

CHAPTER 7

Code of Student Conduct

Student Conduct

To All Students, Faculty and Staff:

By issuance of the Code of Student Conduct, The University of Alabama in Huntsville hereby establishes the standards and disciplinary procedures which shall govern student conduct at this institution. Students and student organizations will be expected to become familiar with this Code and to assure its successful operation by their observance of its provisions and their support of its objectives.

All questions regarding the Code should be directed to the Vice President for Student Affairs.

Article I. Introduction

The University of Alabama in Huntsville is an academic institution with a mission which is, in the broadest sense, educational in character and which is carried out by means of programs and activities devoted to the pursuit of knowledge, the instruction and development of students, and the general betterment of public life in the area it serves. It exists primarily as a community of individuals, including students, faculty, administrators, and staff, who provide, participate in, and/or support these activities and programs. Its campus, facilities, properties, and other resources facilitate the educational mission.

The University has an inherent interest in developing policies to preserve and enhance its ability to function effectively as an academic institution. These policies must uphold the integrity of the educational process and protect persons and property. They necessarily entail recognition of both rights and responsibilities for all members of the University community. It is these considerations which make student conduct a natural and legitimate concern of the University.

A person enrolling at the University comes to the campus as both a citizen and a member of the academic community. As a citizen, a student is entitled to the freedoms and rights guaranteed to other citizens by the United States Constitution and the Constitution of Alabama. The right of free speech, lawful assembly, petition, due process, etc., are not lost upon enrollment. As a student, the individual also has a right to the opportunity to learn and to benefit from the institution's educational environment.

Accompanying these rights, however, are certain general and special responsibilities. A citizen-student must abide by federal, state, and local laws. The student is obligated to respect the lawful rights of others. The student is expected to comply with valid institutional regulations, to contribute to the good order of the University's academic and administrative processes, and to uphold standards of common decency and honor in all conduct. These incumbent rights and obligations are inextricably linked together. It is only when individuals are responsible as citizen-students that their rights as citizen-students can be assured. Freedom must be exercised responsibly in the context of recognized interests of others and of the institution itself.

It is to secure these ends that the policies and procedures in this Code are established. Such policies and procedures are fundamentally designed to help maintain a campus environment conducive to learning and other educational pursuits. They are intended to ensure the enjoyment by students of all proper rights, without undue infringement by others. They are a means to the attainment by the University of its educational mission by protecting the institution's processes, resources, and constituent community.

General authority in the governance of students enrolled at any campus of The University of Alabama System is vested by law in the Board of Trustees. See Alabama Constitution, Article 14, Section 264; Section

16-47-34, Code of Alabama

(1975, as amended). The Board has delegated responsibility for supervision of student affairs to the respective campus Presidents. It is within the scope of such authority by the President, and pursuant to such further delegation to the Vice President for Student Affairs, that this Code of Student Conduct is promulgated for The University of Alabama in Huntsville.

This Code shall be published and made available, by any reasonable means, to students at this institution, and it shall be applicable to all such students (undergraduate and graduate, full-time and part-time, etc.). Upon enrollment a student shall be deemed to have accepted the conditions and obligations stated herein and to have agreed to be bound hereby, in addition to all other applicable university regulations which may have been or may in the future be issued and published by proper authority. The Code shall likewise apply to all student groups, whether formally or informally organized and whether chartered by the University or not. Conduct off-campus as well as that taking place on University property shall be fully within the scope of this Code. The fact that criminal or civil proceedings may have been instituted against a student shall not bar commencement of the disciplinary process involving such student under this Code, nor shall the University be bound by the outcome of such proceedings in its determination of whether misconduct did or did not occur or in its selection of an appropriate sanction. In regard to conduct by a student which may be subject of such a criminal or civil action, the University shall have the discretionary right to proceed under this Code against the student before, during the pendency of, or after the final disposition of such action, or even in the absence thereof. As a general policy in such a situation, however, the University shall resort to its disciplinary process only where the alleged conduct directly and/or adversely affects interests of the institution or the campus community, as discussed above.

Article II. Student Rights and Responsibilities

As a means of giving greater content and definition to the important notion of student rights and responsibilities, those identified below shall be recognized as belonging to students at this institution. This enumeration is not intended to be exhaustive, however, nor shall it in any way prevent recognition of additional, different, or modified rights and obligations for students through supplementation to this Code, issuance of other University policy, or any alternative, appropriate means.

A. University Community

1. The University, as a community, has the right and responsibility to formulate and disseminate policies and guidelines to promote the general welfare of its members. Student have the responsibility to know such policies and guidelines of the University.
2. The students shall have a voice, through the Student Government Association, in those affairs of the University directly concerning the student body.
3. Students shall conduct themselves in such a way as to recognize the legitimate rights of others and to promote the welfare of the University Community.

B. Academic Freedoms and Responsibilities

1. In all academic matters students have a right to be governed by justifiable regulations.
2. Students have a right to an educational environment conducive to learning and free from unreasonable distraction. Students are responsible for classroom behavior which is conducive to the teaching/learning process for all concerned.
3. Students shall be free to take reasoned exception to data and views offered in the classroom and to maintain personal judgment about matters of opinion, without fear of penalty.

4. Students have a right to grades that represent the instructor's professional judgment of their performance in courses and laboratories.
5. Students have a right to accurately and clearly stated information which would enable them to determine:
 - a. The general requirements for establishing and maintaining an acceptable standing;
 - b. Their own academic/admission relationship with the University and any special conditions which apply;
 - c. The graduation requirements of any particular curriculum and major.
6. Students have a right to be informed about the content and objectives of a course, the methods and types of evaluations, and the relative importance of each test, paper, etc., comprising the total evaluation.
7. Students are responsible for meeting the requirements of a course of study according to the standards of performance established by the instructor.
8. Students have a right to protection against improper disclosure of information acquired by instructors concerning their grades, views, beliefs, political association, health, or character.
9. Students have a right to seek assistance from instructors during the instructors' regularly scheduled office hours.
10. A student has the right to refrain, without penalty, from activities that involve unreasonable risk to physical health and safety.
11. Students have a responsibility for honest and ethical conduct in all academic and non-academic matters.

C. Educational Records

1. A student's right of confidentiality in and access to his educational record shall be stated in the University's Institutional Student Records Policy.
2. To minimize risk of improper disclosure, a student's academic and disciplinary records shall be separately maintained. A student's transcript shall only contain information concerning a student's academic experience.

D. Freedom of Inquiry and Expression

1. Students shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support any causes by lawful means. At the same time, it shall be made clear to the academic and at-large community that in their public expression or demonstrations students or organizations speak only for themselves.
2. Discussion and expression of all lawful views is permitted within the institution in public places subject to reasonable time, manner, and place requirements for maintenance of order and subject to applicable state, federal and local laws. The University retains the right to provide for the safety of individuals, the protection of property, and the continuity of the educational process in maintaining order.
3. Chartered student organizations may invite and hear any persons of their own choosing, subject to requirements for use of institutional facilities and subject to the UAH speakers policy.
4. Students have a right to express opinions through student publications, and they have a responsibility to adhere to the canons of professional journalism.

E. Student Life

1. Students shall be free to organize and associate to promote their common interests.
2. Student organizations are required to publicize information concerning purpose, criteria for membership, and a current list of officers. They shall not be required to submit a membership list as a condition of institutional recognition other than an initial list of ten students or faculty members.
3. Chartered student groups may use University facilities, if available, in accordance with normal scheduling policies, unless they prove to be irresponsible in the use and care of such facilities.

F. University Housing

1. University Housing is a privilege and not a right.
2. A student has the right to be secure in his or her possessions against invasion of privacy and unreasonable search and seizure.
3. Students shall not violate the rights of other students residing in University Housing.

G. Redress of Grievances in any case where a student's rights as outlined herein are contravened, he or she shall have the right to petition for redress of such a grievance. (See "Grievance Procedures", Section 6.15, in the Student Handbook.)

Article III. Misconduct

Every student and student group at the University shall be required to act lawfully and in such a way as not to affect adversely the educational processes of the University or the rights of members of the University community and others. Violation of this general standard of behavior shall be considered misconduct under this Code. The following types of misconduct are specifically prohibited, and individuals or groups found guilty of any such misconduct by the procedures set forth in this Code shall be subject to discipline.

A. *Academic Misconduct*. All forms of academic dishonesty, including the following:

1. Copying from another student's test paper.
2. Using materials during a test not authorized by the person giving the test.
3. Collaborating during a test with any other person by giving or receiving information without authority.
4. Stealing, buying, or otherwise obtaining all or part of an unadministered test.
5. Selling or giving away all or part of an unadministered test.
6. Bribing any other person to obtain an unadministered test or information about an unadministered test.
7. Substituting for another student, or permitting any other person to substitute for oneself, to take a test.
8. Submitting as one's own, in fulfillment of academic requirements, any theme, report, term paper, essay, or other written work; any speech or other oral presentation; any painting, drawing, sculpture, musical composition or performance, or other aesthetic work; any computer program; any scientific experiment, laboratory work, project, protocol, or the results thereof; etc., prepared totally or in part by another.
9. Selling, giving, or otherwise supplying to another student for use in fulfilling academic requirements any

work described above.

10. "Plagiarism", defined as the use of any other person's work (such work need not be copyrighted) and the unacknowledged incorporation of that work in one's own work offered in fulfillment of academic requirements.

11. Submitting in fulfillment of academic requirements, if contrary to course regulations, any work previously presented, submitted, or used in any course.

12. Falsifying records, laboratory results, or other data used in a course.

13. Cheating or deceit in any other manner.

B. *False Information.* Furnishing false information to the University with the intent to deceive.

C. *Misuse of University Document.*

Fabricating, forging, altering, or misusing any University document, record, instrument of identification (such as a student card or a meal card), etc.

D. *False Pretenses.* Obtaining any services or thing of value from the University by false pretenses.

E. *Abuse of Property.*

Vandalism, destruction, damage, defacement, abuse, or misuse of public or private property, whether intentionally or by negligence.

F. *Taking of Property.* Theft, embezzlement, misappropriation, or the unauthorized temporary taking of the property of another, including the property of the University.

G. *Littering.* Littering of University property.

H. *Computer Mischief.*

Unauthorized use, access to, manipulation of, tampering with, or duplication of any University computer hardware, firmware, software programs, and/or associated documentation.

I. *Misuse of Proprietary Information.*

Unauthorized use of or access to information, in whatever form, proprietary to the University.

J. *Worthless Check.*

Negotiation or delivery to the University of a check or other negotiable instrument with the intent, knowledge, or expectation that there will not be sufficient funds on account with the depository to cover it. It is evidence that the student had the requisite intent, knowledge, or expectation if he/she had no account with the depository at the time the check or instrument was given to the University, or if the depository refuses payment for lack of funds and the student fails to pay the University the full amount due thereon, together with a service charge, within 10 days after receiving notice from the University that payment was refused.

K. *Unauthorized Entry.*

Unauthorized entry upon any University property or any University building or structure, or any part thereof, access to which has been restricted.

L. *Entry After Warning.*

Entry and/or remaining upon any University property or any University building or structure, or any part thereof, after receiving an order by an authorized University official not to enter and/or remain.

M. Misuse of University Keys.

Unauthorized use, possession, duplication, and/or distribution of one or more keys to any University building or structure, or any part thereof.

N. Disruption of University Activity.

Intentional disruption, obstruction, hindering of, or interference with teaching, research, administration, disciplinary proceedings, or any other lawful activity which takes place on University property or which is sponsored by the University or by a University recognized/related group.

O. Physical Abuse or Violence.

The commission or threatened commission of physical abuse or violence with respect to a University person anywhere, or with respect to any non-University person on University property or at an activity which is sponsored by the University or by a University recognized/related group. Physical abuse or violence includes a nonconsented striking, forcible restraining, manhandling, assault with a dangerous weapon, or any similar act which involves physical contact with and poses a danger to the safety or health of another person. A threat shall be understood to mean any act, gesture, or words directed toward another person and reasonably evidencing, under all the circumstances, an intention to commit physical abuse or violence. The fact that a threat is expressed conditionally shall not alter its character as misconduct.

P. Harassment.

Subjecting a person to physical contact or directing language or a gesture which is abusive or obscene toward a person, with the intent to harass, annoy, or alarm. Harassment may be committed against a University person anywhere or a non-University person on University property or at an activity which is sponsored by the University or by a University recognized/related group.

Q. Disorderly Conduct.

Conduct which is disorderly or which breaches the peace. The essential element to such conduct shall be an intentional causing or recklessly creating a risk of public inconvenience, annoyance, or alarm without proper authority, such as by fighting or engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing lawful assembly, etc.

R. Indecent Behavior.

Lewd, indecent, or obscene behavior which flagrantly flaunts community standards with respect to sexuality.

S. Fire Mischief.

Fire mischief, including tampering with fire safety equipment, such as fire extinguishers and fire alarm devices; entering or reporting a false fire alarm; or setting or causing to be set any unauthorized fire on University property or at an activity sponsored by the University or by a University recognized/related group.

T. Smoking.

Smoking in classrooms, in large public meeting rooms, in the Library, or in any other area on University property in which smoking has been prohibited by the posting of a sign or otherwise.

U. Dangerous Instrumentalities.

Possession, distribution, or use of firearms, ammunition, explosives, fireworks, incendiary devices, or any other dangerous weapons or instruments on University property or at an activity sponsored by the University or by a University recognized/related group, except as expressly authorized by the University.

V. Controlled Substance Abuse.

Possession, use manufacture, sale, giving away, or other distribution of any controlled substance (such as an opiate, narcotic, hallucinogen, etc.) as defined by federal or Alabama law, except upon prescription or except by a practitioner (as defined by Alabama law), or his/her authorized agent under his/her supervision, incident

to teaching, research, chemical analysis, or professional practice.

W. Alcohol Abuse.

Commission of any of the following acts relating to possession or use of alcoholic beverages:

1. Possession or consumption of an alcoholic beverage anywhere on University property, except the Noojin House, or one's residence in University Housing.
2. Possession or consumption of an alcoholic beverage by any student who has not reached the legal age for drinking established by state law.
3. Public intoxication.
4. Driving while under the influence of alcohol.
5. Sale of alcoholic beverages anywhere without a proper license.
6. Furnishing false identification or otherwise making false representation about one's age for the purpose of buying, receiving, or otherwise obtaining alcoholic beverages.
7. Selling, giving away, or otherwise distributing an alcoholic beverage to any student who has not reached the legal age for drinking established by state law. A person shall conclusively be considered to be intoxicated or under the influence of alcohol if his blood alcohol concentration is .10% or greater, though such condition may be established by any other credible evidence.

X. Hazing.

Participation in any form of hazing. Hazing shall be defined as any action taken, requirement or coercive expectation imposed, or situation created by a student organization, its members, or persons associated with it, with respect to prospective, trial, or new members of pledges which is, as to the latter, onerous, hazardous, insulting, humiliating, or abusive; which could reasonably be expected to produce mental or physical discomfort, embarrassment, pain, or injury; or which violates any law or University regulation.

Y. Bribery.

Bribery, which shall mean the offer of or agreement to confer a thing of value on a University or student official with the intent of improperly influencing the action of such official; or the acceptance of a bribe, which shall mean the solicitation of or agreement to accept a thing of value by a student official with the understanding that action by such official shall be improperly influenced.

Z. Violation of University Policy.

Violation of written University policies, rules, and regulations, including those pertaining to housing and the operation of motor vehicles on University property.

AA. Violation of Order.

Failure to comply with a lawful order or direction of a University official or employee acting in the performance of his/her duties and within the scope of his/her authority.

BB. Unlawful Conduct.

Conduct in violation of federal or state statutes or local ordinances, whether resulting in a conviction or not.

CC. Injurious Conduct.

Any conduct not specifically stated herein which adversely affects the educational processes of the University or the rights of members of the University community or others.

DD. Attempts. Any attempt to commit an act of misconduct prohibited by this Code.

EE. Assisting Misconduct.

Procuring, inducing, or causing another person to commit an act of misconduct prohibited by this Code, or assisting another person in the commission of such act.

A student group or organization shall be deemed responsible for acts of misconduct committed by individuals where such acts:

are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly;

take place in the context of a tradition, custom, or past practice of the group or organization; or

are reasonably foreseeable as a result of an activity carried on by the group or organization.

When a group is charged with misconduct, the presiding officer and, if appropriate, other student leaders thereof shall be required to participate in disciplinary proceedings conducted under this Code as representatives of the group.

Article IV. Disciplinary Entities

The Vice President for Student Affairs shall have general jurisdiction and authority over all student misconduct matters. The following parties and entities shall also function within the disciplinary system with responsibilities as set out below:

A. Coordinator for Student Conduct.

A Coordinator for Student Conduct shall be appointed by the Vice President for Student Affairs. The Coordinator shall have certain initial responsibilities in regard to the filing and initial processing of a complaint.

B. Preliminary Action Officer.

A Preliminary Action Officer (PAO), identified below (in Section V-C-1), shall carry out certain screening, investigatory, and early resolution functions at the preliminary stage in the disciplinary process.

C. Publications Board.

The composition of the Publications Board shall be as prescribed in the document, "Publications Board-Statement of Purpose, Operation and Responsibility." It shall have original jurisdiction over any editor or business manager of a student publication with regard to conduct arising out of the performance of his/her official duties in connection with the publication.

D. University Judicial Board

1. **Jurisdiction.** The University Judicial Board (UJB) shall have original jurisdiction over all cases of student misconduct not falling within the original jurisdiction of the Publications Board.

2. **Organization.**

a. **Composition.**

Six undergraduate students, appointed by the Vice President for Academic Affairs upon joint recommendations from the College Deans and the Student Government Association President.

Two graduate students, appointed by the Vice President for Academic Affairs upon recommendation of the Dean of Graduate Studies.

Six faculty members, elected by the Faculty Senate with one representative respectively from the Colleges of Engineering, Science, Nursing, Administrative Science, and Liberal Arts and the Library and two at-large faculty members.

Two graduate faculty members, appointed by the Dean of the School of Graduate Studies

Six staff members, appointed by the President from among the University's directors and assistant directors (or comparable positions).

For academic misconduct cases only, the **College Deans** shall have membership in the UJB in place of the staff members.

b. *Term.*

Each student and staff member shall serve on the UJB for a period of two years (or until a successor is appointed), beginning June 1 each year. The term of each faculty member elected by the Faculty Senate shall be determined by the Faculty Senate. The Graduate Dean shall determine the terms of the appointed graduate faculty. Whenever possible, terms of office shall be staggered so that the term of 1/2 of the members shall expire each year. Any individual shall be eligible to serve successive terms. No student who is on academic probation or who has been found guilty of misconduct shall be eligible to serve on the UJB. A student who becomes ineligible while serving a current term shall resign or be removed by the Vice President for Student Affairs. Vacancies in any UJB position shall be filled in the same manner as provided above in regard to the original appointment. The Vice President for Academic Affairs shall have the authority to make an interim student or staff appointment if necessary to facilitate the operation of the UJB.

c. *Chair.*

The chair shall be elected from among the faculty membership of the UJB by the members and shall serve for one year, beginning June 1 and continuing through May 31, or until a successor is elected. The Chair shall convene a meeting of the UJB on or about May 1 each year for the purpose of electing a new chair.

Article V. Disciplinary Procedure

A. Filing a Complaint

1. *Who May File.*

A complaint charging a student or an organization with misconduct may be filed by any University person having knowledge of the pertinent facts based on personal observation or other reliable information. A complaint may be filed in the name of the University by an authorized institutional official. The party filing a complaint shall be designated the "Complainant" and the party charged with the misconduct the "Respondent" for the purpose of this Code.

2. *Form.*

All complaints must be in writing and must be submitted on a form available from the Coordinator. A complaint shall identify the type(s) of misconduct charged (see Article III), shall succinctly state the alleged facts upon which each charge of misconduct is based, and shall be signed by the Complainant. Exhibits or attachments, other than extra sheets needed to complete the complaint, shall not be submitted with the complaint.

3. *How to File.* Filing shall be accomplished by delivery of a signed complaint to the Coordinator.

B. *Determination of Jurisdiction.*

The Coordinator for Student Conduct shall first address the issue of jurisdiction based on the principles set forth in Article IV.

1. *Publications Board.* A complaint within the jurisdiction of the Publications Board shall be processed as provided in Appendix A of the document "Publication Board - Statement of Purpose, Operation, and Responsibility."

2. *University Judicial Board.*

A complaint within the jurisdiction of the UJB shall be processed as provided below:

C. Preliminary Action.

1. *Preliminary Action Officer.*

Each case shall be assigned by the Chair to a Preliminary Action Officer (PAO) selected on a rotating basis from the faculty membership of the UJB. With respect only to complaints of misconduct by residents of University housing occurring in or about the housing area, either the Assistant Director of Residence Life or the Resident Director, as selected by the Chair, shall serve as the PAO.

2. *Mediation.*

The PAO shall, in appropriate cases, seek prompt resolution of the charges through informal consultation with the principle parties, mediation, and other voluntary means.

3. *Academic Misconduct - Referral.*

If a charge of academic misconduct is not settled through mediation, it shall be referred for a hearing under the provisions set out in Articles V-D and V-E.

4. *Other Charges - Preliminary Investigation.*

In a case involving any charge other than academic misconduct, if settlement is not achieved through mediation, the PAO shall conduct a preliminary investigation of the matters alleged in the complaint. The PAO would ordinarily, in carrying out the preliminary investigation, meet with the Complainant, attempt to elicit information from any witnesses, review documents or inspect property which may be involved, etc. Early in the course of such investigation the PAO shall meet with the Respondent for the purpose of presenting such party with the complaint and allowing the latter an opportunity to explain or rebut its allegations. To facilitate such a meeting, the PAO shall give the Respondent written notice stating that a complaint has been filed, indicating the general nature of the misconduct charged, and offering the Respondent an opportunity to meet informally with the PAO for the purpose mentioned above. The notice shall state that it is the responsibility of the Respondent to arrange a meeting with the PAO and that scheduling of the meeting must take place within 5 days of the notice or the Respondent will be deemed to have waived the opportunity for such a meeting. Failure of the Respondent to schedule a meeting within such 5 day period shall, absent mitigating circumstances, constitute a waiver, and the PAO may proceed without the necessity of meeting with the Respondent.

5. *Organizational Responsibility.*

The PAO shall examine any complaint which alleges misconduct by a student group or organization or which alleges individual misconduct under circumstances where there may be group responsibility. In either event, the PAO shall consult with the Director of Student Activities and the presiding officer of the student representative of the organization most immediately concerned with the group (such as the Interfraternity Council, Panhellenic Board, Student Program Council, Student Government Association, etc.) to determine whether individual or organizational misconduct should properly be charged. The complaint may be amended to conform to such determination.

6. *Reasonable Suspicion Determination.*

If settlement is not achieved or if it is not appropriate under the circumstances, and after completion of the preliminary investigation, the PAO shall decide whether the complaint warrants a full hearing, based on a finding of reasonable suspicion. Reasonable suspicion shall be deemed established when, upon preliminary inquiry, an apparent state of facts is found to exist as would incline a prudent person to suspect or believe, though there may be some doubt, that the Respondent may have committed the misconduct charged. A finding shall be made as to each charge of misconduct.

7. No Reasonable Suspicion - Dismissal.

In the event the PAO concludes that reason does not exist as to any charge, the charge or, if appropriate, the complaint shall be dismissed as follows:

a. Notification.

The Complainant, Respondent, Chair, and Vice President for Student Affairs shall be given written notice of the dismissal and notation of the dismissal shall be entered into the case file.

b. Appeal.

The Complainant may appeal the dismissal by filing a notice of appeal, with supporting argument if desired, in the Office of the Vice President for Student Affairs within 5 days of the date of the PAO's notice of dismissal. The appeal shall be addressed to the Chair. Grounds of appeal shall be limited to an allegation that the dismissal is clearly erroneous (under the reasonable suspicion standard) or that serious procedural error was committed.

c. Review on Appeal.

The Chair may affirm the dismissal or may reverse the dismissal and return the case to the PAO for disposition or further action in accordance with the instructions of the Chair. The decision of the Chair shall be communicated in writing to all parties and shall be final.

8. Reasonable Suspicion - Conference.

If the PAO concludes that reasonable suspicion as to any charge does exist, he/she shall schedule a conference with the Respondent. The conference shall be at a time which does not interfere with the Respondent's classes, and reasonably advance written notice shall be given to the Respondent by the PAO. At the conference, the Respondent shall be presented with the PAO's finding of reasonable suspicion and given the choice of admitting or denying the finding. The PAO shall proceed as follows:

a. Admission of Misconduct.

The Respondent may admit the misconduct charged, with the understanding that selection of an appropriate sanction shall be done by the Chair, upon recommendation by the PAO. Such an admission shall be deemed a waiver by the Respondent of any right to a full hearing and shall result in an entry of misconduct in the Respondent's disciplinary record. The consequences of an admission shall be explained to the Respondent by the PAO. The Respondent's admission of misconduct and acknowledgment of rights and consequences shall be evidenced by a signed statement to that effect.

b. Denial of Misconduct.

The Respondent may refuse to admit the misconduct charged. In such event, the case shall be referred to the UJB for a hearing. The consequence of a denial shall be explained to the Respondent by the PAO. The Respondent's denial shall be evidenced by a signed statement to that effect.

c. Nonattendance at Conference.

If the Respondent fails to attend the conference or, though present, fails to exercise the foregoing option, he/she shall be deemed to have denied the charges. The case shall accordingly be referred for a hearing to the UJB.

9. *Referral for Sanction.* In any instance in which a Respondent has admitted a misconduct charge, the case shall be referred to the Chair for selection of a sanction. Referral and any subsequent proceedings shall be accomplished as follows:

a. *Forwarding of Case File.*

The PAO shall forward to the Chair the signed complaint, the Respondent's signed statement admitting the conduct charged and acknowledging rights and consequences, the PAO's recommended sanction, and a summary disposition statement signed by the PAO. These documents shall constitute the case file to this point.

b. *Argument.*

The Complainant and Respondent shall each have the option of submitting to the Chair a short statement (limited to one page) setting forth matters of extenuation or aggravation or other considerations which may have bearing on the sanction.

c. *Selection of Sanction.*

The Chair shall be provided the Respondent's disciplinary record by the Office of the Vice President for Student Affairs. A sanction shall be selected based upon consideration of the type of misconduct, the particular circumstances involved, the disciplinary record of the Respondent, and the PAO's recommendation. If the Chair regards suspension or expulsion as the appropriate sanction the case shall be referred to the UJB for hearing, with written notice to the parties.

d. *Notification.* The Chair shall give written notice to the Complainant, Respondent, PAO, and Vice President for Student Affairs of the sanction selected.

e. *Appeal.*

The Respondent and/or Complainant shall have a right of appeal to the Vice President for Student Affairs on the ground that the sanction is unreasonable under all the circumstances or is not authorized by this Code. Appeal shall be made by filing a notice of appeal, with supporting argument if desired, in the Office of the Vice President for Student Affairs within 5 days of the date of the Chair's notice of sanction. The non-appealing party shall be given the opportunity to file a short statement in support of the sanction selected.

f. *Review on Appeal.* The Vice President for Student Affairs may, after reviewing the case file, affirm the sanction or substitute a sanction of equal, lessor, or greater severity, as appropriate. A sanction challenged as unreasonable shall be affirmed unless its unreasonableness is manifest or blatant. Written notice of the decision on appeal shall be given to the parties. The Vice President's decision shall be final.

10. *Referral for Hearing.*

The referral by the PAO to the UJB shall be made in writing. It shall be limited solely to a brief disposition statement indicating that mediation efforts and a preliminary investigation have been completed and a reasonable suspicion finding has been made. The signed complaint may be restated by the PAO for purposes of clarification or standardization, and it shall be attached, with the Complainant's signature, to the referral document. Referral shall be accomplished by the forwarding of these materials, consulting the case file, to the Chair of the UJB.

11. *Summary Action.*

In an instance in which the Respondent admits the misconduct to the PAO prior to the completion of the preliminary investigation, the PAO may proceed immediately to the conference procedure set out in Section V-C-8 above, without the necessity of a reasonable suspicion finding.

12. *Confidentiality.*

All discussions and communications with the PAO by the Respondent and Complainant shall be confidential.

13. *Time Frame.*

Except in unusual circumstances, the PAO shall conclude his/her responsibilities under this Article within 14 days after receipt of the complaint. In a referral to the Chair for sanction, the Chair shall ordinarily complete his/her duties within 5 days after receiving the referral documents.

D. Pre-Hearing Procedure.

1. *Chair Duties.*

Upon receipt of a case from the PAO for referral to the UJB, the Chair shall carry out the following procedural steps:

a. *Notice of Rights - Respondent and Complainant.* The Respondent shall be given a copy of the signed complaint. The Respondent shall additionally be provided with a summary statement of the hearing and appeal process and the Respondent's rights therein. The Complainant shall also be provided with a summary statement of the hearing and appeal process and the Complainant's rights therein.

b. *UJB Roster - Respondent Strikes.*

The Respondent shall be presented with a roster of the names of UJB members available to serve. The Respondent shall be permitted to strike one faculty member, one staff member, and one student.

c. *UJB Roster*

- *Complainant Strikes.* The Complainant shall also be presented with such roster and allowed the same number of strikes as the Respondent, if desired.

d. *Hearing Panel Selection.*

A Hearing Panel shall be selected by the Chair consisting of one faculty member, one staff member, and one student. A member of the UJB who feels that he/she could not serve as an impartial member of a particular Hearing Panel due to conflict of interest, bias, or other bona fide cause shall notify the Chair as soon as the cause for the disqualification becomes evident. A presiding officer shall be designated from among the Hearing Panel members by the Chair.

e. *Academic Misconduct Case.*

For a case involving academic misconduct (along with related charges) only, the College Deans shall function in the place of the staff members in this process.

f. *Legal Counsel - Respondent.*

The Respondent may, at his or her own expense, consult with an attorney at any time during the disciplinary procedure and may have an attorney present at the hearing. Such attorney may not participate in the hearing, however, nor in the preliminary action or pre-hearing phases of the disciplinary process. Exceptions to this rule may be granted by the Vice President for Student Affairs where required by law due to the pendency of criminal charges or other cause. The summary statement of rights shall inform Respondent of this limited right to counsel.

g. *Advisor - Respondent.* The summary statement of rights shall also state that the Respondent shall have the right to select an advisor, who may be present at the hearing to assist and/or represent the Respondent. The advisor may be any University person, except an attorney. If desired, the Respondent may have an advisor provided by the University. To exercise this latter option, the Respondent shall submit a request in writing to the Chair within 5 days after receipt of the complaint and summary statement of rights, and the Chair shall appoint as an advisor a UJB member not serving on the Hearing Panel. If the Respondent selects an advisor, he/she shall notify the Chair of the name and address of the Advisor within 5 days after receipt of the

complaint and summary statement of rights.

h. Proponent.

The Chair shall designate an appropriate University person to participate in the hearing as the proponent of the charges. If the circumstances of the case do not suggest a suitable choice, a UJB member not serving on the Hearing Panel shall be appointed.

i. Open/Closed Hearing.

The summary statement given to the Respondent shall indicate that the hearing will be closed to the public, unless the Respondent submits to the Chair a request in writing that it be open and the request is approved by the Chair. Any such request by the Respondent must be made not later than 5 days after receipt of the complaint and summary statement of rights from the Chair.

j. Forwarding of case; Time Frame.

The Chair shall, upon completion of the foregoing procedural requirements, forward the case with pertinent documentation to the Presiding Officer for further action. Except in unusual circumstances, the Chair shall complete these requirements within 10 days after receipt of the case from the PAO.

2. Presiding Officer Duties.

Upon receipt of the case from the Chair, the Presiding Officer shall carry out the following duties:

a. Schedule Hearing.

The hearing shall be scheduled as soon as practical, consistent with the requirement, however, that the Respondent shall be given notice at least 7 days in advance of the hearing date. Written notice of the time, date, and place of the hearing; of the identity of the members of the Hearing Panel, the Proponent, and the Respondent's Advisor, if any; and of the open or closed nature of the hearing shall be provided by the Presiding Officer to the following parties: the Chair, Complainant, Proponent, Respondent, Advisor, all Hearing Panel members, and the Vice President for Student Affairs.

b. Necessity for Rescheduling.

If, upon demonstrated good cause communicated in writing to the Presiding Officer, a Proponent or Respondent will be unable to attend the hearing as scheduled or will be unable to secure important evidence by such time, the Presiding Officer shall set a new date for the hearing.

c. Time Frame.

Except in unusual circumstances, the Presiding Officer shall complete these prehearing requirements within 5 days after receipt of the case from the Chair.

3. Disclosure of Witnesses/Evidence.

The Respondent shall have the right to request from the Proponent and receive, no later than 3 days before the hearing, a list of the names of witnesses which the Proponent then intends to call at the hearing and a general description of any other evidence which the Proponent intends to use. The Proponent shall have the same right with respect to the Respondent's witnesses and evidence.

E. Hearing.

1. Nature of Proceeding.

The hearing shall be an administrative fact-finding proceeding the purpose of which shall be to determine whether the Respondent is or is not guilty of committing the misconduct charged in the complaint. Deviation from prescribed procedure during the hearing, or in any pre-hearing or post-hearing action, shall not impair the proceeding or its outcome unless clear, significant prejudice is caused to the Respondent or the Complainant as a result.

2. Management of Hearing.

The Presiding Officer shall insure that the hearing is conducted in a manner which is fair, orderly, not unduly delayed or prolonged, and in compliance with these procedures. The Presiding Officer shall have authority to rule on requests and objections which may arise; to adopt reasonable rules to facilitate the hearing process; to impose reasonable constraints on any party, including the Respondent, whose behavior is disruptive, intentionally dilatory, or harassing or who refuses to adhere to a ruling or procedure; and generally to exercise such control as may be necessary or expedient to accomplish these ends. Except where it is not practicable to do so, the Presiding Officer shall act upon consultation with other members of the Hearing Panel.

3. Parties Present.

If the hearing is closed, only those parties who are deemed participants in the hearing shall be allowed to be present: the Respondent and his/her Advisor, the Complainant, the Proponent, and the Hearing Panel. If the respondent has retained an attorney, the attorney may be present as a nonparticipant. Additionally, the Hearing Panel shall have the right to have present for consultation with respect to procedure questions a counselor of its choosing. The counselor may be an attorney or non-attorney. Persons essential to the recording or transcription of the hearing and other similar support personnel may also be present. The Presiding Officer may in his/her discretion allow immediate family of the Complainant or Respondent to attend, upon the request of either such party. Witnesses, other than any of the foregoing parties, shall be excluded from the hearing except when testifying. Any person may attend an open hearing, including members of the press.

4. Evidence.

The Presiding Officer shall determine what evidence shall be accepted, utilizing as governing criteria relevance to the issues at hand, fundamental fairness, and a preference against repetitious evidence which would unduly prolong the hearing. Formal or technical rules of evidence shall not apply, although recognized rules of confidentiality and privilege shall be respected. Affidavits properly sworn may be received if the affiant is not reasonably available to testify in person or if receipt of affidavits would avoid the necessity of calling multiple witnesses on the same matter in issue and would not be prejudicial to the other party. Witnesses shall be asked to affirm that their testimony is truthful. The Hearing Panel may take notice of matters which are clearly within the general experience of members of the University community.

5. Respondent Role and Rights.

The Respondent shall have the right to defend against the charge(s) in the complaint by testimony of witnesses, documents, and other evidence. The Respondent may testify or remain silent. No inference of guilt shall be made should the Respondent remain silent. The Respondent shall further be entitled to be present throughout the hearing, to have the assistance of or be represented by his/her Advisor, to have an attorney present, to examine all documents submitted to the Hearing Panel, to question all witnesses appearing at the instance of the other party or the Hearing Panel, and to make argument to the Hearing Panel (by oral or written statement as the Presiding Officer may determine). Absence of the Respondent from the hearing without good cause shall be deemed a waiver of these rights, and the hearing may proceed.

6. Proponent/Complainant Role and Rights.

The Proponent shall prepare and present the case against the Respondent, based on the charge(s) in the complaint, by offering the testimony of witnesses, documents, and other evidence. Both the Proponent and the Complainant shall be entitled to be present throughout the hearing, subject to the same rule concerning absence without good cause as stated above with respect to the Respondent. The Proponent's rights of participation shall be the same as those extended to the Respondent above.

7. Panel Participation.

The Presiding Officer may request either party to produce additional designated documents or other evidence or call additional identified witnesses. Any member of the Hearing Panel may question any witness.

8. *Burden and Standard of Proof.*

The burden of proof shall be upon the Proponent. In order to carry this burden and sustain a finding of misconduct, the Proponent shall be required to establish by a preponderance of the evidence, that is, by the greater weight or credible evidence, that the Respondent committed the acts charged. Determination of the probative value, weight, and credibility of the evidence accepted shall be the exclusive function of the Hearing Panel.

9. *Subsequent Meetings.*

The hearing may, if necessary or appropriate, be adjourned or continued from time to time to a subsequent suitable date at the discretion of the Presiding Officer.

10. *Hearing Record.*

A record of the hearing shall be kept by means of a tape recorder or a transcriber, at the discretion of the Presiding Officer. The Complainant and the Respondent shall have the right to produce a written record of the hearing from the recording or transcription at his/her own expense, respectively.

11. *Hearing Sequence.*

The hearing shall proceed generally as follows, though departures may be permitted for good cause and where neither party would be prejudiced: The Presiding Officer shall read the charge(s) stated in the complaint to the Respondent, who shall then admit or deny the charge(s). Failure to respond shall be deemed a denial. The Respondent's admission of the charge(s) with an Advisor present shall be sufficient to sustain a finding of misconduct without the necessity of further proceedings.

The Proponent shall offer evidence in support of the charges(s).

The Respondent may offer evidence.

Rebuttal evidence may be offered by either party.

Each party may make a closing statement.

The Hearing Panel shall retire for its deliberations.

12. *Panel Deliberations.*

All deliberations of the Panel after the completion of the hearing shall be in closed session.

13. *Determination of Misconduct.*

Only evidence accepted and arguments made at the hearing shall be considered by the Panel in making its findings concerning the misconduct charged. A finding of misconduct shall require an affirmative vote of a majority of the Hearing Panel Members.

14. *Determination of Sanction.*

If the Hearing Panel finds that the Respondent is guilty of the misconduct charged, it shall, prior to selection of a sanction, be provided with a synopsis of the past disciplinary record and/or information concerning any criminal record of the Respondent. Such record or information shall not, however, be made available to the Hearing Panel prior to that time. The Respondent and/or Proponent shall have the option of presenting to the Hearing Panel argument regarding matters of extenuation or aggravation, respectively, or other considerations which may have bearing on selection of a sanction. Such presentation may be done orally or in writing, as determined by the Presiding Officer. Selection of a sanction shall be by majority vote.

15. *Hearing Panel Report.*

The final determination of the Hearing Panel shall be stated in a written report which shall set forth the Panel's findings, with the evidentiary support therefor, and the sanction to be imposed. The report shall be

sent to the Respondent and his/her Advisor, the Complainant, the Proponent, the Chair, and the Vice President for Student Affairs within 3 days after the completion of the hearing process.

Article VI. Sanctions

An individual student or a student organization found guilty of misconduct shall be subject to the imposition of the following sanctions. A sanction may be imposed alone or in conjunction with one or more additional sanctions.

A. Sanctions for Individuals

1. Warning - A written or oral notice to the student that continuation or repetition of specific conduct may be cause for further and more severe disciplinary action.
2. Censure - An official, written reprimand coupled, where appropriate, with a warning that further instances of such misconduct within a stated or indefinite period of time may result in more severe disciplinary action.
3. Educational Alternatives - An order or option that the student issue an apology, carry out research, participate in counseling, attend a workshop, or perform any other reasonable assignment intended to have an educative or rehabilitative effect.
4. Restitution - An order that the student make a compensatory payment to an appropriate party for damage to property or loss of funds. In the case of property damage, restitution shall be limited to the actual cost of repair or replacement.
5. Work Reparation - An option offered to the student, usually in an instance in which restitution to the University is an appropriate sanction, to perform work for the University without pay.
6. Fine - An order that the student pay the University a designated sum of money.
7. Restriction of Privileges - Denial, withdrawal, or limitation of one or more privileges made available by the University to students, such as access to housing, use of a facility, participation in an activity, etc., for a designated period of time.
8. Voluntary Withdrawal - An option offered to the student to voluntarily withdraw from the University or from a class upon the condition that readmission not be sought for a designated period of time. Readmission of a student who had voluntarily withdrawn shall require the approval of the Vice President for Student Affairs.
9. Disciplinary Probation - Placement of the student in a probationary status for a designated period of time. The restrictions which shall accompany probation (such as, for example, ineligibility for participation in intercollegiate activities, ineligibility for election/appointment to or the holding of a Student Government Association office) shall be determined on a case-by-case basis. Probation shall carry with it a warning that further misconduct may result in suspension or expulsion.
10. Disciplinary Suspension - Separation of the student from the University for a designated period of time, not to exceed two years. During the period of suspension, an individual shall not be allowed to participate in any activity or enjoy any privilege requiring student status. Readmission upon the expiration of the suspension period shall require the approval of the Vice President for Student Affairs.
11. Expulsion - Separation of the student from the University permanently or on an indefinite basis. Readmission of a student expelled on an indefinite basis shall not occur within two years and shall require the approval of the Vice President for Student Affairs.

B. Sanctions for Groups and Organizations

1. Warning- A written or oral notice to the organization that continuation or repetition of specific conduct may be cause for further and more severe disciplinary action.
2. Censure - An official, written reprimand coupled, where appropriate, with a warning that further instances of such misconduct within a stated or indefinite period of time may result in more severe disciplinary action.
3. Education Alternatives - An order or option to the organization that it and/or its members issue an apology, attend a workshop, render public service, or carry out any other reasonable assignment intended to have an educative or rehabilitative effect.
4. Restitution - An order that the organization make a compensatory payment to an appropriate party for damage to property or loss of funds. In the case of property damage, restitution shall be limited to the actual cost or repair or replacement.
5. Work Reparation - An option offered to the organization, usually in an instance in which restitution to the University is an appropriate sanction, that its members perform work for the University without pay.
6. Fine - An order that the organization pay the University a designated sum of money.
7. Restriction of Privileges - Denial, withdrawal, or limitation of one or more privileges made available by the University to students or student organizations, such as access to housing, use of a facility, participation in an activity, etc., for a designated period of time.
8. Disciplinary Probation - Placement of the organization in a probationary status for a designated period of time. The restrictions which shall accompany probation shall be determined on a case-by-case basis. Probation shall carry with it a warning that further misconduct may result in suspension or expulsion.
9. Disciplinary Suspension - Denial to the organization of access to University facilities, services, and any other privileges granted to student organizations having institutional recognition status, for a designated period of time, not to exceed two years.
10. Expulsion - Termination of institutional recognition of the organization permanently or on an indefinite basis. Reapplication for recognition of an organization expelled on an indefinite basis shall not be permitted within two years.

C. *Reservation of Authority.*

The stated availability of a measure as a disciplinary sanction, as provided above, shall not imply that such a measure may not be imposed outside the disciplinary system by a University official who has authority to do so.

Article VII. Appeals

A. Appeal - Vice President for Student Affairs. The determination of the UJB shall be subject to review on appeal to the Vice President for Student Affairs, as follows:

1. Filing an Appeal - Procedure. The Respondent shall have 5 days from the date of the UJB report announcing its determination to initiate an appeal by filing a written notice of appeal in the Office of the Vice President for Student Affairs. Within 5 days of the filing of the notice of appeal, a written statement of position setting forth the grounds for the appeal shall also be filed in the same office by the Respondent. Failure to file either the notice of appeal or the position statement within the allotted time shall render the determination of the UJB final and conclusive. A copy of such documents shall be provided by the Vice

President for Students Affairs to the Complainant, who shall have the option of submitting a position statement in support of the UJB determination.

2. *Grounds of Appeal - Respondent.* Review on appeal by the Respondent shall be limited to the following grounds:

a. *Procedural Error.* A procedural irregularity, misinterpretation of a University regulation, or other error occurred which was not only adverse to the Respondent but resulted in clear, significant prejudice to the Respondent in terms of the outcome of the proceeding.

b. *Unsupported Findings.* The findings were not supported by any substantial evidence. Review on this ground shall not involve reassessing or weighing the evidence but shall instead be limited to ascertaining the presence or absence of some evidence ostensibly worthy of belief which is consistent with the findings.

c. *Newly Discovered Evidence.* New and significant evidence has been discovered which was unavailable at the time of the hearing or which could not have been discovered in time for use at the hearing by a properly diligent Respondent.

Failure by the Respondent to state one of the foregoing grounds for the appeal shall result in immediate dismissal.

3. *Grounds of Appeal - Complainant.* The Complainant shall have a right to appeal the determination of the UJB, but such appeal may be made only on the grounds of error prejudicial to the Complainant or newly discovered evidence, as those grounds are stated above. An appeal by the Complainant shall be made and processed in accordance with the requirements set forth above for the Respondent.

4. *Review of Respondent Appeal.* On a properly submitted appeal by a Respondent, the Vice President for Student Affairs shall have the discretionary authority to do the following:

affirm the finding(s) and sanctions(s).

remand the case to the UJB for reconsideration of its determination or a reopening of the hearing to allow rectification of error and/or consideration of new, significant evidence.

overturn the findings(s) and dismiss the case.

5. *Review of Complainant Appeal.* On a properly submitted appeal by a Complainant, the Vice President for Student Affairs shall be limited to either affirming the determination or remanding the case for action as cited above.

6. *Decision on Appeal.* The decision of the Vice President for Student Affairs on appeal shall be final, except in those cases specified in Article VII-B below. The decision on appeal shall be communicated in writing to all parties entitled to notice of the determination of the UJB (See Section V-E-15).

7. *Remand to UJB.* In the event of a remand, the UJB shall reconvene and carry out its duties as directed without undue delay. A determination on remand shall be made and communicated as required for the initial determination. Appeal of the determination on remand may be allowed, in appropriate circumstances, at the discretion of the Vice President for Student Affairs.

B. *Appeal - President.* In any case in which expulsion, suspension, or a fine of \$500 or more has been imposed and remains as a sanction after review by the Vice President for Student Affairs, final appeal may be made by the Respondent to the President of the University. Right of appeal shall be exercised within 5 days after the date of the decision on appeal from the Vice President for Student Affairs by filing a notice of

appeal, with an accompanying position statement, in the Office of the President. The scope of review and procedure on appeal shall be the same as set forth above for the Vice President for Student Affairs.

Article VIII. Interim Suspension

Under certain exigent circumstances, expedited, temporary suspension of a student may be necessary or appropriate. The following special policies shall govern such interim suspensions:

A. *Criteria.*

A student may be suspended on an interim basis and without prior resort to the disciplinary procedures set forth above where his/her continued presence in the campus community poses a substantial threat to persons (including himself/herself) or property or to normal institutional functions

B. *Procedures.*

An interim suspension may be imposed only by the Vice President for Student Affairs (or designee) and only in accordance with the following special procedures:

1. *Notice.*

The student shall be given written notice of the imminent possibility of suspension and of the opportunity to appear before the Vice President for Student Affairs for an interim hearing at a time and place designated.

2. *Interim Hearing.* The hearing shall generally be limited to the following issues:

the reliability of available information concerning the student's conduct, including any identity questions which may be raised

whether the student's conduct and the surrounding circumstances reasonably indicate that his/her continued presence in the campus community does pose a substantial threat to persons (including himself/herself) or property or to normal institutional functions.

if the student, without good cause, fails to appear for the interim hearing at the time and place indicated, or if the student does appear but the foregoing issues are resolved in favor of a suspension, the student may be placed on interim suspension

3. *Immediate Suspension.* If under all the circumstances it is not feasible or prudent to hold an interim hearing prior to imposition of the suspension, the student may be suspended immediately and without prior notice. Within 5 days of the effective date of such suspension and upon written notice, the student shall be afforded an interim hearing on the issues set forth above, at which time the suspension shall either be lifted or continued.

4. *Notice of Suspension.* Notice of interim suspension shall be given to the student in writing.

C. *Duration.*

An interim suspension shall remain in effect pending completion of the normal disciplinary process. The Vice President for Student Affairs shall, however, have the authority to modify the terms of an interim suspension at any time.

D. *Other Interim Sanctions.*

In addition to suspension, the Vice President for Student Affairs shall have the authority to impose, on an interim basis and in accordance with these procedures, any lesser sanction, including specifically restriction of privileges, removal from a class, removal from University housing, etc.

E. *Student Organizations.*

A student organization shall be subject to interim suspension by action of the Vice President for Student Affairs (or designee) under the same circumstances and upon the same procedures as set forth above.

Article IX. Nondisciplinary Procedures for Academic Misconduct

A faculty member possesses the well-established prerogative to deal with academic misconduct committed by a student in a course by applying an academic penalty within the context of that course. Because such conduct also constitutes a violation of the University's disciplinary rules as stated in this Code, it is appropriate to state the manner in which the disciplinary and nondisciplinary processes shall interrelate in such a case.

A. Nondisciplinary Treatment

1. *Conference Held.* If a faculty member has information indicating that a student has committed an act of academic dishonesty, the faculty member shall hold an informal conference with the student. At this conference the student shall be presented with the information and given an opportunity to explain or rebut it by any reasonable means.

2. *Academic Misconduct Indicated.* If the matter is not satisfactorily resolved (such as by exoneration of the student) by means of the informal conference, the following procedures shall apply:

a. *Imposition of Academic Sanction.* The faculty member may impose one or more academic sanctions appropriate to the circumstances, such as requiring a revision of the assignment in question or completion of a new assignment, giving an oral or written reprimand, awarding an F for the graded work or for the entire course, etc.

b. *Review - Grievance Process.* The student shall have the right to seek review of this action by utilizing the normal grievance process. (See "Grievance Procedures," Section 6.15).

c. *Notice to Vice President for Student Affairs.* The faculty member shall give written notice of the incident to the Vice President for Student Affairs. The notice shall state the name of the student, the nature of the academic misconduct which occurred, and the academic sanction imposed.

d. *Disciplinary Record Entry.* The faculty member's notice to the Vice President for Student Affairs shall be placed in the student's disciplinary record. It may accordingly be considered in any subsequent disciplinary case in which disclosure of the contents of the disciplinary record is authorized under this Code.

B. Disciplinary Treatment

1. *Faculty Member Referral.*

The faculty member may, in addition or as an alternative to application of academic sanctions, elect to have the matter handled within the disciplinary system by filing a complaint against the student, as provided in Article V above.

2. *Other Referral.*

Upon receiving two or more notices from faculty concerning instances of academic misconduct by the same student, the Vice President for Student Affairs may have a complaint filed in the name of the University against the student for any such instances of misconduct.

3. *Finding of No Misconduct.*

A dismissal or finding of no misconduct in the disciplinary processing of such a complaint shall not require the removal of the academic sanction imposed earlier by the faculty member. However, the student shall have the right to request a review of the academic sanction by means of the grievance process, whether previously

utilized as to the incident or not. The outcome of the disciplinary proceeding may be asserted as an arguably persuasive consideration in the grievance process.

Article X. Disciplinary Records

A. *Case File - Contents.*

A case file shall be developed and maintained in connection with each complaint filed against a student. It shall include and be limited to the following:

1. The complaint.
2. The PAO notice to the student (Section V-C-4) and the documentation of the PAO's disposition of the complaint (dismissal, referral to the Chair for sanction, or referral to the UJB) (see Sections V-C-3,7,9,10).
3. All documents filed in connection with an appeal at the Preliminary Action stage (see Sections V-C-7,9).
4. All pre-hearing documents (or copies thereof) exchanged between UJB personnel and the Respondent and Complainant (see Sections V-D-1,2).
5. From the hearing, a list of any special rules of procedures adopted, all documentary evidence accepted, any written argument submitted, the verbatim hearing record (in audio or written form), the synopsis of any disciplinary record of the student considered, and the final report of the Hearing Panel.
6. Any notice(s) of appeal and position statement(s) received on appeal, together with the decision(s) on appeal.
7. All documents pertaining to a student's interim suspension.

No other material shall be added to or included with the case file.

B. Case File - Official Record. Materials in the case file shall constitute the official record of the disciplinary proceeding, and the case file shall be forwarded to the appropriate person at each successive stage in the process. For disposition above the preliminary action level, only materials and information in the case file shall be considered.

C. *Disciplinary Record.*

At the completion of the disciplinary process the case file, and any other materials not included in the file but which were accumulated in connection with the case, shall be maintained as a part of the student's disciplinary record at the institution. The disciplinary record shall be maintained separate and apart from the student's academic record. The Vice President for Student Affairs shall have control over the student's disciplinary record and shall see that it is maintained in compliance with institutional policy and the requirements of the Federal Family Educational Rights and Privacy Act.

D. *Case Synopsis.*

A synopsis of each case shall be prepared by the Vice President for Student Affairs (or designee). The synopsis shall be taken from the case file and shall include, depending on the history of the case, a summary statement of all charges filed, the disposition at the Preliminary action stage, the determination of the Hearing Panel, and the disposition of the case on appeal from the Hearing Panel's determination. A synopsis shall be made of any instances of academic misconduct which have been handled by faculty outside the disciplinary process and reported to the Vice President for Student Affairs.

E. *Disclosure - Disciplinary Authorities.*

Information about a Respondent's past disciplinary record provided to the Chair (see Section V-C-9c) and the

Hearing Panel (see Section V-E-14) prior to selection of a sanction shall be generally in the form of the case synopsis.

F. Disclosure - Third Parties.

A Respondent's request for an open hearing shall constitute authorization for public access to the hearing and public disclosure of its outcome, including action by subsequent reviewing officials. In such a case the Vice President for Student Affairs shall have the discretionary right to release the case synopsis or information from it to third parties. In the event of a closed hearing, the Vice President for Student Affairs may release such information as is permitted by laws pertaining to the confidentiality of educational record.

Article XI. Miscellaneous Provisions

A. Definitions:

1. "Case File:" See Article X-A.
2. "Day:" When used in computing a prescribed period of time, a calendar day. The day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday or Sunday, or a holiday during which the administrative offices of the University are closed, in which case the period shall extend to the next day which is not a Saturday, Sunday, or holiday
3. "Student:" Any individual enrolled at the University in any of the recognized admission categories (undergraduate, graduate, etc.) and currently taking courses on a full-time or part-time basis. An individual's status as a student shall be deemed to encompass all activities carried out in connection with his/her application for admission to the University.
4. "Student group/organization:" Any association of individuals whether formally or informally organized and whether chartered by the University or not.
5. "University" or "Institution:" The University of Alabama in Huntsville.
6. "University person" or "member of the University community:" Any student and any faculty member, staff member, administrator, or other official, officer, employee, or agent of this University and all other institutions within the University of Alabama System. Members of the Board of Trustees of the University of Alabama System shall be deemed "University persons".
7. "University property:" Real, personal, and/or tangible property, as the context may require, as to which the University has possessory rights by virtue of ownership, lease, license, or any other established relationship to such property.
8. "University recognized/related group:" Any group or organization which is chartered by the University or otherwise regarded by the University as being affiliated or associated with it. Such term shall not imply approval or endorsement by the University of any specific activity carried out by the group.
9. "University sponsored activity:" Any activity conducted under the auspices of the University as a whole or of any division, department, office, or other unit of the University.

B. Notice.

When written notification is required under this Code, it may be accomplished by any means reasonably calculated to bring the matter to the attention of the student, such as personal delivery; certified or regular mail to the student's current residence, as recorded in the Office of Student Records; posting the writing on the front door of the student's residence; etc.

C. Paragraph Titles.

Paragraph titles have been included in this Code only for purposes of easy reference. They shall have no substantive effect nor shall they alter or add to the meaning of the paragraphs to which they pertain.

D. Amendments.

Any proposed amendment to this Code shall be submitted to the Vice President for Student Affairs who shall, as appropriate, consult with the Student Government Association and/or the Faculty Senate, regarding the advisability of the amendment. Amendments raising issues of institutional policy shall be approved by the President prior to implementation. Otherwise, a proposed amendment shall become effective upon approval by the Vice President for Student Affairs.

Article XII. Mental Health Withdrawal Policy

It is the policy of the University of Alabama in Huntsville to require that all students conduct themselves in a manner that promotes an environment conducive to learning, teaching, research and public service. In some instances if a student's behavior is disrupting the educational environment or is harmful to the individual or others and such behavior is due to the fact that the student is suffering from a mental or emotional disorder, the student's enrollment may be terminated for a specified period pursuant to established procedures. This action is taken only when deemed necessary for the safety and well-being of the student and/or other members in the University Community, and/or the orderly operations of normal University functions. The complete student mental health policies and procedures are available from the Office of the Vice President for Student Affairs.