# UNIVERSITY OF ALABAMA IN HUNTSVILLE

## CODE OF STUDENT CONDUCT

**Number** 03.03.05

**Division** Student Affairs - Dean of Students

**Date** August 7, 2019

**Purpose** To update and standardize the Student Code of Conduct.

**Policy** Code of Student Conduct

ARTICLE I – PREAMBLE
ARTICLE II - CONDUCT AUTHORITY
ARTICLE III – TERMINOLOGY and DEFINITIONS
ARTICLE IV – STUDENT AND ORGANIZATION RESPONSIBILITIES
ARTICLE V - PROHIBITED CONDUCT
ARTICLE VI - CONDUCT INCIDENT REVIEW PROCEDURES
ARTICLE VII - AMNESTY FOR PERSONAL INGESTION OF ALCOHOL OR OTHER DRUGS
ARTICLE VIII – DISCIPLINARY RECORDS

**Review** The Vice President for Student Affairs is responsible for the review of this policy every five years (or when circumstances require).

**Approval**

Elizabeth Hamrick — 8.7.2019
University Counsel — Date

Jalen Miller — 8/7/2019
Campus Designee — Date

Christina W. Curtis — 8/8/2019
Provost and Executive Vice President for Academic Affairs — Date

8/7/19
Vice President for Finance and Administration — Date

Mallie S. Hale 8/8/19

Interim Vice President for University Advancement Date

8/07/2019

Interim Vice President for Diversity, Equity, and Inclusion Date

8/8/19

Interim Vice President for Research and Economic Development Date

8-8-2019

Vice President for Student Affairs Date

**APPROVED:**

President Date

## *The University of Alabama in Huntsville*

# *Code of Student Conduct*

### *The University of Alabama in Huntsville Creed*

Integrity, scholarship, respect, diversity, and excellence are the core values that guide our conduct, performance, and decisions.

**INTEGRITY:** I will practice and defend academic and personal honesty.

**SCHOLARSHIP:** I will honor learning as the fundamental purpose of my membership in the UAH community.

**RESPECT:** I will model respect for others, their ideas and beliefs and for our community as a whole.

**DIVERSITY:** I will honor cultural backgrounds, personal characteristics, and life situations, all of which we value for their contributions to our community.

**EXCELLENCE:** I will strive toward the highest standards of performance in any endeavor I undertake.

## *UAH CHARGE*

*As a member of the UAH community, I will....*

*uphold integrity and scholarship,*

*model respect for others,*

*honor diversity and inclusion,*

*and strive for excellence in all that I do.*

- *Jillian McMillian, Class of 2017*

## ARTICLE I - PREAMBLE

The University of Alabama in Huntsville has established through the University Creed, and institutional Mission and Core Values specific areas that we value and focus on for the empowerment of students and for the purpose of our learning community....

Integrity..., Respect..., Diligence..., Excellence..., Inclusiveness..., Diversity..., Scholarship....

This Code is designed to support these values and initiatives. Each student of UAH is expected to live by these standards as a part of the Charger Community and is expected to hold others accountable to these standards as well. UAH believes that even when you are a successful scholar, to be truly accomplished you must also live your life with a commitment to be virtuous. Individuals, student groups, and student organizations are expected to adhere to and adopt these standards of behavior. These standards are effective for any student that represents The University of Alabama in Huntsville, including the campus, local, or global community.

# ARTICLE II - CONDUCT AUTHORITY

The conduct authority for students at the University rests with the Division of Student Affairs. The President has designated the Vice President for Student Affairs to be responsible for the administration and operation of this Code of Student Conduct. The Vice President shall designate a Conduct Administrator who will be responsible for the operation of this Code.

## Jurisdiction of the University

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

## Violation of Law and University Discipline

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

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

When a student is cited by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also the subject of a proceeding under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of the law and in the conditions imposed by courts for the rehabilitation of student violators.

# ARTICLE III – TERMINOLOGY and DEFINITIONS

The Code of Student Conduct is a document stating policy and procedure. In this document, there may be some terms not as familiar to the community.

Reporter – Person or party that completes an Incident Report giving information that could lead to potential or alleged violation of the Code of Student Conduct.

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# ARTICLE IV – STUDENT AND ORGANIZATION RESPONSIBILITIES

## Student Responsibility

The University of Alabama in Huntsville recognizes its responsibility to support and uphold the basic freedoms and citizenship rights of all students, and it expects students to be responsible for the following:

- Uphold and follow all codes of conduct, including this Code, relevant codes and bulletins of respective schools, professional programs or professional societies, and all rules applicable to conduct in class environments or University-sponsored activities, including off-campus clinical, field, internships, or in-service experiences.
- Obey all applicable University policies and procedures and all local, state, and federal laws.
- Facilitate the learning environment and the process of learning, including attending class regularly, completing class assignments, and coming to class prepared.
- Plan a program of study appropriate to the student's educational goals. This may include selecting a major field of study, choosing an appropriate degree program within the discipline, planning class schedules, and meeting the requirements for the degree.
- Use University property and facilities in support of their education while being mindful of the rights of others to use University property and facilities.
- Maintain and regularly monitor their University accounts including e-mail and account balances.
- Uphold and maintain academic and professional honesty and integrity.
- Be responsible for their behavior, and respect the rights and dignity of others both within and outside of the University community.
- In addition to these on-campus responsibilities, the University may discipline a student for acts of personal misconduct or criminal acts that are not committed on University property.

## Organizational Responsibility

Student organizations enrich the campus and community by providing a source of intellectual, personal and social development of students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the registration and support of student organizations. Inherent in the University's recognition of student organizations is the obligation of each organization to conduct activities in accordance with University rules and policies as well as applicable local, state and federal laws. Student organizations are required to comply with the rules and policies of the University as well as other rules and policies that may govern the organization. Further, any student organization that is a member, chapter, affiliate, or associate of a local, state, national, or international organization (collectively "parent organization") must provide notice and details to the Dean of Students within twenty-four (24) hours of receiving notice of any investigation, sanction, probation, discipline, or misconduct related issue involving the student organization or any of its members and the parent organization.

# ARTICLE V - PROHIBITED CONDUCT

## *Section 1: Offenses within Scholarship and Integrity*

The most proven way to uphold academic standards and to ensure the value of education is to at all times expect the most from the student scholar. Each time academic standards are compromised it weakens the value of scholarly efforts and the knowledge gained. It diminishes the integrity of a UAH degree. In addition to these academic standards, Academic Affairs has adopted the following Academic Responsibilities into policy for each student at UAH. http://catalog.uah.edu/undergrad/policies-procedures/academic-responsibility/.

Any student found to have committed one or more of the following acts of misconduct is subject to the disciplinary sanctions as outlined in Article VI:

**1.01 Plagiarism:** Using the words or ideas of another person and claiming them as original words or ideas.

1.**02 Obstruction/Disruption:** Obstruction or disruption of teaching, research, administration, or University sponsored event that enhances the academic community and experience.

**1.03 Dishonesty/Fraud:** Dishonest or fraudulent behavior, such as forgery, alteration, or misuse of documents, records, or identification and issuing or distributing worthless checks.

**1.04 Noncompliance:** Failure to adhere to a request of any University official who is acting in respect to their official role. No student shall present false or misleading information when requested by any University official acting in respect to his/her official role.

**1.05 Complicity:** Presence during any violation of University policy in such a way as to condone, support, or encourage that violation.

**1.06 Self-Disclosure of Arrests and Convictions**: A student must disclose to the Dean of Students Office any arrests or convictions for a criminal offense—excluding minor traffic violations that do not result in an arrest or injury to others—that occurs after the student is first admitted to the University.

**1.07 Responsibility of Officers:** Officers of each student organization have the responsibility to ensure that the organization complies with this Code, University policy, organizational policy, and federal, state, and local laws.

**1.08 Organizational Responsibility for Misconduct:** Violating published University policy, organizational policy, rules, regulations, or laws.

**1.09 Organizational Responsibility for Individual Acts of Misconduct:** Actions of one or more of its members that result in violations which derive from the activities of the organization.

**1.10 Abuse of the Conduct System:** (1) Failure to obey the summons of a Conduct Investigator, a Conduct Body, or University official. (2) Failure to control the participation of a selected adviser at any point in the conduct process. (3) Falsification, distortion, or misrepresentation of information before a

Conduct Body or to a University official during the conduct process. (4) Disruption or interference with the orderly conduct of a conduct proceeding. (5) Pursuit of an alleged violation of the Code in a manner that is intentionally dishonest, frivolous, or malicious (e.g., filing a false report). (6) Attempting to discourage or influence an individual's proper participation in, or use of, the conduct system. (7) Attempting to influence the impartiality of a Conduct Investigator, the Conduct Administrator, a Chairperson, a member of a Conduct Body, or other University official prior to and/or during the course of the conduct proceeding. (8) Harassment (verbal or physical) and/or intimidation of a Conduct Investigator, the Conduct Administrator, a Chairperson, a member of a Conduct Body, or other University official prior to, during, and/or after a conduct proceeding. (9) Failure to comply with sanction(s) imposed under the Code of Student Conduct. (10) Influencing or attempting to influence another person to commit an abuse of the conduct system. (11) Any other act that is intended to or has the effect of delaying or interfering with the orderly operation of the conduct process.

## *Section 2: Offenses within Diligence and Excellence*

As a community and as individuals we must strive to be the absolute best that we can be at all times, in all ways, and by all means. This includes through individual actions as well as our actions as a community. An intellectual environment is not just about flourishing academic classrooms and resources, it is also about establishing a safe and secure climate promoting actions which build up a community focused on success and learning both inside and outside the classroom.

Any student found to have committed one or more of the following acts of misconduct is subject to the disciplinary sanctions as outlined in Article VI:

**2.01 Bribery:** The offer of or agreement to confer a thing of value on a University employee or official, or student official with the intent of improperly influencing the action of such official; or the acceptance of a bribe.

**2.02 Misuse of Computing Resources:** Unauthorized use, access, manipulation, duplication, or tampering with University software, hardware, or firmware programs, networks, and/or associated documentation.

**2.03 Gambling:** The operation of or participation in any gambling business or related activity.

**2.04 Unlawful Acts:** Theft, vandalism, or possession of property known to be stolen.

**2.05 Business or Personal Venture:** Operating a business on campus and/or unauthorized use of University property or resources for personal gain is prohibited.

**2.06 Misuse of Information:** Unauthorized use of or access to information, in whatever form, proprietary to the University.

**2.07 Indecent or Disorderly Conduct:** Behavior that disrupts or interferes with the orderly functions of the University, obstructs, impairs or perverts the administration of law, other duty, or governmental function.

**2.08 Unauthorized Disclosure of Sensitive Information:** Violations of security which may interfere with business and/or projects overseen by UAH.

**2.09 Accordance and Compliance with Laws and Policy:** Adherence to all federal, state, and local laws, University policies, rules, regulations, and codes both printed and online.

**2.10 Solicitation and Posting Policy:** Solicitation and posting unapproved materials.

**2.11 Damage to University Property or Furnishings:** Removal, damage, or theft of any University furnishings, accessories, or property from its original location including damage to structures.

**2.12 Evacuation Procedures:** Interference with or non-adherence to emergency evacuation procedures

**2.13 Fire Safety:** Attempted arson, arson, false fire alarms, or tampering with fire safety equipment.

**2.14 Misuse of Monitoring Systems or Access:** Interfering with the normal functioning of any portion of a safety or security monitoring system; unauthorized possession, duplication, use or damage to Charger Cards or keys giving access University premises; or entering or attempting to enter any University property that has been restricted. Access policy can be found at Charger Card and Key Policy

**2.15 Parking:** Non-compliance with any parking policies or regulations. Parking policies can be found at UAH Parking Policies

**2.16 Firearms, Weapons, or Explosives:** Possession or use of firearms, weapons, ammunitions or explosives. The University policy on firearms and weapons can be found at, Dangerous Weapons and Firearms Policy

**2.17 Under Age Usage of Alcohol:** Purchase, possession, or consumption by a person under the age of 21.

**2.18 Intoxication:** Public intoxication or drunkenness.

**2.19 Alcohol Possession on Campus:** Possession or consumption of alcohol in any location on campus outside the perimeters of the University alcohol policy is prohibited.

**2.20 Alcohol Distribution:** Sale or distribution of alcohol to a person under the age of 21.

**2.21 Common Sources of Alcohol:** Use of common sources of alcohol, including but not limited to kegs, party balls, waste cans, and punch bowls is prohibited.

**2.22 Alcohol Endangerment:** Excessive use of alcohol resulting in a state of intoxication that endangers oneself or other members of the community. Including, but not limited to, driving under the influence.

**2.23 Tobacco:** UAH is a Smoke and Tobacco Free Environment. The Smoke Free Campus Policy can be found here, Smoke Free and Tobacco Free Policy

**2.24 Drugs:** Possession, delivery, sale, use, distribution, or manufacture of any illegal drugs or controlled substance.

**2.25 Drug Paraphernalia:** Possession of paraphernalia for intended or implied use of controlled substances.

## *Section 3: Offenses within Respect, Inclusion, and Diversity*

UAH believes and adheres to the principle that each member of this community has value and should be valued. To accept one's value, one must see the value in all persons. To strengthen this learning community each member must strive to discover what each person contributes every day.

Any student found to have committed one or more of the following acts of misconduct is subject to the disciplinary sanctions as outlined in Article VI:

**3.01 Hazing**: Endangering the mental or physical health or safety of an individual or group for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. Any definitions, requirements, violations, accommodations, prohibitions, and sanctions outlined in the University's Hazing Policy are incorporated herein by reference and can be found in their entirety in the Hazing Policy.

**3.02 Abuse:** Physical abuse, mental abuse, or assault of another person.

**3.03 Threats:** The commission or threatened commission of physical abuse or violence to another person, including discriminatory actions involving protected classes of people.

**3.04 Dating or Domestic Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature or is in a domestic living situation with the victim

**3.05 Sexual Misconduct:** The University prohibits sexual misconduct and any related retaliation. Any definitions, requirements, violations, accommodations, prohibitions, and sanctions outlined in the University's Sexual Misconduct Policy are incorporated herein by reference and can be found in their entirety in the Sexual Misconduct Policy.

**3.06 Harassment:** Subjecting a person to physical contact, directing language, or gesturing that is abusive or obscene with or without the intent to harass, including discriminatory actions involving protected classes of people. Any definitions, requirements, violations, accommodations, prohibitions, and sanctions outlined in the University's Equal Opportunity and Affirmative Action Policy are incorporated herein by reference and can be found in their entirety in the Equal Opportunity and Affirmative Action Policy.

**3.07 Bullying:** Bullying and cyberbullying means engaging in repeated and aggressive behaviors that intimidate, intentionally harm, control, or seek to control another individual physically, mentally, or emotionally in a way that effectively denies an individual equal access to University resources and opportunities. Behavior meeting this standard may involve: teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, sexual, religious or racial harassment, public humiliation, or destruction of property.

**3.08 Retaliation:** It is a violation of this Code for any student to retaliate or allow retaliation in any manner against a member of the University community who, in good faith, reports a suspected violation of this Code to University officials or participates in any aspect of the conduct process relating to a suspected violation. This includes, but is not limited to, efforts to retaliate either directly or indirectly against an individual as well as direct or indirect retaliation against that individual's family, friends, and associates. Retaliation based on the outcome of the conduct process is also prohibited.

# ARTICLE VI - CONDUCT INCIDENT REVIEW PROCEDURES

The purpose of the University conduct proceeding is to determine if a student or student organization has violated the Code of Student Conduct, and if so, to determine appropriate educational actions and/or status that will benefit the student and his/her continued learning. In cases where one party (the Reporter) files an incident report outlining actions of another student or organization (the respondent), the University (the complainant) may proceed with the case on the basis of other evidence and information, even if the reporting party does not wish to participate or continue in the process.

**Rights of Confidentiality** - The University of Alabama in Huntsville complies with all principles of privacy described in the Family Educational Rights and Privacy Act (FERPA). As such, a student involved in a University conduct process has the following rights related to privacy and confidentiality:

- All conduct proceedings are closed to the public.
- The University, except as required by law, will not disclose information to anyone not connected with the proceeding. The fact that there is or has been a conduct proceeding concerning the incident may be disclosed; however, the identity(ies) of individual students involved in the proceedings will not be disclosed.
- The University, including individuals involved in a conduct proceeding, will disclose the results of the proceeding, including sanctions imposed, only to those who need to know for purposes of record keeping, enforcement of the sanctions, further proceedings, eligibility for participation in certain University activities, or compliance with federal or state laws. The fact that a conduct proceeding has been concluded and appropriate action has been taken may be disclosed.

**Evidentiary Standard** - Preponderance of the Evidence Standard is the information that would lead a reasonable person to conclude it is "more likely than not" that a respondent violated the Community Standards of Conduct. In this context, the respondent will be found to be responsible for the alleged violations if the Conduct Reviewer or the Conduct Panel concludes that the University has shown that such conduct more likely than not (i.e., preponderance of the evidence) occurred based on careful review of all information presented. This is different than the standard used in criminal complaints, which is considered the highest standard of evidence, "beyond a reasonable doubt."

**Rights of Due Process** - A student or student organization accused of violating the Code of Student Conduct has certain rights. These include the right to:

- Be advised that a complaint is being investigated, the nature of the complaint, the identity of the individual bringing the complaint (if known, and if anonymity has not been requested), and the identity of any witnesses named.
- Be advised of the charges under the Code of Conduct that are being filed
- Submit a written account relating to the alleged incident and/or charges

- Have an advisor present throughout any meeting related to the conduct process. This may be any person, including an attorney, that the respondent wishes. However, the advisor may not participate in the conduct process in any way, other than as an advisor to the respondent
- Know the identity of individuals who will be present at meetings related to the proceeding
- Present relevant evidence and/or witnesses
- Review any and all evidence collected by the Conduct Investigator
- Hear and have questions asked to any witnesses who participate in the proceeding
- Have a reasonable period of time to prepare for a hearing
- Request a delay of a hearing for exceptional circumstances
- Decline to make statements against themselves
- Timely processing and resolution of the case
- To receive appropriate support from the University, including counseling services
- The right to appeal, as outlined in the Conduct Incident Review Procedures

**Informal Resolution** - Nothing in this Code limits the right of an appropriate University official and the respondent to agree at any time to conduct sanctions if the student or organization agrees to the charges. Any such agreement must be in writing. When it is approved by the appropriate University official(s) and filed with the Dean of Students Office, the case is concluded.

## Case Review and Procedure

### Informal/Investigative Review Process

Complaint:
A complaint is made to the Conduct Administrator regarding an alleged violation of the Code of Conduct by student(s) and/or student organization. The Conduct Administrator may also investigate cases reported by police reports, media reports, and other referral sources from outside the University. The Conduct Administrator or Conduct Investigator begins a preliminary investigation into the allegations.

Initial Notification:
The Conduct Investigator sends an initial notification via UAH email to the student (respondent) that includes the following:

- Notification that an allegation of a violation of the Code of Student Conduct is being investigated, the nature of the complaint, the identity of the individual bringing the complaint (if known, and if anonymity has not been requested), and the identity of any witnesses named.
- A list of potential charges from the Code of Student Conduct based on the initial information, and a list of potential charges.
- The date, or dates, of the alleged violation(s).
- A link to the list of rights a respondent has in the discipline process.

A request to schedule a date and time for a Conduct Review to discuss the incident.

Investigation:

The Conduct Administrator or Conduct Investigator, will investigate the incident and determine the facts through interviews, reports, and other evidence. Elements of the investigation may occur before, during, and after each review process or appeal proceeding.

Informal Review Meeting:

All respondents will be given the opportunity to be heard by an objective Conduct Reviewer in a fair process. The purpose of the Conduct Review is to inform the student of the case, the initial alleged violations, the conduct procedures under the Code of Student Conduct, discuss the incident that occurred and their role in the incident, discuss the educational components of the incident and/or actions, and to resolve the alleged violations of the Code of Student Conduct. The Conduct Reviewer or a designee will follow these steps in the Informal Review Meeting:

- Inform the student of the charges and ensure they are understood.
- Inform the student of the Code of Student Conduct procedures for processing conduct inquiries.
- Ensure the student has access to a copy of the Code of Student Conduct.
- Enter a discussion with the respondent about the details and facts surrounding the incident that occurred.
- The Conduct Reviewer explains the educational components involved in the incident.
- The Conduct Reviewer will make a decision of Responsible or Not Responsible, (the final decision may be delayed if multiple people are involved and the decision may be shared at a later time either by email correspondence or in another scheduled meeting).
- If the respondent is found "Not Responsible", the Conduct Reviewer will explain that a letter will be sent to the respondent stating the finding and the case is closed, OR,
- If the respondent is found "Responsible", the Conduct Reviewer will discuss an assigned action plan and/or status related to the type of violations and/or the finding.
- A letter will be sent outlining the finding(s), action plans and/or status, expected completion dates, and options moving forward.

Findings and Action Plan and/or Status:

The respondent has two options in response to the case outcome:

- To accept the findings and the action plan/status. If the respondent accepts the outcome of the Informal Review Meeting, the next steps are to comply with any action plan/status by the specified date and verify with the Conduct Administrator that proof has been provided that requirements are completed so the respondent's case can be closed. OR
- To not accept the findings and/or action plan/status. If the respondent does not accept the findings, the respondent shall complete the request for a Formal Review Process (link included in outcome letter) within five business day of receiving the original Outcome Letter from the Conduct Administrator. Failure to complete the request within (5) business days will forfeit his/her right of Non-Acceptance. The respondent will then be held responsible for the findings in the case and completing all action plans and/or status. If the respondent accepts the findings, he/she can appeal the action plan and/or status severity (see Appeal Process section).

## Formal Review Process by Conduct Review Panel

The Formal Review process allows the respondent to present their case to a Conduct Panel, composed of faculty and staff members who are trained on the Review process, investigation, questioning, and decisions in regards to findings, action plans, and/or status of a student in the outcome of a Review.

Panel Conflict of Interest:

No member of the Conduct Review Board may hear a case if the member is closely associated personally or professionally with the respondent, the reporting party, the complainant, or any other relevant

party. A Conduct Board member is expected to raise the issue of stepping down whenever any potential reason for disqualification becomes known.

Conduct Review Meeting Timeline:

At the request of the respondent, a Formal Conduct Review Meeting will be scheduled by the Conduct Administrator. The Conduct Administrator will operate with the following timeline:

- Within three (3) business days of requesting a Formal Conduct Review Meeting the respondent will receive any and all evidence, including a list of witnesses that will be presented during the Formal Conduct Review Meeting.
- The respondent will be notified at least five (5) business days prior to the meeting with a date, time, location, and the name of the Conduct Panel Members. The respondent may not contact the panel members about this case prior to the meeting. Any action will remove the panel member from the case.
- Three (3) business days prior to the meeting, the respondent must submit any evidence to be considered by the panel and a list of witnesses with rationale of their participation. The respondent may assert grounds for disqualification of any particular panel member to the Conduct Administrator up until three (3) business days prior to the date of the meeting. The Conduct Administrator and Chair of the Panel have the discretion to accept or reject a request for a disqualification based on the facts presented and will issue a response in writing to the respondent.
- Two (2) business days prior to the meeting, the Conduct Panel will receive the Review packet from the Conduct Administrator which will include the case file, evidence submitted by the respondent, and a list of potential witnesses.

Formal Review Meeting Process:

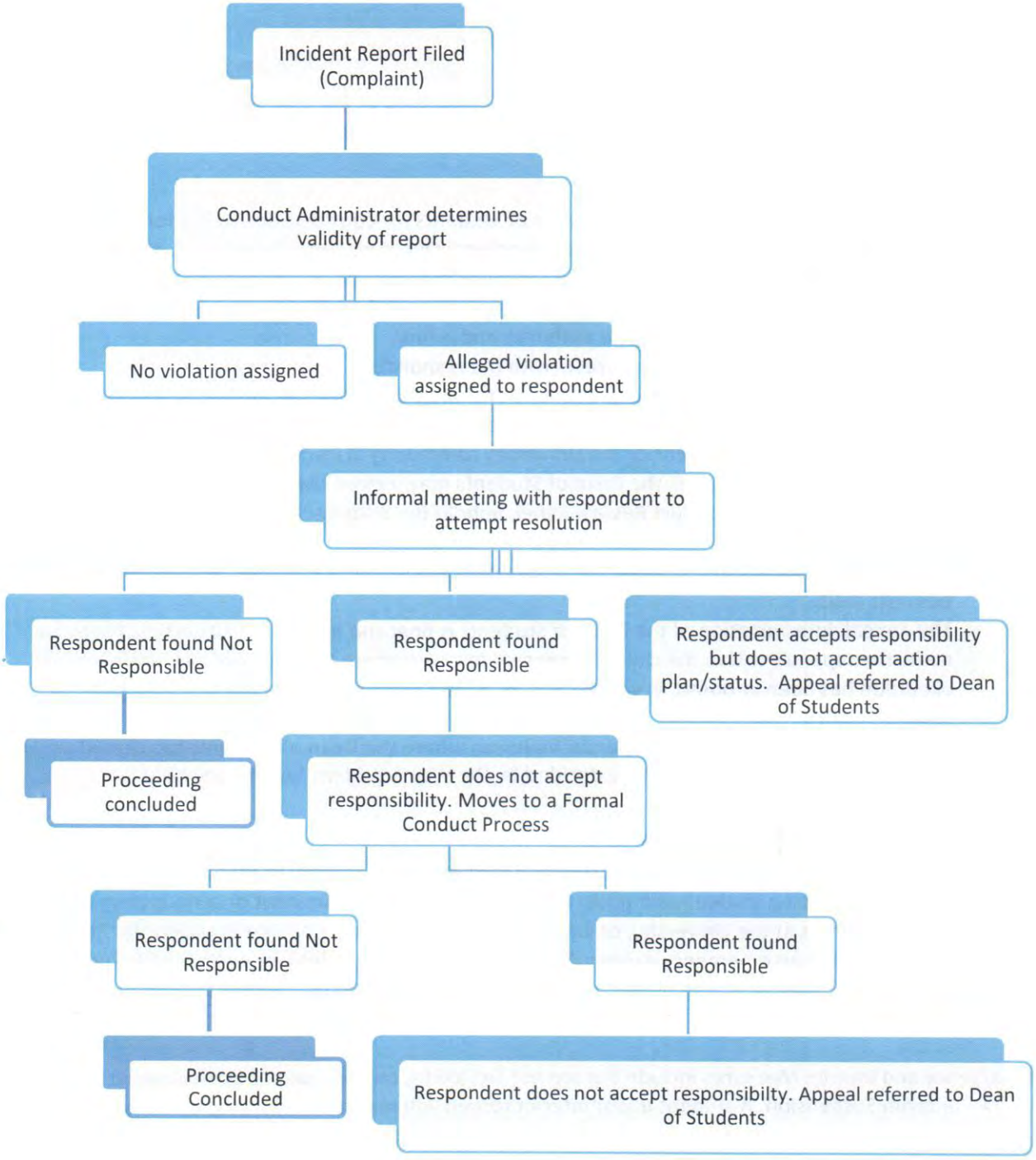
The Conduct Review Panel will meet with the respondent, consider the information provided in the case, review additional information, ask questions, and make an impartial determination as to whether the respondent is "responsible" or "not responsible" for the stated charges. The following list are items which pertain to the Formal Review:

- The Formal Review procedures will be audio recorded and retained as official record. This will be the only recording of the review meeting.
- The review will be conducted by the Chair of the Review Panel.
- At the beginning of the proceeding, each person in the room will state his/her name and role in the review meeting, for the recording.
- The respondent's advisor has no right to speak or participate directly in any aspect of the conduct process, including the hearing. The Chair will review the alleged Student Code of Conduct Violations as listed in the charge letter.
- Brief statement by the respondent summarizing what he/she believes the evidence will show.
- Presentation of evidence and witness statements by complainant, including panel questions and comments.
- Presentation of evidence and witness statements by respondent, including panel questions and comments.
- Final remarks by complainant.
- Final remarks by respondent.
- The Chair of the Panel will explain that the panel will deliberate to make a decision of responsibility and possible action plans and/or status, and the respondent will be notified within 5 business days in the form of an emailed letter. At this time the formal review is adjourned.

- Deliberation by the Panel is not recorded.
- Decision of responsibility for each violation and any recommendation of an action plan and/or status by the Panel is sent to the Conduct Administrator for processing.
- The findings from the Conduct Review Panel are summarized for the respondent in an Outcome Letter. This letter includes the original charges, the findings, and action plan/status of the Conduct Review Board.
- If the respondent fails to appear before the Conduct Review Panel the original findings of the Conduct Reviewer are upheld. The respondent is notified the decision about the findings are final and the respondent forfeits the right to have his/her case reconsidered.
- Except for Interim Action that may be taken by the University, conduct action plans and/or statuses are not imposed until the final resolution of the charges or until the deadline for a final appeal has passed.

Findings, Action Plans and/or Status: respondent has the following options in response to the actions of the Formal Review Panel

- To accept the findings and the action plan and/or status. If the respondent accepts the Outcome Letter, then the next steps are for the respondent to complete any outlined action plan, status, or provide any proof of completion necessary to the Conduct Administrator, at which time the case is closed. If the respondent fails to communicate within five (5) business days, the findings and sanctions are accepted and the student forfeits the right to appeal the case further. OR
- To not accept the findings, action plan, or status issued by the Conduct Review Panel. Any appeal to a Conduct Panel Review finding, action plan, or status will be referred to the Dean of Students or his/her designee. The UAH Appeal process is found in the following section of the code.


Incident Report Filed (Complaint)
Conduct Administrator determines validity of report
No violation assigned
Alleged violation assigned to respondent
Informal meeting with respondent to attempt resolution
Respondent found Not Responsible
Respondent found Responsible
Respondent accepts responsibility but does not accept action plan/status. Appeal referred to Dean of Students
Proceeding concluded
Respondent does not accept responsibility. Moves to a Formal Conduct Process
Respondent found Not Responsible
Respondent found Responsible
Proceeding Concluded
Respondent does not accept responsibilty. Appeal referred to Dean of Students

## Appeal Process

The respondent may appeal the finding of the Conduct Review Panel or the action plan and/or status imposed, to the Dean of Students.

Standards for Appeal:

- Failure to receive the due process required by law.
- Severity of the action plan and/or status.
- New material or information that could not be discovered at the time of the review process.
- Decision is arbitrary and capricious and there is no evidence to support the decision.

Process for Appeals:

- All appeals must be submitted to the Dean of Students for consideration in the form of a letter within five (5) business days of the date the original Outcome Letter is received. All appeals must specify the basis for the appeal. All sanctions of expulsion will be automatically appealed to the Dean of Students. If a respondent wishes to appeal the initial appeal decision, that appeal is to the next highest administrative authority and is final.
- The burden of proof for the appeal rests with the respondent.
- 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.
- After considering the appeal, the Dean of Students may reopen the case, order a new hearing with the same or new Conduct Review Panel, uphold the prior decision and/or revise the action plan and/or status.
- The Dean of Students shall provide the respondent written notice of their decision within five (5) business days.
- 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 status of suspension or expulsion has been imposed, in which case, an appeal can be heard by the Vice President for Student Affairs..
- 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.

## Emergency Interim Procedures

The Dean of Students or Vice President for Student Affairs has the authority to take appropriate immediate action against a student who poses a significant danger of imminent or serious physical harm to themselves or others at the University, or where the Dean of Students or Vice President for Student Affairs 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.

Emergency and Interim Measures include but are not limited to, one or more of the following:

- 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.
- 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.

- If the Dean of Students or Vice President for Students Affairs 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:
    - restrict or bar attendance of any or all classes
    - restrict or bar access or contact with individuals;
    - restrict or bar access to University property, places, facilities, or equipment;
    - restrict or ban participation in University activities or organizations; or
    - otherwise restrict or ban access to University resources or privileges.

- If the Dean of Students or Vice President for Student Affairs 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 or Vice President for Student Affairs may:
    - request changes be made to an academic schedule at the request of the victim, or
    - request changes be made to living arrangements at the request of the victim.

- A student subject to Emergency and Interim Measures shall be furnished:
    - Written notice of the Emergency and Interim Measure and the reason(s) for the action.
    - An opportunity to dispute the basis for such measures will be provided within two (2) business days of the action via a meeting with the Dean of Students or Vice President for Student Affairs.
    - The opportunity to participate in disciplinary proceedings or to present relevant information for consideration of his/her case.

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

A hold on registration may immediately be placed on all students who have Emergency and Interim Measures taken against them. A hold will prevent the student from accessing, changing, or altering his/her course registration and/or admission status.

## Action Plan

The University of Alabama in Huntsville acknowledges that the student conduct process is one of education. Once a student is involved in the student conduct process and if he/she is found responsible for a violation of the Code of Student Conduct and issued educational action plans for transformative learning, the goal is for the student to complete his/her action plan as timely as possible and move forward with his/her academic and personal pursuits.

Any of these corrective initiatives may be assigned as a result of a student or student organization being found responsible for violating the Code of Student Conduct. Action Plans may be imposed independently or in combination with others. Action Plans can be assigned to an individual student, groups of students, or student organizations and annotated accordingly in the appropriate department and records.

The following are plans adopted by the University broken into two categories – Status and Action:

**Status:**

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.

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 guidance 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.

Suspension: An action which excludes the student or student organization from registration, class attendance, residence in University-owned or -managed housing, hosting social functions, participating in University functions, and use of University facilities for a specified period of time. The privilege of the use of University facilities/property is withdrawn by this action unless specific permission otherwise is obtained from the Conduct Administrator. 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 Conduct Administrator. 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.

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.

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.

**Action:**

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.

Follow-Up Meetings: To be held with the Conduct Administrator. The purpose is to track an individual's or organization's progress following an event that has disrupted the education experience of the student or student organizational members.

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).

Administrative Fee: A fee requires a student or student organization to pay a sum of money. Fees assist with costs associated with educational workshops and programs. The Conduct Administrator shall determine the amount of the fees. Fees will be in association with the administration of a sanction(s).

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).

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

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.

*Prior actions or behavior may be a factor in assigning action plans or status as well as the nature of the violation.

# ARTICLE VII - AMNESTY FOR PERSONAL INGESTION OF ALCOHOL OR OTHER DRUGS

## Responsible Action Protocol

A student who seeks emergency assistance for himself/herself or on behalf of a student experiencing a drug or alcohol emergency will not, in most cases, be subject to disciplinary action under the Student Code of Conduct, Guide to Residence Living, or Social Guidelines. However, the acting authority may require completion of alcohol and/or other drug education/counseling or other educational referral. Parental notification may also occur when the student is under 21 years of age (at the time of the

misconduct) and he/she has committed a violation of law or University policy pertaining to drugs or alcohol.

**Purpose of Protocol**

Students are encouraged to act responsibly in potentially life-threatening situations that result from alcohol and/or other drug abuse and seek emergency attention for someone who is in danger because of intoxication. Students are expected to notify University Police when they or other students are in danger.

**Scope of Protocol**

- In situations where students seek help for endangered students, the University will consider the positive impact of the assisting student's actions when determining any corresponding student conduct actions.
- An "emergency" notification is a timely contact to University Police. This protocol does not apply to individuals who contact friends or other students for assistance.
- In most cases, neither the student requiring assistance nor an individual or group who assists will be subject to punitive disciplinary action
    - This protocol does not excuse or protect those who blatantly or repeatedly violate the Student Code of Conduct, Guide to Residence Living, or Social Event Guidelines in regards to alcohol and/or illegal drug use.
- In some cases, this protocol may not apply to the caller if they provided, purchased, or otherwise made available the alcohol and/or drugs that contributed to the emergency situation.
    - These incidents will be examined on a case-by-case basis and will consider the specific details of the situation.
- If a representative of an organization hosting an event calls for assistance in an emergency situation, this act of responsibility may mitigate potential judicial consequences that could arise against the organization.
- This protocol applies only to the Student Code of Conduct, Guide to Residence Living, and Social Guidelines. Law enforcement agencies enforcing local, state, and federal laws within their jurisdictions, including University Police, are not bound by this protocol.

**Requirements of Protocol**

Students considered for the Responsible Action Protocol are required to meet with a member of the Student Affairs team who, after evaluating the circumstances of the event, may also refer the student(s) for alcohol and/or other drug assessment, counseling, or referral to other treatment. Students who are referred to the aforementioned resource, but fail to comply may be subject to further action.

# ARTICLE VIII – DISCIPLINARY RECORDS

Disciplinary action plan and/or statuses, with the exception of University expulsion, shall not be made part of the student's permanent academic record (official transcript), but shall become part of the student's confidential disciplinary record, subject to the Family Educational Rights and Privacy Act (FERPA). Pending cases will be retained as long as is administratively necessary as determined by the Conduct Administrator. Cases involving expulsion or suspension will be retained indefinitely. Other student conduct files will be retained for seven (7) years following the incident or until the student leaves the University, whichever is longer.

If a student under the age of twenty-one (21) is found responsible for a violation of University policy involving alcohol and/or other drugs, the University may notify the student's parent(s) or guardian(s). A student may appeal this process. Once the student has been given official notification of Parental Notification, the student has a period of three (3) business days to send a letter explaining his/her desire to appeal the policy to the Dean of Students.

Removal: Twelve months after completion of any imposed sanction(s), a student may request in writing to the Office of Student Ethics & Education that a minor conduct violation be removed from his/her student disciplinary file. In the written request, the student should include what he/she has learned from the incident, how his/her behavior has changed since the incident and any steps taken to address the behavior. Generally, removal is not available if the student's record includes more than one violation of the Code of Student Conduct; sanction(s) that were not completed by the required deadline; an incident resulting in personal injury, property damage, providing alcohol to minors, possession and/or distribution of drugs; violation of the weapons policy, disorderly conduct; sexual misconduct; discrimination; harassment; criminal behavior; or suspension/expulsion. All removal decisions shall be made at the sole discretion of the Dean of Students. The Office of Student Ethics and Education will attempt to avoid releasing a removed violation pursuant to third-party requests, but will, when it deems necessary, offer an explanation of the removal process in response to third-party requests. If a removed violation is disclosed, as required by law or otherwise, it will be done in the sole discretion of the Office of Student Ethics and Education and will include an explanation that the violation has been removed from the student's disciplinary record pursuant to this provision. In addition, reports and/or other correspondences maintained by other University departments, local and/or campus police, or another reporting agency are not subject to this removal provision. Further, previous disciplinary record checks reported by the Office of Student Ethics and Education or another University department will not be affected by this process.

## UNIVERSITY POLICIES

All University policies may be found at The University of Alabama in Huntsville Adopted Policies.

## STUDENT HANDBOOK

The UAH Student Handbook can be found at UAH Student Handbook.

Adapted from:
The University of Alabama
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