

## **Chapter 7 // Code of Student Conduct**

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[www.uah.edu/student-support/student-conduct](http://www.uah.edu/student-support/student-conduct)

### **7.1 Introduction**

Students are encouraged to think and act for themselves, as that is the purpose of higher education. However, they must also understand that the University has non-negotiable values in which it believes strongly. These values include integrity, respect, diligence, excellence, inclusiveness and diversity. The purpose of the Code of Student Conduct is to communicate these values to the University community, and promote an environment conducive to student success and engagement.

The Office of Student Conduct administers and helps enforce the policies of the University of Alabama in Huntsville. The primary focus is on helping students learn from the consequences of their actions and become a positive influence within the UAH community and beyond.

Every student and student organization 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. Conduct off-campus as well as that taking place on University property is fully within the scope of this Code. The types of misconduct set forth below specifically prohibited, and individuals or student organizations found responsible for any such misconduct by the procedures set forth in this Code shall be subject to a University sanction.

If a student breaks a law that also violates the University standards of conduct, that student may be held accountable by both civil authorities and the University. The University may, at its sole discretion, elect to pursue disciplinary action against the student prior to, at the same time as, or following criminal proceedings, even if criminal charges involving the same incident are pending, have been dismissed, or were reduced.

The standard of evidence used to determine responsibility is a “preponderance” of evidence. This determination is based on the greater weight of the evidence and does not require a standard beyond a reasonable doubt.

In certain situations, students may also be referred to the Behavior Evaluation and Threat Assessment team (BETA). Interventions by BETA will not circumvent the Student Code of Conduct process and may occur concurrently.

### **7.2 Types of Misconduct**

#### **7.2.1 Academic Misconduct**

All forms of academic dishonesty, including, but not restricted to, the following:

- a. Copying from another student's exam paper.
- b. Using materials during a test not authorized by the person giving the exam.
- c. Collaborating or failing to prevent collaboration during a test with any other person by giving or receiving information without authority.
- d. Stealing, buying, or otherwise obtaining all or part of an exam
- e. Selling or giving away all or part of an exam.
- f. Bribing any other person to obtain an exam or information about an exam.
- g. Substituting for another student, or permitting any other person to substitute for oneself, to take an exam.
- h. 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.
- i. Selling, giving, or otherwise supplying to another student for use in fulfilling academic requirements any work described above.
- j. "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. This includes the use and incorporation, without acknowledgement, of the wording or expressions (even if paraphrased), information, facts, arguments, analysis, or ideas of another.
- k. Submitting in fulfillment of academic requirements, if contrary to course regulations, any work previously presented, submitted, or used in any course.
- l. Falsifying records, laboratory results, or other data used in a course.
- m. Cheating or deceit in any other manner.

### **7.2.2 Alcohol Abuse/Misuse**

- a. Possession or consumption of an alcoholic beverage by any student who has not reached the legal age of 21 or drinking established by state law.
- b. Possession or consumption of an alcoholic beverage anywhere on University property outside of approved locations. Please refer to Housing's Guide to Residence Living that details rules and regulations of possession and consumption in one's residence. The University Alcohol Policy outlines rules and regulations regarding use of alcohol.
- c. Public intoxication and/or drunkenness.
- d. Driving while under the influence of alcohol.
- e. Furnishing false identification or otherwise making false representation about one's age for the purpose of buying, receiving, or otherwise obtaining alcoholic

beverages.

- f. Selling, giving away, or otherwise distributing an alcoholic beverage to any person who has not reached the legal age for drinking established by state law.

### **7.2.3 Controlled Substance Abuse/Misuse**

- a. Illegal possession, use, manufacture, sale, giving away, or other distribution of any controlled substance (such as an opiate, narcotic, hallucinogen, synthetic drug, prescription medication, etc.), except when prescribed in accordance with federal and state law.
- b. Prohibited behavior include, but are not limited to, cultivating, growing, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, or inhaling a controlled substance.

### **7.2.4 Damage, Theft, or Unauthorized Use of Property**

- a. Attempted or actual theft of and/or damage (including vandalism, littering, destruction, defacement, abuse, misuse, or tampering) to property of the University or property of a member of the University community or other personal or public property, on or off campus whether intentionally or by negligence is prohibited.
- b. The unauthorized use of University property for personal gain is also prohibited.
- c. Prohibited behaviors include unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.
- d. Unauthorized use of or access to information, in whatever form, proprietary to the University is prohibited. .
- e. Tampering with, disabling, obstructing, vandalizing, or interfering with the normal functioning of any portion of a safety or security monitoring system or monitored door, including, but not limited to, door alarms, cameras, card readers, street lights, or street signs is prohibited.
- f. 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.
- g. Unauthorized Entry. Unauthorized entry upon any University property or any University building or structure, or any part thereof, access to which has been restricted.
- h. Entry Post Warning. Entry and/or remaining upon any University property or in any University building or structure, or any part thereof, after receiving an

order by an authorized University official not to enter and/or remain.

- i. Prohibited behavior include, but are not limited to, gambling on University property, theft, vandalism, possession of property known to be stolen, tampering with, impairing, disabling, or misusing fire protection systems such as fire detectors, sprinklers, alarms, and extinguishers.
- j. Use of a counterfeit or stolen UAH parking permit is prohibited.

### **7.2.5 Dishonesty**

- a. Furnishing false information to any University official, faculty member, authority, or office is prohibited.
- b. Forgery, alteration, falsification, misrepresentation or misuse of any University document, record, or instrument of identification.
- c. Prohibited behavior includes using another person's University identification card for any purpose.
- d. Obtaining any services or thing of value from the University by false pretenses.
- e. 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.
- f. Worthless Check(s). Negotiation or delivery 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, or if the depository refuses payment for lack of funds and the student fails to pay the full amount due thereon, together with a service charge, within 10 days after receiving notice that payment was refused.

### **7.2.6 Disorderly or Indecent Conduct**

- a. Conduct that is disorderly or that breaches the peace on or off campus. The essential element to such conduct shall be an intentional causing of or recklessly creating a risk of inconvenience, annoyance, or alarm without proper authority.
- b. Procuring, inducing, or causing another person to commit an act of misconduct or assisting another person in the commission of such act.
- c. The intentional communication of information about a person, known to be false and damaging to that person's reputation, to one or more members of the community, in the absence of a legally recognized privilege.
- d. Any unauthorized use of electronic or other devices to make an audio or video

record of any person without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress.

### **7.2.7 Failure to Comply**

- a. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so. This includes, but is not limited to, failure to evacuate a building, failure to seek shelter, or failure to allow access into a University building or room when directed by a University official.

### **7.2.8 Hazing**

- a. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
- b. Prohibited behavior include, but are not limited to, forced drinking of alcohol or water, paddling, creation of fatigue, physical shocks, degrading or humiliating games, acts of servitude, physical harassment, branding, public stunts, and forced tattoos.

### **7.2.9 Injurious Conduct**

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

### **7.2.10 Misuse/Abuse of Computing Resources**

- a. Unauthorized use of, access to, manipulation of, duplication of, or tampering with University software, hardware, or firmware programs, networks, and/or associated documentation.
- b. Unauthorized entry into a file, to use, transfer, read, or change the contents, or for any other purpose.
- c. Use of another individual's identification and/or password without permission.
- d. Use of electronic resources to send obscene, harassing or abusive messages to any person.
- e. Use of University computer programs, computer hardware, and/or its computer networks to download, to copy, to make available for downloading or copying, or to distribute copyrighted materials in violation of federal or state law or University policy.

- f. Use of a University computer or networks during the commission of an unlawful act.

### **7.2.11 Other Physical or Mental Abuse or Harm**

- a. Harassment. Subjecting a person to physical contact or directing language or a gesture that is abusive or obscene toward a person, with the intent to harass. Harassment may be committed against a University person anywhere or against a non-University person on University property or at an activity that is sponsored by the University or by a University recognized/related group.
- b. 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 that is sponsored by the University or by a University recognized/related group. Physical abuse or violence includes a striking, forcible restraining, manhandling, or assault, or any similar act that 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.
- c. Some examples of prohibited behavior include, but are not limited to, physical abuse or assault, verbal abuse, harassment, coercion, murder, battery, stalking, telephone harassment, computer related harassment via social networks, email, or text messages, threats, intimidation, and any other conduct that threatens the health or safety of any person.

### **7.2.12 Sexual Misconduct**

- a. Intentional or reckless acts that cause or reasonably could cause physical or mental harm to any person are prohibited including non-consensual sexual conduct or contact.
- b. Some examples of prohibited behavior include sexual harassment, voyeurism (including the surreptitious use of video recording devices), stalking and indecent exposure.

### **7.2.13 Sexual Violence**

- a. Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's impairment by drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability or legal incapacity.
- b. Some examples of prohibited behavior include, but are not limited to, rape, sexual battery, sexual abuse, domestic violence, dating violence and sexual

coercion.

#### **7.2.14 Unauthorized Disclosure of Sensitive Information**

- a. The disclosure to any unauthorized recipient of information that is sensitive to U.S. National Security interests and that has been marked as Classified.
- b. <sup>1</sup>:The unauthorized disclosure or export to foreign nationals<sup>2</sup>, or their representatives, of information deemed to be sensitive to U.S. National Security or economic interests by the U.S. Departments of State or Commerce.
- c. Proprietary: The unauthorized disclosure of any information that has been marked as “Proprietary” or “Confidential”, or similarly labeled.

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<sup>1</sup> Exports can be disclosed via the following actions: fax; telephone discussions; email communications; computer data; face-to-face discussions; training sessions; and/or tours which involve visual inspection

<sup>2</sup> A foreign national is any person who is NOT a: U.S. Citizen or National; U.S. Lawful Permanent Resident; Person Granted Asylum; Person Granted Refugee Status; or Temporary Resident.

#### **7.2.15 Violations of Law, Order, or University Imposed Regulations or Sanctions**

- a. Violation of any federal, state or local law is prohibited.
- b. Smoking in any University building or within 25 feet of a building entrance and any other area on University property in which smoking has been prohibited by the posting of a sign or otherwise.
- c. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website is prohibited.
- d. Violation of University Housing’s Guide to Residence Hall Living, the Housing contract, or any other University policy is prohibited.
- e. Violation of any terms of disciplinary restrictions, probation, or suspension is prohibited. Failure to satisfactorily complete sanctions is a violation of University policy.
- f. Prohibited behaviors include failure to follow the instructions of a law enforcement officer or interfering with any police investigation.

#### **7.2.16 Weapons, Firearms, Or Explosive Devices**

- a. Possession, transportation, and use of a firearm or other dangerous weapon on campus.  
A dangerous weapon is defined as any object, instrument, device or

substance designed, adapted, intended, or capable of inflicting physical harm, injury or death on University property or at any activity sponsored by the University or by a University recognized/related group, except as expressly authorized by the University's Dangerous Weapons and Firearms Policy.

- b. Some examples of prohibited possession, use, or distribution of a weapon or reasonable facsimile of a weapon, include but are not limited to: firearms, swords, spears, combat style knives (a knife having a blade over 6 inches), switchblades or stilettos, blowguns, slingshots, air rifles (BB guns, pellet guns, Air Soft guns, paint ball guns), Tasers, brass knuckles, clubs, blackjacks, or other similarly styled impact weapons, weapons associated with the Martial Arts (except where approved for training or demonstrations), ammunition, explosive devices, fireworks, incendiary devices, or any other device considered a dangerous weapon.

### **7.3 Procedures for the Conduct of Disciplinary Proceedings**

(a) Complaints. Any person or entity may request charges be filed against a student for alleged violation of law, the Student Code of Conduct or University regulations or policies. An investigation may take place of the circumstances of the complaint. The complaint regarding a student's conduct must be submitted as follows:

1. Filing a police report with the University Police Department or requesting that a report from another law enforcement agency be sent to the University Police Department and referral to the Dean of Students office; or providing a written and signed statement to the Dean of Students office. Written statements should include all information and evidence the person making the complaint can produce.
2. Reports must be made to either law enforcement or the Dean of Students office within 6 months of the incident, or knowledge about the incident. No student may be charged with a violation to the Student Code of Conduct if the report is made past the 6-month period. This provision shall apply except in incidents involving patterns of behavior (i.e., stalking, sexual misconduct, domestic violence, etc.). These incidents must be reported within one (1) calendar year from the date of the incident or knowledge about the incident. Exceptions to this reporting timeline will be made in cases where the legal statute of limitations for the alleged violation has not passed.

(b) The Student Conduct Director in the Dean of Students office will determine if there are reasonable grounds to believe that the allegations of the complaint are true, and if true, would constitute a violation of the University's Code of Conduct. If it is determined by the Student Conduct Director that there are reasonable grounds a violation did occur, the student will be notified of charges.

(c) Notice of Charges. The notification of charges shall be in writing and include: the specific conduct code violations, a brief description of alleged offenses, the student's rights, and an invitation to attend an Initial Review with a Preliminary



Action Officer.

The Initial Review shall take place no sooner than three academic days, excluding holidays and weekends, from the date of Notice of Charges. In cases involving Sexual Misconduct or Sexual Violence, the Initial Review will be replaced by a Title IX investigation conducted by the Dean of Students.

If a hold on registration is not already in effect, as an Emergency Measure, upon issuing the Notice of Charges the Student Conduct Director may place a Student Affairs hold on registration until final disposition of the complaint.

(d) Initial Review. After the Notice of Charges has been issued, an Initial Review may be scheduled.

1. There are no witnesses called and it consists primarily of a discussion between the charged student and the Preliminary Action Officer in an effort to resolve the matter. The Preliminary Action Officer will have spoken to the Complainant prior to the Initial Review meeting.
2. The Initial Review is not audio taped or recorded.
3. At the conclusion of the Initial Review, the charged student may accept or deny responsibility for the student code of conduct violations on the Notice of Charges.
4. If the charged student chooses to accept responsibility, or fails to attend the disciplinary conference, the Preliminary Action Officer will make recommendations to the Student Conduct Director regarding sanctions as are deemed appropriate or recommend dismissal of the case. This acceptance of responsibility or failure to appear shall constitute as the charged student's waiver of a formal hearing and right of appeal. The student retains the right only to appeal the severity of the sanction.
5. The Student Conduct Director will review recommended sanctions or dismissal. The Student Conduct Director will communicate the final decision to the student.
6. Brief written decisions (including findings of fact) will serve as records of Initial Review and will be communicated in writing within seven academic days of the Initial review.
7. In cases involving Sexual Misconduct or Sexual Violence, a Title IX investigation will be conducted by the Dean of Students in lieu of the Initial Review process described above. This investigation will include meeting with the alleged victim, the accused student, and any witness. Upon the conclusion of this investigation, the Dean of Students will meet with the accused student to determine responsibility, forward to a formal hearing or dismiss the case. If the student accepts responsibility, the Dean of Students will assign sanctions deemed appropriate. The acceptance of responsibility shall constitute the charged student's waiver of a formal hearing and right of appeal. The student retains the right only to appeal the severity of the sanction. An advisor (including an attorney) may accompany the alleged victim and the accused student during the Initial Review meeting. However, the advisor may not

participate in the meeting.

(e) Formal Disposition by Hearing: When a charged student denies responsibility and the case has not been previously dismissed, a hearing shall be scheduled no less than three days after the date of the Initial Review.

1. A Formal Hearing is defined as any hearing before the Student Conduct Board or a University Hearing Officer. In cases of sexual violence, the Formal Hearing will be heard by the Student Conduct Board.
2. The student may choose to have his/her hearing before the Student Conduct Board or a University Hearing Officer, except in cases of Sexual Misconduct or Sexual Violence which will proceed to a Student Conduct Board.
3. If the student does not choose an option, the hearing shall be heard by a Hearing Officer.

(f) Notice of Hearing. The notification of hearing shall be in writing and include:

1. The date, time, and location of the Student Conduct Board or Hearing Officer hearing
2. Reference to this regulation, of his/her rights and the hearing procedures
3. A reasonable date, time, and location for a Pre-Hearing Meeting, during which the student may review a potential witness list and all materials to be used by the University in his or her case, which shall be no less than three academic days prior to the hearing. If the student chooses to review the materials provided at the Pre-Hearing Meeting, the charged student shall allow the University to also review all of his or her materials and witnesses to be used in the case. Any materials or witnesses not provided at the Pre-Hearing Meeting by either the University or the student may not be used at any time thereafter during the student disciplinary proceedings.
4. The charged student shall have the opportunity to challenge the impartiality of the Hearing Officer or Student Conduct Board member within three academic days of notification. In the event that a student has opted not to challenge the impartiality of a Hearing Officer or Student Conduct Board member prior to the allotted three academic days, the assigned Hearing Officer or Student Conduct Board member shall remain as scheduled. The student shall state in writing the basis for such challenge. A hearing officer so challenged may be replaced by the Student Conduct Director for good cause.

## **7.4 Structure of the Student Conduct Board**

The Student Conduct Board shall consist of the following persons: two students, two faculty members/staff members, and one hearing panel chair who shall be a faculty member/staff member. Faculty members/staff members are appointed by the University President for a two-year term. The students shall be appointed by the Student Government Association President. If, however, the Student Government President fails to provide a list of students to serve for disciplinary proceedings, the Dean of Students or designee shall select interested impartial

students to serve on the Student Conduct Board. In cases of sexual violence, the student board members will be graduate students. Student Conduct Board members will be chosen from a pool of trained faculty, staff and students.

## **7.5 Hearing Procedures**

(a) The hearing is not a legal proceeding. Formal rules of process, procedure, and evidence do not apply.

(b) Objectives of the Hearing. Requisite levels of due process and fairness will be provided to all participants during these proceedings. The hearing shall have the following objectives.

1. Inform the student of the charges
2. Give the accused student an opportunity to respond to the charges
3. Review the facts of the case
4. Determine if any violation of the Student Code of Conduct was committed
5. Recommend any Disciplinary Sanction(s) to be imposed based upon the facts, as determined at the hearing.

(c) Witnesses. Witnesses at hearings will not be sworn in. Each witness will be admonished that he or she is required to tell the truth. A student giving untrue testimony at a hearing is subject to disciplinary charges.

(d) Information. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Officer or the Student Conduct Board at the discretion of the Chair.

(e) Burdens of Proof. The Student Conduct Board or Hearing Officer shall determine whether it is more likely than not that the accused student violated the Student Code of Conduct by a preponderance of evidence.

(f) The charged student may choose one advisor to be present at the hearing. The advisor can be chosen from a group of faculty or staff members who have been specifically trained to serve in the advisor role. The student may also choose any university person as his/her own advisor. The student may select, at his or her own expense, an attorney to serve as his/her advisor. The advisor or attorney cannot present statements, arguments, or question witnesses or participate directly in any Student Conduct Board Hearing or the Initial Review.

1. Members of the Student Conduct Board may not serve as a student's advisor at the hearing.
2. The charged student must name his/her advisor during the Pre-Hearing Meeting with the Student Conduct Director.

(g) Hearings.

1. All hearings before the Student Conduct Board will be digitally recorded by the University. That recording will serve as the only official record of these proceedings and shall be the property of the University. No other recordings are permitted. Deliberations shall not be recorded.
2. The following is a guide to the format of events for hearings. The Board or

Hearing Officer may change the order if necessary. The Board or Hearing Officer may question any party or witness directly.

- a. Review of Hearing procedures.
- b. Reading of Charges by the Student Conduct Director.
- c. Opening statement and presentation of evidence by the University by person bringing forward the charges, followed by the opening statement and presentation of evidence by the charged student.
- d. Questioning of University witnesses, followed by the questioning of charged student's witnesses. All questions shall be directed to the Student Conduct Board chairperson or Hearing Officer who will question the witnesses.
- e. Questions directed to the charged student and the University by the Student Conduct Board or Hearing Officer.
- f. Closing statement by the University, followed by the closing statement of the charged student.
- g. Deliberation by the Board or Hearing Officer (not taped).
- h. Decision and recommendation of sanction by the Board or Hearing Officer.

(h) The Student Conduct Board or Hearing Officer will find the student "Responsible" or "Not Responsible" for each of the alleged violations listed on the Notice of Charges. If the Board or Hearing Officer cannot reach a finding of "Responsible" or "Not Responsible" to a charge within a reasonable time period based on the complexity of the case, the chairperson shall call the Board as deadlocked and the Dean of Students may call a new hearing date with new board members to hear that charge. No person serving on the first board shall serve on the second board. If the second board also deadlocks, then the charges against the charged student shall be dismissed.

(i) If the charged student fails to appear at the scheduled hearing (after proper notice), the Student Conduct Board or Hearing Officer will review the case and make a decision without the student. Consideration will be given for non-appearance due to extenuating circumstances. The student relinquishes the right to appeal the decision of the Student Conduct Board or Hearing Officer and retains the right only to appeal the severity of the sanction.

(j) The Student Conduct Director shall send a notification in writing (Notice of Decision and Sanction) to the student of the decision of the Student Conduct Board or Hearing Office and the sanction(s) imposed within five academic days of the conclusion of the hearing.

(k) Sanction recommendations will be reviewed by the Provost/Executive Vice President for Academic Affairs prior to the dissemination of the Notice of Decision and Sanction. The Provost/Executive Vice President can return the decision to the Student Conduct Board or Hearing Officer for reconsideration.

## **7.6 Appeals**

The accused student may appeal the finding of the Student Conduct Board or Hearing Officer (Responsible/Not responsible) or the sanctions imposed to the Dean of Students.

(a) Standards for Appeal.

1. Failure to receive the due process required by law.
2. Severity of the sanction.
3. New material or information that could not be discovered at the time of the hearing.

(b) All appeals must be postmarked or received in writing within five academic days of the date of the Notice of Decision/Sanction to the Dean of Students for consideration. All appeals must specify the basis for the appeal.

(c) The burden of proof for the appeal rests with the charged student.

(d) The student's pre-decision status will remain unchanged pending the appeal determination by the Dean of Students, except where the Dean of Students, determines that the safety, health or general welfare of the student or the university community is involved.

(e) After considering the appeal, the Dean of Students may reopen the hearing, order a new hearing with the same or new Conduct Board or Hearing Officer, uphold the prior decision and/or revise the sanction. The Dean of Students shall provide the student written notice of his/her decision within five academic days.

(f) The appeal determination of the Dean of Students is final and binding on all parties. There are no further appeals within the University except in cases where the sanction of suspension or expulsion has been imposed, in which case, a final appeal can be heard by the University President.

(g) In cases of Sexual Misconduct or Sexual Violence, where the Dean of Students has served as the Title IX investigator, appeals will be decided by the Vice President for Student Affairs.

## **7.7 Victims' Rights**

Victims must notify the Student Conduct Director if they wish to exercise any of the rights listed in this section at least three academic days prior to any scheduled hearings.

(a) Victims' rights apply to the following types of cases:

1. Sexual Misconduct or Sexual Violence
2. Hazing
3. Stalking or harassment
4. Other types of physical abuse

(b) Rights

1. To have your complaint heard through a formal process and not be subjected to required mediation or informal resolution of your complaint.

2. To have the opportunity to challenge the impartiality of the Student Conduct Board member within three academic days of notification of the hearing.
3. To be present during the hearing.
4. To have an advisor of the alleged victim's choice accompany her/ him when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process. The student may select, at his or her own expense, an attorney to serve as his/her advisor.
5. To submit a victim impact statement. This information would be used only in sanctioning, if the charged student is found responsible for the charge(s).
6. To have unrelated past behavior excluded from the hearing. The chair of the hearing board will decide if such information is unrelated. The past sexual history of the alleged victim is not usually considered relevant.
7. To submit questions to the hearing board. The hearing board will then consider posing those questions to the charged student.
8. At the request of the victims in cases involving sexual misconduct or violence, physical violence or stalking charges, the victim may request to testify in a separate room from the charged student so long as the process does not unduly compromise the charged student.
9. To be notified of the outcome.
10. To appeal the outcome of the case using the same standards of appeal available to the accused students.
11. Additional support services are provided to the victim through Counseling Center upon request of the victim through the Dean of Students office.

## **7.8 Emergency and Interim Measures**

(a) The Dean of Students or designee has the authority to take appropriate immediate action against a student who poses a significant danger of imminent or serious physical harm to himself/herself or others at the University, or where the Dean of Students determines that an emergency exists which affects the health, safety, or welfare of a student or the University community or in compliance with university policies and procedures related to sexual misconduct or sexual violence.

1. Emergency and Interim Measures include but are not limited to, one or more of the following:
  - a. Interim Suspension. A student under interim suspension may not attend classes, may not be on or come onto University property, may not participate in any University activities or organizations, and may not use University facilities, equipment, or resources.
  - b. Interim Suspension from University Housing. A student under interim suspension from University Housing may not reside in University Housing and may not come into University Housing facilities and/or adjacent areas of University Housing.

- c. If the Dean of Students determines that other interim measures are more appropriate to protect the health, safety, or welfare of the student or the University community, the Dean of Students may:
  1. restrict or bar attendance of any or all classes
  2. restrict or bar access or contact with individuals;
  3. restrict or bar access to University property, places, facilities, or equipment;
  4. restrict or ban participation in University activities or organizations; or
  5. otherwise restrict or ban access to University resources or conduct.
- d. If the Dean of Students determines that other interim measures are more appropriate to protect the health, safety, or welfare of the student who has been victimized, the Dean of Students may:
  1. request changes be made to an academic schedule at the request of the victim, or
  2. request changes be made to living arrangements at the request of the victim.

(b) A student subject to Emergency and Interim Measures shall be furnished:

1. Written notice of the Emergency and Interim Measure and the reason(s) for the action.
2. An opportunity to dispute the basis for such measures will be provided within 48 business hours of the action via a meeting with the Dean of Students.
3. The opportunity to participate in disciplinary proceedings or to present relevant information for consideration of his/her case.

(c) Emergency and Interim Measures may be taken at any time prior to the conclusion of the University Disciplinary process including during the appeal process.

(d) A Dean of Students hold on registration may immediately be placed on all students who have Emergency and Interim Measures taken against them, which prevents the student from accessing, changing, or altering his/her course registration and/or admission status.

## **7.9 Sanctions**

The following are University sanctions that may be assigned as a result of a student or student organization found responsible for violating the Code of Student Conduct. Sanctions may be imposed independently or in combination with other sanctions. Sanctions can be assigned to an individual student, groups of students, and student organizations.

The Preliminary Action Office, Hearing Officer, or Student Conduct Board will consider a student's or student organization's prior conduct in determining appropriate sanctions.

A. Warning: A finding that the behavior violated a community standard and a written or verbal warning was issued to the student or student organization that any repetition of the behavior will result in more severe disciplinary action.

B. Educational Sanction: An order requiring the student or student organization to perform mandated service or to participate in an education program or activity, including, but not limited to, an educational seminar, paper, a treatment program for alcohol or drug abuse, psychological or psychiatric counseling, or other program/task designed to assist the student in learning more about how their behavior impacted themselves and/or the community.

C. Parental Notification: A letter or phone call notifying a parent or guardian of a student who is under 21 years of age (at the time of the misconduct) that he/she has committed a violation of law or university policy pertaining to drugs or alcohol.

D. Alcohol Sanctioning Guidelines

The below sanctions are guidelines. Sanctions may be altered based on the severity of the incident, the impact upon the community, and/or the student's discipline history.

Incident results in the following:

	<b>Harm to Self, Others, or Property and/or Violations of Law</b>	<b>No Harm to Self, Others, or Property and/or Violations of University Policy</b>
First Offense	Written warning, substance abuse assessment, probationary period of no less than one academic semester, \$100 fine and Parental Notification.	Written warning, Alcohol Edu workshop, \$100 fine, and Parental Notification.
Second Offense	Completion of an outpatient substance abuse program, probationary period for no less than one academic year, \$500 fine, possible removal from campus housing and/or suspension from University, and Parental Notification.	Substance abuse assessment, probationary period for no less than one academic semester, \$500 fine and Parental Notification.
Third Offense	Suspension from school for no less than two academic semesters, \$1000 Fine, Parental Notification, and permanent removal from campus housing. Further violations may result in dismissal or expulsion from the	Completion of outpatient substance abuse program, possible removal from campus housing and/or suspension from University, \$1000 fine, probationary period for at least one academic calendar year



University.

upon return to University  
and Parental Notification.

#### E. Drug Violations Sanctioning Guidelines

The below sanctions are guidelines. Sanctions may be altered based on the severity of the incident, the impact upon the community, and/or the student's discipline history.

Incident results in the following:

	<b>Harm to Self, Others, or Property</b>	<b>No Harm to Self, Others, or Property</b>
First Offense	Written warning, Substance abuse assessment, Probationary period for no less than one academic year, \$100 fine, Parental Notification, Possible removal from campus housing and/or suspension from the University.	Written warning, substance abuse assessment, \$100 fine, probationary period for no less than two semesters, possible removal from campus housing, and Parental Notification.
Second Offense	Suspension from the University for no less than one academic semester, Permanent removal from campus housing, Completion of substance abuse treatment program, Probationary period for no less than one academic year, \$500 fine and Parental Notification.	Probationary period for no less than one academic year, Completion of an outpatient substance abuse treatment program, \$500 fine, removal from campus housing and/or possible suspension from the University, and Parental Notification.
Third Offense	Suspension from university for no less than three academic semesters, \$1000 fine and Parental Notification. Further violations may result in dismissal or expulsion from the University.	Suspension from the University for no less than one academic semester, probationary period for no less than one academic year, \$1000 fine, Permanent removal from campus housing and Parental Notification. Further violations may result in dismissal or expulsion from the University.

F. Restitution: Requires a student or student organization to pay for damages to property, or the property of members or of visitors to the University, or for

misappropriation of University funds, or for other expenses incurred as a result of violations of the Code of Student Conduct. Such reimbursement will be charged to any student who alone, or through group activities, organizes or knowingly participates in the events causing the damages or costs. Restitution may be imposed separately or in addition to any other sanction(s).

G. Fine/Administrative Fee: A fine or fee requires a student or student organization to pay a sum of money. Fines and fees assist with costs associated with educational workshops and programs. The Student Conduct Director shall determine the amount of the fine. Fines may be imposed separately or in addition to any other sanction(s).

The following fines or fees listed may be assessed:

<b>Amount</b>	<b>Reason</b>
Up to \$100	Plagiarism Workshop
Up to \$100	Fine due to 1st alcohol or drug violation.
Up to \$500	Fine due to 2nd alcohol or drug violation.
Up to \$1000	Fine due to 3rd (and each subsequent) alcohol or drug violation.
Up to \$2000	Fine maximum for any type of fine

H. Probation: A trial period during which a student or student organization must behave in a manner acceptable to the University. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate University officials. Conditions of probation may be set forth which restrict the student's participation in co-curricular activities such as holding a student leadership position, competing in a sporting event(s), being employed on campus or other specified activities. Disciplinary probation status may also affect qualifications of some awards, prizes, or financial aid, particularly those stipulating conduct acceptable to the University. Established proof of a violation of the terms of probation, or of a further incident of misconduct while on probation, may result in separation from the University for no less than one academic semester.

I. Loss of Privilege: The withdrawal of a privilege, use of a service, participation in a program, event, or activity for a specific period of time. The loss of privilege may prohibit a student or student organization from participating in co-curricular or athletic activities, continuing a degree program, and/or prohibit a student from enrolling in a class or classes. This sanction may be imposed separately or in addition to any other sanction(s).

J. Termination of Recognition: An order terminating University recognition of a registered student organization for a specific or indefinite period of time.

K. No Contact Order: No contact orders are designed so that students or student organizations involved in a campus conduct process do not have any communication with each other to help minimize further altercations between those involved. Students who have no contact orders are not to contact each other using ANY means. This includes, but is not limited to comments, words or gestures in person, through postal mail, email, social networking sites, or by having others (friends, acquaintances, family members etc.) act on his/her behalf.

L. Suspension: An action which excludes the student or student organization from registration, class attendance, residence in University-owned or -managed housing, and use of University facilities for a specified period of time normally not to exceed three academic semesters. The privilege of the use of University facilities/property is withdrawn by this action unless specific permission otherwise is obtained from the conduct officer. Suspension for an unlawful act may include the issuance of a criminal trespass warning by the University Police.

When the suspension action is decided upon after the eighth week of the semester and the presence of the student on campus is deemed not to be a threat, the suspension may be deferred until the end of the semester at the discretion of the Student Conduct Board or Student Conduct Director or his/her designee. Should the student be readmitted, established proof of a further incident of misconduct will result in additional suspension periods, dismissal, or expulsion. Additionally, the failure to observe the terms and conditions of a suspension may cause the extension of the suspension period or in further disciplinary action.

Furthermore, a notation will be placed on a student's transcript indicating disciplinary suspension for the entire duration of the student's suspension. Lastly, upon completion of the period of suspension and fulfillment of all conduct sanctions, the student must comply with all academic admission standards then in effect in order to re-register.

M. Deferred Suspension: This sanction is a suspension that is delayed pending specified behavioral performance. A definite period of observation and review occurs during deferred suspension. If a student is again found responsible of violating the Code of Student Conduct, the suspension will take place immediately without appeal.

N. Expulsion: The permanent loss of the privilege of registration, class attendance, and residence in University owned or managed housing. The privilege of the use of University facilities or property is also withdrawn by this action. A student who has been expelled is not eligible for readmission. Furthermore, a notation will be placed on a student's transcript indicating disciplinary expulsion. Students expelled for unlawful conduct will also be issued a criminal trespass warning by the University Police.

## **7.10 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. Non-disciplinary 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 Section 6.13).
  - c. Notice to Dean of Students. The faculty member shall give written notice of the incident to the Dean of Students. The notice shall state the name of the student, the nature of the academic misconduct that occurred, and the academic sanction imposed.
  - d. Disciplinary Record Entry. The faculty member's notice to the Dean of Students 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 Section 7.3.
2. Other Referral. Upon receiving two or more notices from faculty concerning instances of academic misconduct by the same student, the Dean of Students 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.

## **7.11 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 and the documentation of the PAO's disposition of the complaint (dismissal, referral to the Student Conduct Director for sanction, or referral to the Student Conduct Board or Hearing Officer)
3. All documents filed in connection with an appeal at the Preliminary Action stage
4. All pre-hearing documents (or copies thereof) exchanged between Student Conduct personnel and the accused student and complainant.
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 Student Conduct Board
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 should 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 that 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 Dean of Students shall have control over the student's disciplinary record and shall see that it is kept secure, complete, and confidential, 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 Dean of Students (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 Board, and the disposition of the case on appeal from the Board's determination. A synopsis shall be made of any instances of academic misconduct that have been handled by faculty outside the disciplinary process and reported to the Dean of Students.

E. Disclosure – Disciplinary Authorities. Information about a Respondent's past disciplinary record provided to the Director and the Board prior to selection of a sanction shall be generally in the form of the case synopsis.

F. Disclosure – Third Parties.

1. General. 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 Dean of Students 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 Dean of Students may release such information as is permitted by law pertaining to the confidentiality of an educational record.
2. Minor Student's Alcohol/Drug Violation. If a student under the age of 21 is found, under the procedures set forth in this Code, to be responsible for misconduct by virtue of having violated federal, state, or local law or institutional policy governing the use or possession of alcohol or a controlled substance, the Dean of Students may disclose to the student's parents information from the case synopsis pertaining to such misconduct.
3. Misconduct Involving Violence or Non-forcible Sex Offense.
  - a. To the Public. The Dean of Students may disclose to the public generally the final results of a proceeding involving charges that the accused student engaged in behavior that would constitute a crime of violence or a non-forcible sex offense. This disclosure may only be made, however, if it is determined under the procedures set forth in the Code that the accused student is responsible for misconduct with respect to those charges.
  - b. To the Victim. The Dean of Students may disclose to the victim of misconduct involving violence or a non-forcible sex offense the final results of the disciplinary proceedings conducted under this Code. This disclosure will be made regardless of whether the accused student is found responsible for the misconduct or not.
  - c. Final Results. The final results that may be disclosed under the foregoing provisions include generally the information in the case synopsis, except that the name of the Complainant and any students other than the accused student may not be disclosed without their consent.

## **7.12 Miscellaneous Provisions**

A. Definitions:

1. "Case File:" See Section 7.11, part 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 that 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 registered 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 intangible 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 that is registered 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 University's student information database; posting the writing on the front door of the student's residence; email to the student's official University email address.

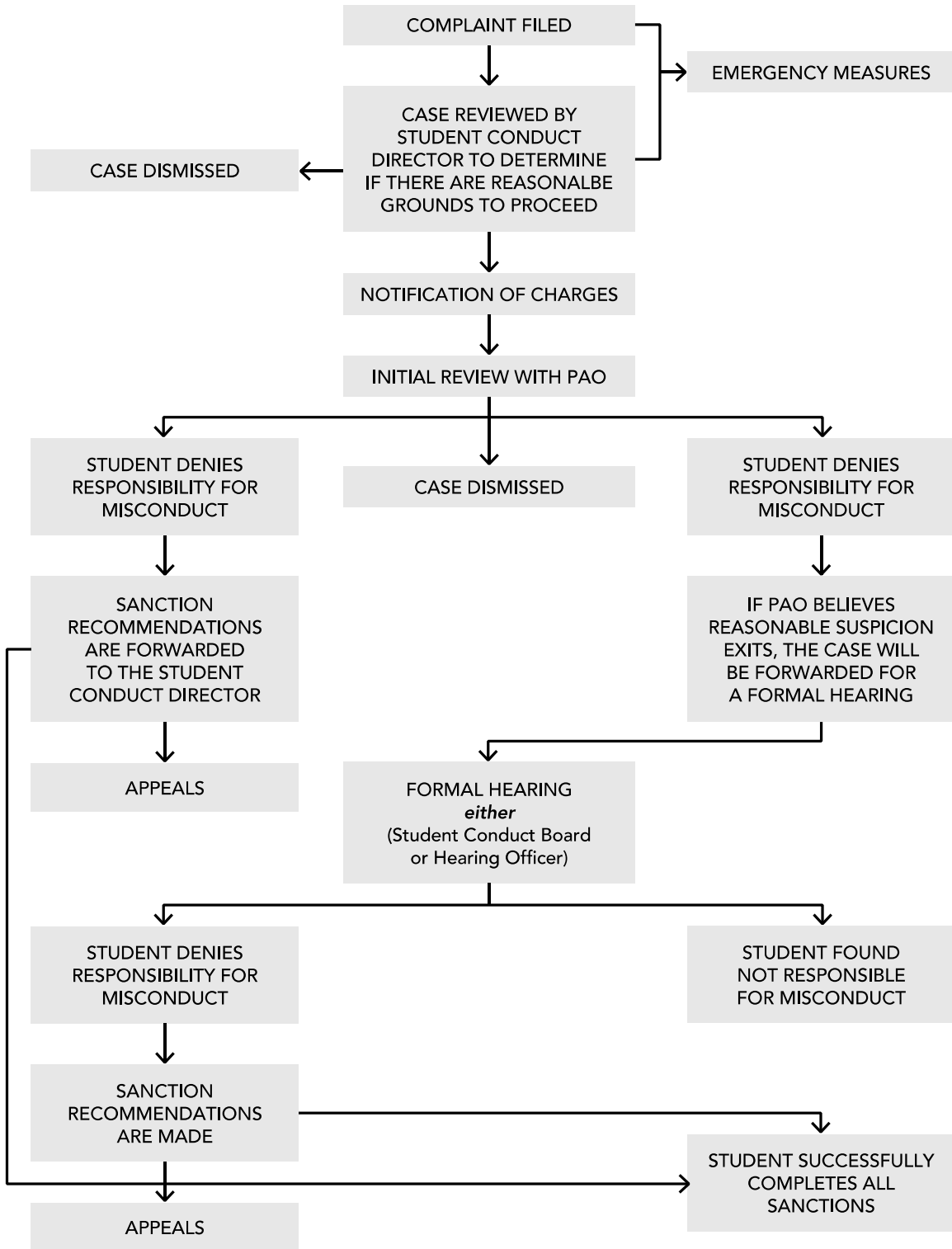
C. Paragraph Titles. Paragraph titles have been included in this Code only for purposes of easy reference. They shall have no substantive effect nor shall they alter or add to the meaning of the paragraphs to which they pertain.

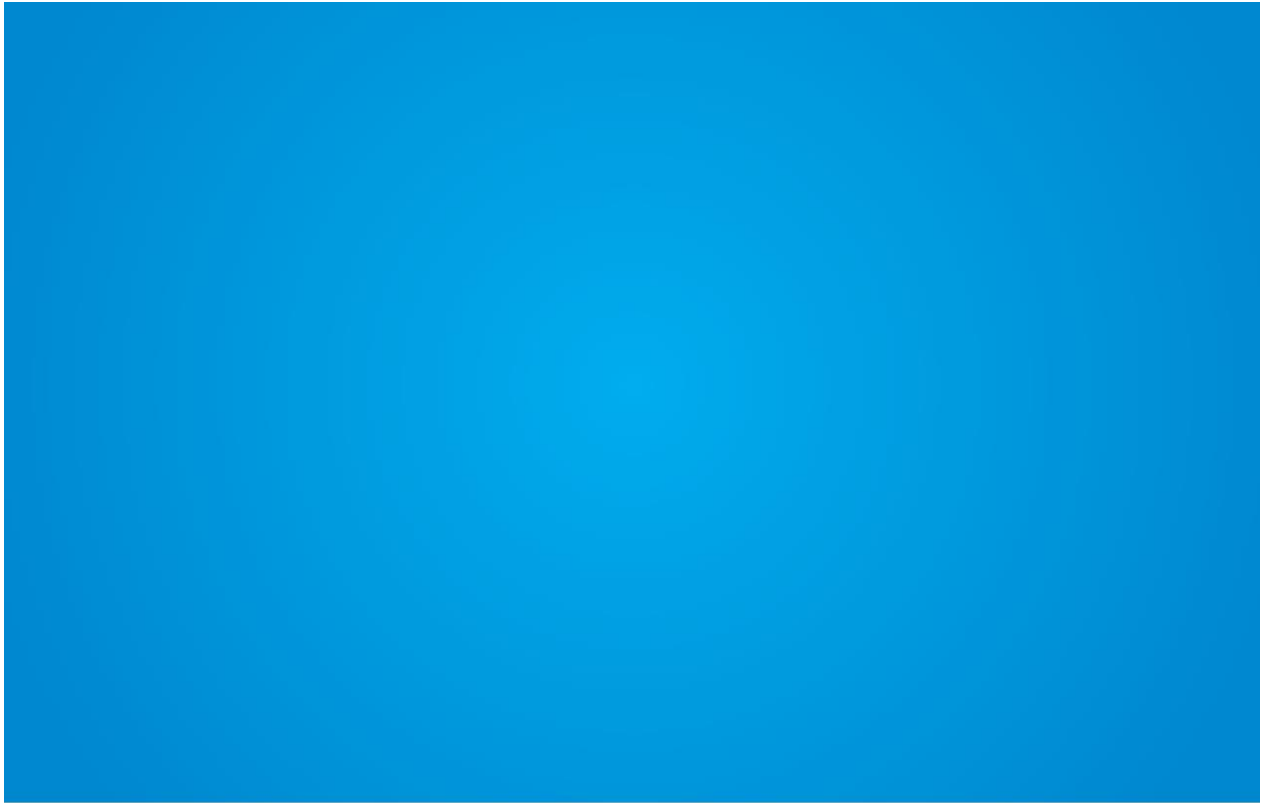
D. Amendments. Any proposed amendment to this Code shall be submitted to the

Dean of Students 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 Dean of Students.



# STUDENT CODE OF CONDUCT FLOW CHART //





Dean of Students Office  
Charger Union 223  
256-824-6700  
[uah.edu/student-affairs/welcome](http://uah.edu/student-affairs/welcome)