CODE OF STUDENT CONDUCT

(Revised 8.20)

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THE CAPSTONE CREED

"As a member of the University of Alabama community, I will pursue knowledge; act with fairness, integrity, and respect; promote equality and inclusion; foster individual and civic responsibility; and strive for excellence in all I do."

PREAMBLE

The University of Alabama aspires to transmit knowledge, to develop its students, and to promote the quality of society. In seeking these goals, the University recognizes the significance of student rights. These rights include freedom of expression, autonomy, procedural protection, and the integrity of people and their property. By ensuring these individual rights, the University fosters an environment conducive to student success and well-being. The Code of Student Conduct fully respects student rights.

Of course, students have obligations in addition to their rights. As members of an academic community, students must observe rules that benefit their classmates, their community, and their University. Students must practice personal integrity. By so doing, they respect the dignity, rights, and property of others. The University has a vital interest in the character of its students and, therefore, regards behavior at any location (on-campus or off-campus) as a reflection of a student's character and fitness to be a member of the student body. The Code of Student Conduct thus creates an expectation of behavior that the University deems acceptable. By fulfilling these expectations, students can enjoy their own rights, while also respecting the rights of others and furthering the University's goals.

The University community, however, must have a system to deal with those instances when a member fails to adhere to the expectations of the community. The Code of Student Conduct describes the actions that fail to meet expectations, the process for determining when a failure has occurred, and the sanctions that may be imposed for such failure. Unless ultimately proven otherwise pursuant to the standards and processes contained herein, individuals accused of violating the Code of Student Conduct are presumed to be not responsible for any alleged violation.

It is the responsibility of each University student to become and stay familiar with the Code of Student Conduct.

I. ARTICLE I: CONDUCT AUTHORITY

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

A. Jurisdiction of the University

Generally, unless otherwise modified by another University policy, 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.

B. Violation of Law and University Discipline

(1) 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.

(2) 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.

(3) An individual whose conduct violates a federal, state, or local law, as established by a preponderance of the evidence as outlined herein, need not be criminally charged or convicted for their conduct to be deemed a violation of the Code of Student Conduct.

(4) 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 their 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.

II. ARTICLE II: DEFINITIONS

A. The term "**University**" means The University of Alabama, Tuscaloosa, Alabama.

B. The term "**student**" includes anyone admitted to the University and (a) registered for or pursuing undergraduate, graduate, or professional studies or courses at the University, both full-time and part-time, as well as persons attending classes on campus or off-campus; (b) not currently registered or enrolled for a particular term but who has a continuing relationship with the University; or (c) enrolled or participating in a University-sponsored program, including, but not limited to, orientation and study abroad programs.

C. The term "**student organization**" or "**organization**" means any group of students that has complied with the University's requirements for registration as a student organization.

D. The term "**University official**" includes any person employed by or volunteering for the University performing assigned administrative, academic, or professional responsibilities.

E. The term "**member(s) of the University community**" includes any person who is a student, University official, or any other person visiting University property or who is employed by or volunteering services to the University. A person's status in a particular situation shall be determined by the Conduct Administrator.

F. The terms "**University premises**" and "**campus**" include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

G. The term "**Conduct Administrator**" means the University official designated by the Vice President for Student Life who shall be responsible for the administration and operation of the Code of Student

Conduct, including, but not limited to, overseeing the conduct process and appointing a Conduct Body and Chairperson to participate in conduct hearings.

H. The term "**Conduct Investigator**" means a University official or Student Judicial Board member/panel designated by the Conduct Administrator who may, among other things, investigate alleged violations of misconduct, explore, where appropriate, an informal (administrative) resolution of such alleged violations, and present a case before a Conduct Body. Examples include certain members of the University's Office of Student Conduct, Housing and Residential Communities staff, and Title IX Office.

I. The term "**Conduct Body**" means any person or persons authorized by the Conduct Administrator to determine whether a student has violated the Student Code and, if necessary, to recommend sanctions to be imposed upon students found to be in violation. Conduct Body members are drawn from a pool of trained faculty, staff, and Student Judicial Board members.

J. The term "**Chairperson**" means a University official authorized on a case-by-case basis by the Conduct Administrator to, among other things, oversee hearings and assess information provided to determine if a student has violated the Student Code. A Chairperson may also be a member of a Conduct Body.

K. The term "**Dangerous Weapon**" is defined to include:

- **(1)** Any device that shoots or delivers a bullet, BB, pellet, arrow, dart, flare, electrical charge, airsoft ammunition, or other projectile, whether loaded or unloaded, including devices powered by CO_2.
- **(2)** Any explosive device, including fireworks.
- **(3)** Any instruments/devices that are designed or may be used as a weapon to injure or threaten another individual, including non-culinary knives with a blade greater than four (4) inches.

L. The term "**Firearm**" means a pistol, handgun, rifle, or shotgun and any ammunition.

M. The term "**shall**" is used in the imperative sense.

N. The term "**may**" is used in the permissive sense.

O. The term "**policy**" is defined as any published or existing policies, rules, requirements, or regulations of the University.

P. The term "**preponderance of the evidence**" is the standard of proof employed in the Student Code process to determine if a student is responsible for violating the Code. This standard is satisfied if there is sufficient information to conclude that it is more likely than not that the alleged Code violation occurred.

III. ARTICLE III: PROSCRIBED CONDUCT

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

A. Offenses against the University Community

(1) Acts of dishonesty, including, but not limited to, the following:

- **a.** Furnishing false or misleading information to any University official or office.
- **b.** Forgery, alteration, or misuse of any University document, record, or instrument of identification.
- **c.** Tampering or interfering with campus, local, state, or federal elections or an individual's right to vote in the same, including, but not limited to, asking or requiring someone to provide evidence of voting for a particular candidate or issue, coercing or using valuable incentives to induce an individual to vote for a particular candidate or issue, or taking detrimental actions against an individual who refuses to vote for a particular candidate or issue.

d. Bribery and acceptance of bribes.

(2) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public-service functions, whether on or off-campus, and other authorized non-University activities that occur on University premises.

(3) 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.

(4) Violation of published University policies, rules, requirements or regulations, including, but not limited to, the University's Drug Free Campus & Workplace Policy, Alcohol and Other Drugs Policy, Hazing Policy, Equal Opportunity and Discriminatory Harassment Policy, Title IX & Sexual Misconduct Policy, Dangerous Weapons and Firearms Policy, Social Event Guidelines, Facility and Grounds Use Policy, Community Living Standards, Office of Information Technology policies, parking and traffic regulations, plans/requirements related to health and safety, etc.

B. Offenses against Persons

(1) Physical Abuse

a. Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including, but not limited to, simple assault and aggravated assault.

(2) Hazing

a. Hazing is a violation of University policy (www.ua.edu/about/policies/hazing) and includes any completed or attempted action, inaction, situation created, or communication that recklessly or intentionally harms or threatens or is intended to harm or threaten the mental or physical health or safety of a student or individual, or any completed or attempted act that destroys or removes public or private property, for the purpose of, among other things, initiation, admission into, affiliation with, or continued membership in a group or organization. For a non-exhaustive list of conduct that constitutes hazing, please visit www.hazing.ua.edu/examples.cfm.

b. An individual commits hazing if they personally take or contribute to the actions or attempted actions described in this section or if they know that hazing will occur or is occurring and do nothing to stop it or attempt to stop it or, alternatively, know that hazing has occurred and fail to promptly report it to appropriate University authorities. It shall also be a violation of this Code if a student retaliates in any manner against another student or individual for reporting hazing to University officials.

(3) Sexual Misconduct

a. The University prohibits sexual misconduct and any related retaliation.

b. 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 at the following website: (https://titleix.ua.edu/policies/sexual-misconduct-policy-2/).

(4) Harassment

a. Harassment that is defined as not being of a sexual nature includes:

1. Conduct that violates the University's Equal Opportunity and Discriminatory Harassment Policy, which may include conduct (physical, verbal, graphic, written, or electronic) that is (1) unwelcome; (2) discriminatory on the basis of genetic information, race, color, religion, national origin, age, disability or protected veteran status; (3) directed at an individual; and (4) so severe and/or pervasive that it interferes with an individual's ability to participate in

or to realize the intended benefits of an institutional activity, opportunity, or resource. Conduct must be deemed severe and/or pervasive from both a subjective and an objective perspective. Similar conduct that relates to an individual's sex (which includes gender, sexual orientation, gender identity, and gender expression) is addressed in the University's Sexual Misconduct Policy. Please visit www.eop.ua.edu/harassment.html, for a full copy of the University's Equal Opportunity and Discriminatory Harassment Policy.

2. Any attempt to intentionally and repeatedly make contact with a person over their stated objections for the purpose of harassing or alarming them, including, but not limited to, non-gender based stalking (see "Stalking" definition in UA Title IX & Sexual Misconduct Policy).

3. Invasion of another's privacy, where that person has a reasonable expectation of privacy, including, but not limited to, creating, making, possessing, storing, sharing, or distributing unauthorized audio, video, digital, or photographic images of a person taken in a location in which that person has a reasonable expectation of privacy.

(5) Threatening Behavior

Threatening behavior is any written, oral, or physical conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property. A student may be responsible for threatening behavior even if the object of the threat does not observe or receive it.

C. Offenses against Property

(1) Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property.

(2) Unauthorized possession, duplication, or use of keys or access cards to any University premises or unauthorized entry to or use of University premises or other public or private property.

(3) Theft or other abuse of computer usage, including, but not limited to:

a. Unauthorized entry into or transfer of a file.

b. Unauthorized use of another individual's identification or password and/or computer, tablet, phone, or other similar device.

c. Use of University computing facilities, network, equipment, accounts, or services in a manner contrary to University policy, including, but not limited to, sending, downloading, or viewing obscene messages, material, or content and/or interfering with the work of another student or University official.

D. Offenses Disrupting Order or Disregarding Health and Safety

(1) Use, possession, solicitation, cultivation, manufacturing, dispersing, attempted distribution, or distribution of narcotics, synthetic drugs, or other controlled substances or the possession of drug paraphernalia that is prohibited by law.

(2) Improper use or possession of products for purposes of altering mood or state of being. This includes the misuse of legal products as inhalants.

(3) Use, possession, or distribution of alcoholic beverages, except as expressly permitted by the law and University regulations, or public intoxication.

(4) Possession or use of a dangerous weapon or firearm on University premises in violation of University policy.

(5) Actions that disrupt the normal operations of the University and infringe on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or

normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian and/or vehicular, on campus; actions that incite or contribute to panic or distress and disrupt the normal operations of the University, regardless of intent.

(6) Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.

(7) Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in, by the University.

(8) Violation of federal, state, or local law on University premises or at a University sponsored or supervised activity.

(9) Entering false fire alarms or bomb threats, tampering with fire extinguishers, alarms, or other safety equipment.

(10) Violation of traffic and parking rules and regulations, including, but not limited to:

a. Repeated or flagrant violations of the rules as set forth in University Traffic and Parking Regulations.

b. Tampering with, removal, or theft of wheel locks, barricades, traffic cones or traffic control devices.

(11) Violation of federal, state, or local law off University premises and not related to University sponsored or supervised activities that adversely affects or is detrimental to the University community and/or the pursuit of its objectives. The decision to pursue disciplinary action under this provision is that of the Conduct Administrator.

(12) The operation of any form of gambling business or related activity.

(13) Facilitating or encouraging gambling by a student athlete or seeking or encouraging a student athlete to provide information or advice regarding competitions in which they shall participate.

(14) The unauthorized use of University property or resources for personal gain.

(15) Being present during any violation of University policy or the Code of Student Conduct in such a way as to condone, support, or encourage that violation. Students who anticipate or observe such a violation are expected, if possible, to report any potential violation before it occurs or report details of the violation after its occurrence.

(16) Acts of animal cruelty or abuse as well as a failure to report such acts.

(17) Starting or maintaining a fire or causing an explosion that results in damage to a building or other property and/or injury to a person.

E. 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.

F. Self-Disclosure of Arrests and Convictions

To ensure the safety and security of the University community, a student must disclose to the Office of Student Conduct 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. This disclosure obligation applies to all arrests and convictions described above that occur inside or outside the State of Alabama at any time, regardless of whether the University is in session at the time. Such disclosures must be made within seven (7) calendar days of the arrest or conviction, whichever occurs first. "Conviction" means a judge or jury has found you guilty of the crime(s) charged against you in a court of law, following a trial or guilty plea. If you are a juvenile delinquent, have a confidential youthful offender status, or if your conviction has been sealed, expunged, or overturned, you do not have to disclose the arrest or conviction associated with that situation. Failure to comply with this disclosure obligation without a valid legal basis for doing so shall be deemed a violation of the Code of Student Conduct.

G. 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 and friends. Retaliation based on the outcome of the conduct process is also prohibited. Instances of retaliation arising out of allegations of sexual misconduct, see the Title IX & Sexual Misconduct Policy (https://titleix.ua.edu/policies/sexual-misconduct-policy-2/).

IV. ARTICLE IV: ORGANIZATIONAL MISCONDUCT

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 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.

A. Responsibility of Officers

A fundamental aspect of any organization is the right of the membership to elect officers who serve to ensure, among their other duties, that the activities of the organization are conducted properly. It is the responsibility of the officers of each student organization to ensure that the organization complies with this Code and to actively oppose and/or prevent any planned or impromptu organizational activity that would violate the Code. It is also the obligation of the officers of any student organization to advise and counsel individual members of their organization whose conduct could lead to misconduct charges against the organization, as provided herein. Any organizational officer who knowingly allows their organization or a member of that organization to violate the Code of Student Conduct without taking steps to prevent the violation also commits a violation of the Code. Likewise, any organizational officer who knows of an unreported violation of the Code that has been committed and does not report it to appropriate University officials is in violation of the Code. The organization may also be sanctioned if an organizational officer is found to be in violation of this provision of the Code.

B. Organizational Responsibility for Misconduct

Student organizations will be held responsible for misconduct in the following circumstances:

(1) Organizational responsibility for its own acts. The organization will be held responsible:

- **a.** When the organization violates published University policy, rules, requirements, or regulations, including, but not limited to, acts of discrimination; improper membership education and initiation; improper organizational registration of activities for which registration and/or permission is required; failure to comply with applicable health and safety regulations; misuse of University property, facilities, and equipment; violations of University regulations on the use of alcohol; and violations of the Code or any other rule or policy applicable to organizations.
- **b.** When one or more officers refuse or neglect to perform their duties under this Code as described above in Article IV(A).

(2) Organizational responsibility for individual acts of misconduct.

- **a.** The organization will be held responsible for the actions of one or more of its members that violate this Code when the actions arise in the course of or derive from the activities of the organization.
- **b.** In situations other than those described in a. above, the organization may be held responsible for a member or members' misconduct when, prior to such misconduct, a member or members committed acts of misconduct the nature of which has caused the Division of Student Life to be concerned that the organization is not conducting activities in a manner that discourages such conduct, and the Division of Student Life has notified the organization that further occurrences of such conduct by one or more members will result in disciplinary actions against the organization. Examples of such violations include, but are not limited to, offenses against persons, offenses against property, hazing, alcohol abuse, and illegal drug abuse. The notice will be in sufficient detail to notify the officers of the precise nature of the offenses and the length of time the notice shall be effective.

V. ARTICLE V: CONDUCT PROCEDURES

Members of the University community are strongly encouraged to participate in the conduct process as witnesses if they have knowledge or information regarding the alleged violation(s) in question and if they have been requested to participate. Individuals who are not members of the University community will generally be permitted to participate as a witness if they have direct knowledge or information regarding the incident or alleged violation in question.

Information and materials that the University obtains during the conduct process may be disclosed to law enforcement in response to a valid subpoena.

A. Sexual Misconduct

(1) All matters involving allegations covered by the University's Title IX & Sexual Misconduct Policy will be handled under the Code of Student Conduct in a manner consistent with the requirements, accommodations, procedures, and processes outlined in the Title IX & Sexual Misconduct Policy. To the extent there is an inconsistency between the substance of the Title IX & Sexual Misconduct Policy and the Code of Student Conduct related to the process for handling such allegations, the terms of the Title IX & Sexual Misconduct Policy will control. If a matter involves allegations of both Prohibited Conduct, as defined in the Title IX & Sexual Misconduct Policy, and potential violations of the Code of Student Conduct (aside from Article III.B.(3)), the process to be followed will depend on whether the Prohibited Conduct and potential violations of the Code are intertwined. If the allegations of Prohibited Conduct are intertwined with the potential violations of the Code of Student Conduct, both violations will proceed under the processes outlined in the Title IX & Sexual Misconduct Policy. If the allegations of Prohibited Conduct are not intertwined with the potential violations of the Code of Student Conduct, the Title IX Office will process the allegations of Title IX or Sexual Misconduct Prohibited Conduct, and the Office of Student Conduct will process the potential violations of the Code of Student Conduct. The determination of whether the allegations will be addressed under one or separate processes lies with the Executive Director of Student Conduct or designee. (https://titleix.ua.edu/policies/sexual-misconduct-policy-2/)

B. Complaints and Investigations

(1) Any member of the University community may file complaints against any student or organization for misconduct. Complaints may be prepared in writing and directed to the Office of Student Conduct. Any alleged violation should be submitted as soon as possible after the event takes place, preferably within thirty (30) calendar days of the knowledge of occurrence. While preferred, a formal, written complaint from a member of the University community is not required to initiate the conduct process. Complaints may be submitted anonymously and those reports will be investigated based on the extent of the information provided. Any Conduct Investigator who has reason to believe that a violation of this Student Code may have occurred is authorized to begin an investigation in the same manner as if a complaint from a member of the University community had been received. The Office of Student Conduct may investigate and cite students or organizations with misconduct when that Office has reason to believe that a violation may have occurred.

(2) Student organizations shall have all the rights of students listed herein, which shall be exercised by the president of the organization. Organizations may, however, appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a current University of Alabama student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the president of the organization. A Conduct Investigator or Conduct Body may issue a summons for a student or organization to appear for discussion about an alleged violation or for a hearing in a pending complaint. Such summons will generally provide to the student or student organization initial notice of the alleged violation as well as information related to the conduct process, including a date/time for an initial meeting to discuss the matter.[1] The summons may also include an order to produce records that may be helpful in the course of an investigation of a complaint. The accused student is encouraged to participate in the process, but their silence or refusal to provide information will not be held against them. The process, however, may move forward and a decision made based on available information.

(3) An effort will be made to set the initial conduct meeting with an accused student at least seven (7) calendar days after delivery of the summons. Pre-scheduled meetings are scheduled around a student's academic schedule. Should a student wish to reschedule an appointment or meet sooner than the designated time, they should make such a request in a timely manner. The University will make a reasonable effort to accommodate student scheduling conflicts, but will not permit unreasonable delays in the conduct process. Students are advised to keep their most current local address, permanent address, and local telephone number updated in the student records system at http://mybama.ua.edu. Failure to attend a scheduled meeting may result in a disciplinary hold being placed on your student account.

(4) The Conduct Investigator may conduct an investigation to determine if the allegations of violation(s) have merit. This investigation will include, among other things, a meeting with the accused student to discuss the alleged violation(s) as well as sharing of evidence collected during the investigation as appropriate. If the Conduct Investigator determines there is sufficient information establishing that a Code violation occurred under the preponderance of evidence standard, the student will be presented with an opportunity to accept responsibility for the conduct violation(s) and, with that, be subject to any sanctions that are presented. If the student accepts responsibility for the Code violation(s), such disposition shall be final and no formal hearing will occur. A student may, however, accept responsibility or waive their right to a hearing and still seek review of the sanctions before the Vice President for Student Life (or designee) as outlined in this Article of the Code. If the student does not accept responsibility, the student may request a formal hearing on the alleged violation(s) as outlined herein.

(5) Except as limited herein, the accused has the right to be assisted during the investigation by any adviser they may choose, at their own expense. The adviser may be an attorney, but cannot be a potential witness or party in the matter or a related matter. An adviser has no right to speak or participate directly in any aspect of the conduct process. The accused student must speak on their own behalf and communicate directly with the Conduct Investigator. An adviser's failure

[1] The summons and other materials may be sent to the student's assigned University of Alabama email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. The ultimate delivery method is left to the sole discretion of the Office of Student Conduct. Crimson email (userID@crimson.ua.edu) is the University's primary means of communication with students. Students are responsible for all communication delivered to their Crimson email address.

to comply with these participation limitations may cause the adviser to be removed from the meeting and/or additional conduct violations to be asserted against the student relating to abuse of the conduct system.

(6) To the extent a Conduct Investigator determines a violation of the Code has occurred based on the preponderance of evidence standard and a hearing on any conduct violations is necessary, a time shall be set for the hearing after the student has been informed of the Conduct Investigator's determination and properly requested a formal hearing in writing. A formal hearing request must be made in writing to the Conduct Administrator within seven (7) calendar days of delivery of the Conduct Investigator's determination to the accused student. A student should be sent notice of the scheduled hearing date at least six (6) calendar days in advance of the hearing. A hearing shall be held within a reasonable time after the student has been notified of the Conduct Investigator's determination and requested a hearing. The ultimate selection of a hearing date, however, shall be within the sole discretion of the Conduct Administrator. If a formal hearing request or sanction review is not timely made, the determination of the Conduct Investigator, including any accompanying sanctions, will be deemed final.

C. Hearings

Hearings shall generally be conducted by a Conduct Body according to the following guidelines. Student organizations shall have all the rights of students listed herein, which shall be exercised by the president or designated spokesperson of the organization.

(1) Hearings normally shall be conducted in private. Hearings will preferably be held in person, but may be held remotely by electronic means if the University determines it to be appropriate.

(2) Admission of any person to the hearing shall be at the discretion of the Chairperson of the Conduct Body. The Chairperson also has the discretion to remove any person from the hearing at any time when they deem it necessary.

(3) In hearings involving more than one accused student, the Chairperson of the Conduct Body, in their discretion, may permit the hearings concerning each student to be conducted separately.

(4) Except as limited herein, the accused has the right to be assisted during the investigation by any adviser they may choose, at their own expense. The adviser may be an attorney, but cannot be a potential witness or party in the matter or a related matter. The accused is responsible for presenting their own case, and, therefore, advisers have no right to speak or participate directly in any hearing before a Conduct Body. An adviser's failure to comply with these participation limitations may cause the adviser to be removed from the proceeding and/or additional conduct violations to be asserted against the student relating to abuse of the conduct system.

(5) All materials to be presented at the hearing must be submitted to the Conduct Administrator at least four (4) calendar days prior to the hearing. The Conduct Administrator will make copies of submitted materials available for inspection to all relevant student parties involved in the matter at least three (3) calendar days prior to the hearing, consistent with the Family Educational Rights and Privacy Act (FERPA) or other regulation governing the disclosure of education records. Any materials submitted and/or discovered less than four (4) calendar days before the hearing may only be considered at the discretion of the Chairperson of the Conduct Body. Further, the Chairperson holds ultimate discretion over what records, exhibits and written statements may be accepted as information for consideration by a Conduct Body.

(6) The Conduct Administrator or designee and the accused shall have the privilege of presenting witnesses, subject to the right of cross-examination by the other party or the Conduct Body. Parties must provide a list of potential hearing witnesses to the Conduct Administrator at least

four (4) calendar days prior to the hearing. The Conduct Administrator will provide the witness list(s) to all relevant parties involved in the matter at least three (3) calendar days prior to the hearing. Any hearing witness presented must have been identified and accessible to the Conduct Investigator during the investigation process. If a witness is not provided to the Conduct Investigator during the investigation process, then the accused student's presentment of that witness during the hearing is at the discretion of the Chairperson and should only be allowed based on new information not known during the investigation process. Additionally, character witnesses will generally not be allowed, but a character witness may be permitted at the discretion of the Chairperson.

(7) All procedural questions, including those going to materials and testimony that will be presented during the hearing, are subject to the final decision of the Chairperson of the Conduct Body.

(8) After the hearing, the Conduct Body shall deliberate in private and shall determine (by majority vote if the Conduct Body consists of more than one person) whether the student is responsible for violating the Code of Student Conduct as cited.

(9) The Conduct Body shall determine, based on the preponderance of the evidence standard, whether the accused student or organization violated the Code of Student Conduct. If a conduct violation is found, the Conduct Body will recommend sanctions to the Conduct Administrator to be imposed. If necessary, the Conduct Administrator will finalize the sanctions and, thereafter, provide the Conduct Body's findings and any sanctions to the student or organization.

(10) Reasonable efforts shall be undertaken to create a single verbatim record, such as an audio recording, of all hearings before a Conduct Body. The record shall be the property of the University and it shall be the only record made of the hearing. The Conduct Body's deliberations, which will be conducted in private, will not be recorded. Upon request, the record will be available for review or inspection as appropriate.

(11) Except in the case of a student cited with failing to obey the summons of a Conduct Body or University official, no student may be found responsible for having violated the Student Code solely because the student failed to appear before a Conduct Body. In all complaints, the information in support of the alleged violation shall be presented and considered.

D. Sanctions

(1) When it has been determined that a student is responsible for violating any provision of this Code, one or more sanctions may be imposed. The following is a non-exhaustive list of potential sanctions that may be utilized individually or in combination:

a. Warning - A notice in writing to the student.

b. Probation - A written reprimand for violation for specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to be violating any University regulation(s) during the probationary period.

c. Loss of Privileges - Denial of specified privileges for a designated period of time.

d. Educational Assignment - A student is required to complete a specified educational assignment related to the violation committed. This may include completion of a workshop, seminar, class, report, paper, project, alcohol or drug program, consultation, assessment, evaluation, and/or counseling.

e. Fines - Previously established and published fines may be imposed.

f. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

g. Discretionary Sanctions - Work assignments, service to the University or community as well as other related discretionary assignments (such assignments must have the prior approval of the Conduct Administrator), etc.

h. No Contact Order - The student may have no further contact or communications with a student who was their accuser or otherwise involved with the Code violation.

i. Residence Hall Access - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Condition(s) for readmission may be specified. A student may also be required to transfer to a different residence hall on campus. Permanent separation of the student from the residence halls may also occur.

j. Campus Ban - Order, warning, or directive prohibiting access to University property. This may take the form of a formal Trespass Warning issued by the University of Alabama Police Department.

k. University Suspension - Separation of the student from the University for a definite or indefinite period of time. When a student is eligible to return, conditions for readmission may be specified.

l. Deferred Suspension - The student may be subject to immediate suspension, if the University determines they have failed to comply with the conditions placed upon continued enrollment at The University of Alabama or if the student is found responsible for additional conduct violation(s).

m. University Expulsion - Separation of the student from the University permanently. A student permanently expelled is prohibited from reapplying to the University in the future or from earning a degree from any of its colleges or schools. If a disciplinary action results in a recommendation that expulsion is the appropriate sanction, then the Vice President for Student Life shall review the sanction and shall make the final decision to expel after consultation with the President of the University. Because a decision to expel a student is made after consultation with the President, **a student has no right to request a review of the sanction of expulsion.**

(2) When it has been determined that a student organization is responsible for violating any provision of this Code, one or more sanctions may be imposed. The following is a non-exhaustive list of potential sanctions that may be utilized individually or in combination:

a. Any of the sanctions listed in paragraphs (1)a. through (1)l. above.

b. Loss of or limitation on social event privileges.

c. Loss of preferred seating at University sponsored events.

d. Loss of recognition as a student organization. The Division of Student Life may notify any national or regional governing body with which the organization is associated or which sponsors social, academic, or sports events when such suspension is imposed.

(3) The Conduct Administrator shall advise the student or organization in writing of any sanction(s) imposed.[2] If the Conduct Administrator decides expulsion is the appropriate sanction, then that decision will be communicated to the Vice President for Student Life as provided in Section D(1) above.

(4) Sanctions will vary based upon the facts and circumstances of each individual situation. Sanctions are generally progressive in nature and include the probability of more severe discipline if the student is found responsible for multiple or subsequent Code violations. Depending on the Code violation(s), however, more significant sanctions, including suspension or expulsion, may be

[2] Conduct Investigators who are full time University employees may unilaterally make initial findings and issue sanctions in matters that do not involve suspension or expulsion.

more appropriate than progressive measures. Any prior Code violations the student has previously been found to have committed may be considered in imposing sanctions.

(5) Similarly, if a Code violation is determined by a preponderance of the evidence to have been committed or motivated by prejudice toward a person or group because of protected factors, which include genetic information, race, color, religion, national origin, sex (which includes sexual orientation, gender identity, and gender expression), age, disability or protected veteran status, such a discriminatory purpose may be treated as an aggravating factor in determining the appropriate sanction(s).

(6) In some circumstances, the Conduct Administrator may elect to defer a sanction. For example, a deferred suspension means the sanction does not go into effect as long as the student complies with all requirements the Office of Student Conduct imposes. In those instances where the student completes all expectations during the designated period, the student's record will not show that the deferred sanction was ever imposed.

(7) A student or organization that fails to complete or comply with any sanctions may be subject to additional measures from the Office of Student Conduct, including, but not limited to, a disciplinary hold preventing a student from registering for classes and/or further charges under the Code for failure to comply. A student organization may not be able to register an event, reserve a space on campus, or utilize student organizational seating at athletic events if they are on hold.

E. Reviews

(1) A decision that a student or organization is responsible for a Code violation reached by the Conduct Body or a sanction imposed by the Conduct Administrator (excluding the sanction of expulsion of a student, which is determined by the Vice President for Student Life after consultation with the President) may be sent for review to the Vice President for Student Life (or designee) if a request for such a review is made within seven (7) calendar days of the delivery of the decision or sanction to the student or organization. Such review requests shall be in writing on the form available through the Office of Student Conduct (https://studentconduct.sa.ua.edu/forms/) and shall be delivered to the Conduct Administrator or their designee. If a review request is not made within the seven (7) day time limit, the conduct decision and/or sanctions will be deemed final.

(2) Except as required to explain the basis of new information, a review shall be limited to review of the verbatim record of the initial hearing, if one occurred, as well as supporting documents and information relevant to the alleged violation and imposed sanction for one or more of the following purposes:

a. To determine whether there was procedural irregularity that impacted the outcome of the matter.

b. To determine if the sanction(s) imposed were grossly disproportionate to the violation(s) committed.

c. To determine if substantial new evidence exists that was not previously available, but that would materially impact the outcome. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

d. The Conduct Investigator(s), or Decision-Maker had a conflict of interest or bias that affected the outcome of the matter.

(3) Except for matters involving allegations covered by the Title IX & Sexual Misconduct Policy , review of a sanction by the Vice President for Student Life or designee employing the forgoing criteria may not result in more severe sanction(s) for the accused student or organization.

(4) In all cases other than expulsion, the Vice President for Student Life or designee makes the ultimate decision on a conduct case following a proper review request. The Vice President for Student Life or designee may elect to review some or all of the relevant materials associated with the matter in conjunction with the foregoing criteria. Thereafter, the Vice President for Student Life or designee shall issue a decision based on the specific review request, which may include upholding or reducing the sanctions imposed by the Conduct Body or Conduct Administrator. This decision is final and not subject to further review.

F. Disciplinary Records

Disciplinary sanctions, 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).

Removal: Twelve months after completion of any imposed sanction(s), a student may request in writing to the Office of Student Conduct that a minor conduct violation be removed from their student disciplinary file. In the written request, the student should include what they have learned from the incident, how their 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 Conduct Administrator. The Office of Student Conduct will attempt to avoid releasing a removed violation pursuant to proper 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 Conduct 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 Conduct or another university department will not be affected by this process.

G. Interim Measures for Students

In certain circumstances, the Dean of Students, or a designee, may impose interim measures prior to the hearing before the Conduct Body or a student's acceptance of responsibility. The Dean of Students or designee shall determine the level of interim measures appropriate to address the specific

situation. Interim measures may include, but are not limited to, a full interim suspension, removal from University housing, removal from University sponsored events, and/or restriction on access to University facilities and programs.

(1) Interim measures may be imposed only:
- **a.** to ensure the safety and well-being of members of the University community or preservation of University property;
- **b.** to ensure the student's own physical or emotional safety and well-being; or
- **c.** if the student poses a definite threat of disruption of or interference with the normal operations of the University.

(2) Interim measures may be imposed immediately. A student may request a review of the interim measures in writing within two (2) calendar days of the issuance of any interim measures. Such request should be submitted to the Conduct Administrator. Reasonable efforts will be made to hold such a review of the interim measures before the Dean of Students or designee within five (5) calendar days of the receipt of the request for review of the interim measures to determine if the sanctions should continue, as issued, through the remainder of the conduct process. If the student submits a timely review request, the review may be held beyond this five (5) calendar day period if scheduling issues exist.

(3) At any requested review, information will be presented in support of any challenged interim measures. The student may offer statements or other information to rebut any grounds offered in support of the interim measures.

(4) Except as limited herein, the accused has the right to be assisted during the interim measure process by any adviser they may choose, at their own expense. The adviser may be an attorney, but cannot be a potential witness or party in the matter or a related matter. An adviser has no right to speak or participate directly in any aspect of the process. The accused student must speak on their own behalf. An adviser's failure to comply with these participation limitations may cause the adviser to be removed from the proceeding and/or additional conduct violations to be asserted against the student relating to abuse of the conduct system.

(5) The decision of the Dean of Students or designee following the interim measures review will be final.

H. Interim Measures for Organizations

(1) The Dean of Students or other designee may temporarily suspend the recognition of a student organization when the pending alleged violations arise from a flagrant violation of this Code, such as organized conduct that is a violation of law and/or this Code, or when the conduct represents a flagrant disregard of the rights or property of persons in the University community, or when the conduct is in flagrant disregard of the property or authority of the University.

(2) During the interim measures, the organization's activities may be limited, up to and including a full discontinuation of all activities.

(3) Interim measures may be imposed immediately. An organization may request a review of the interim measures in writing within two (2) calendar days of the issuance of the interim measures. Such request should be submitted to the Conduct Administrator. Reasonable efforts will be made to hold such a review of the interim measures before the Dean of Students or designee within five (5) calendar days of the issuance of the interim measures to determine if the suspension should continue through the remainder of the conduct process. If the organization submits a timely review request, the review may be held beyond this five (5) calendar day period if scheduling issues exist.

(4) At any requested review, information will be presented in support of the interim measures. The organization may offer statements to rebut any grounds offered in support of the interim measures.

(5) Except as limited herein, the accused, represented by the organization president, has the right to be assisted during the interim measures process by any adviser they may choose, at their own expense. The adviser may be an attorney, but cannot be a potential witness or party in the matter or a related matter. Any adviser has no right to speak or participate directly in any aspect of the process. The president must speak on their own behalf. An adviser's failure to comply with these participation limitations may cause the adviser to be removed from the proceeding and/or additional conduct violations to be asserted against the president and/or organization relating to abuse of the conduct system.

(6) The decision of the Dean of Students or designee following the interim measures review will be final.

I. Potential Conflict of Interest/Bias

Matters related to the Code of Student Conduct should be handled by people free of any actual or reasonably perceived conflicts of interest and biases for or against any party. Any person exercising investigative or decision-making authority under this Code, who believes they may have a conflict of interest or bias that would prevent them from impartially exercising their authority, shall disclose the potential conflict/bias to the Conduct Administrator (or designee) as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias-free alternative decision-maker in the case at issue. Furthermore, if the accused student or organization believes a person exercising investigative or decision-making authority under this Code has a conflict of interest or bias relating to the matter that would prevent the person from exercising their authority impartially, the student or organization may make a prompt objection to the Conduct Administrator (or designee) within five (5) calendar days of becoming aware of the potential conflict. If the student or organization believes the Conduct Administrator has a conflict of interest or bias, such objection should be made to the Dean of Students (or designee). Regardless of the time period, such objection must occur before a determination as to responsibility is made under the Code. If the objection as to a conflict or bias is made with respect to the chairperson or a member of a Conduct Body, such objection must occur before the scheduled hearing. If the Conduct Administrator or designee determines that the objection is reasonable, the challenged person will be replaced. The decision of the Conduct Administrator, Dean of Students, or designee regarding a challenge will be final.[3]

J. Computing Time

(1) For purposes of computing any time period set forth in the Code of Student Conduct:

- **a.** Exclude the day of the event that triggers the period (e.g. the day a request is made or notice is received);
- **b.** Count every day, including intermediate Saturdays, Sundays, and University holidays; and

[3] Knowledge of or acquaintance with the student or organization or witnesses in a matter; awareness of a matter; participation as a consequence of one's official role in events surrounding a matter; and/or participation in the investigation process prior to the formal conduct process does not automatically result in the finding of a disqualifying conflict; however, such factors may be considered in determining if a conflict exists.

c. Include the last day of the period, unless it falls on a Saturday, Sunday, or University holiday, in which case the period will continue to run until the end of the next day that is not a Saturday, Sunday, or University holiday (e.g. period ends on a Saturday and following Monday is not a holiday, then the period ends on Monday).

1. A "holiday" means any day when the operation of the University is suspended. Days when class is not in session are not automatically considered a holiday. If University operations are officially suspended due to weather for all or part of a day, that day will be considered a holiday.

* * *

In the event of any conflict, the Code found on the Office of Student Conduct's website will govern: www.sc.ua.edu/conduct.pdf. The Code does not create a contract or quasi-contract between the University or any University employee and any individual that may be affected by the Code. Further, although the policies contained herein are intended to reflect current rules and policies of the University, users are cautioned that changes or additions may have become effective since the publication of this material. In the event of a conflict, current policy statements of the Board of Trustees contained in the Bylaws, Rules, official minutes, and other pronouncements of the Board or Chancellor, or superseding law, shall prevail.

REVISED: August 20, 2015
August 16, 2016
August 23, 2017
August 22, 2018
August 27, 2019
August 19, 2020

OFFICE OF THE VICE PRESIDENT OF STUDENT LIFE

Signed: DocuSigned by: Steven Hood E2F3067861F448C...
Steven Hood
Associate Vice President for Student Life