic means as a way to harass someone.  
display areas

**Student Contractual Agreement.** All students or student organizations planning to conduct programs on or off the University campus requiring a contractual agreement with non-university agencies, must obtain permission of the Dean of Students or Associate Dean of Students.

**Student Posting.** Posters, banners, or any other printed material may only be displayed on bulletin boards inside authorized University operated buildings or on authorized buildings and trash receptacles are specifically unauthorized display areas.

**Theft.** Theft or attempted theft. Theft is defined as the wrongful taking and carrying away of the personal goods or property of another. Theft violations include but are not limited to:

- Attempted or actual theft of University property or services or property belonging to any member of the University community.
- The unauthorized possession of University property or property belonging to any member of the University community.
- Unauthorized use or abuse of computer time and/or computer systems, information, passwords, or computerized data.
- Obtaining or attempting to obtain telephone service by any devious means, including but not limited to: unauthorized charging of another person for service, utilizing fraudulent mechanical means to gain service, and/or tampering with connections, facilities, or documents.

**Threats or intimidation.** All hostile, threatening, or intimidating behavior that by its very nature would be interpreted by a reasonable person to threaten or endanger the health, safety, or well-being of another.

Examples of such behavior may include, but are not limited to

- Act(s) that alarms or seriously disrupts another person's ability to participate in any aspect of University life; or
- communicating verbally (either directly or indirectly) through another party, by telephone, or electronic mail, voice mail or any verbal, mechanical, electronic or written communication in a manner that would likely restrict or deny any individual's access to educational resources, University activities, and University-related opportunities;

**Trespassing.** Wrongful and/or any unauthorized entry onto University property, including the residential halls, or the property of another. Students may not violate an administrative trespass issued by a University official or a criminal trespass order issued by UPD.

**Unauthorized Use of JSU's Name.** Non-recognized student organizations using the name of the University or attempting to use the name of the University without the express written consent of the University.

**Unauthorized Activity.** Non-recognized student organizations participating or attempting to participate in activities reserved for recognized student organizations. Student organizations that have been suspended or dismissed are considered organizations not recognized by the University;

**Vandalism.** The willful or ignorant destruction, damage or defacement of property belonging to others has been defined as vandalism which is a detriment to the University community. This policy covers not only University-owned property, but that of others as well. Violations include but are not limited to the willful or ignorant destruction, damage or defacement of property.

**Violating an Interim Protective/Restrictive Measure (Failure to Comply/ Abide):** Per the Code of Conduct, failing to comply with the directions of an authorized University official, faculty, or staff member may be construed as "failure to comply/abide." In these policies, a person violates an interim protective/restrictive measure if they (1) have notice and (2) intentionally or unintentionally failed to comply with restrictions articulated in the written directive (e.g. "No Contact Order", "Interim Suspension.") issued by a University official, faculty, or staff member. A person who violated an interim protective/restrictive measure *may* be charged with "failure to comply/abide" and may be subject to additional interim measures (e.g. Interim Suspension) as detailed in the written directive.

**Notice:** For these purposes, notice is generally given upon delivery of the written directive via email or in-person delivery.

**Weapons.** The possession, storing, carrying, or use of any weapon, weapon replicas, ammunition, explosive or item potentially hazardous by any person is prohibited on all University property except by authorized law enforcement officers and other persons specifically authorized by the President of the University.

Possession or keeping of a deadly instrument on campus (including in any vehicle) or use of any object with intent to harm another is prohibited. This includes, but is not limited to, firearms, explosives, explosive devices, knives, blackjacks, chukka sticks, brass knuckles, sling shots, kung fu type weapons, fireworks, firecrackers, CO2 type firearms, BB guns, spring powered firearms, chemical aerosol spray, and bows/arrows.

Paintball guns and paintball markers are generally prohibited. They may only be used on the property of the University in connection with authorized University activities and only at approved locations.

Violators may be subject to criminal prosecution and/or disciplinary action from the University. Students who are aware of an unauthorized weapon on-campus are strongly encouraged to notify the University Police and Dean of Students immediately.

**University Housing.** Students found responsible for violating the weapons policy may be subject to housing suspension without a refund for a period of at least one (1) year. In limited circumstances, students may be allowed to return to University Housing upon removal of the violating item.

**Violation a University Policy.** Violation of written University policy or regulations contained in any official publication or administrative announcement of Jacksonville State University (i.e., University Catalog, Guide to Residence Living, etc.);

**Violation of the Law.** Alleged or actual violation(s) of any local, state, federal or international law;

**Retaliation.** Retaliation against another student or member of the JSU community for their participation in any portion of the referral or student conduct process which includes, but is not limited, to serving as a witness in conduct hearings. This includes making a referral for student out of concern for well-being. Students may be found responsible for violating this policy regardless of the final outcome of the referral.

## **VIII. Related Policies**

### **A. Jacksonville State University Alcohol and Other Drug Policy**

*Please refer to the Jacksonville State University (JSU) Alcohol and Other Drug Policy for the complete policy and additional guidance.*

#### **Alcohol Policy for Students**

Jacksonville State University has established the following policy in regards to alcohol use by students.

1. Alcohol possession and consumption on campus is permitted only for students of legal age (21).
2. It is unlawful and a violation of University Policy to use or possess identification that makes an individual appear older or misrepresents an individual as someone else.
3. The consumption of alcohol stronger than 80 proof is not permitted on campus.
4. It is prohibited to serve, provide, or knowingly allow alcohol to individuals under 21.
5. It is prohibited to serve alcohol to someone who is visibly intoxicated or to pressure someone to consume alcohol.
6. It is prohibited for minors to transport, possess, consume or serve alcohol.
7. Common source and "tap" systems are prohibited. This includes, but is not limited to, kegs, beer balls,