Code of Student Conduct

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 as well as rights. As members of an academic community, they must observe rules that benefit their classmates and their University. Students must practice personal integrity. By so doing, they respect the dignity, rights and property of others (both students and all members of the University community). 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 their classmates’ rights and furthering the University’s goals.

However, the University community, as any other, 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 which fail to meet expectations, the process of determining when a failure has occurred and the punishment to be imposed for such failure.

Judicial Affairs

Located in 107 Burke West, the Office of Student Development promotes a safe and supportive University community by serving as a resource for students, faculty and staff who may be affected by others’ misconduct. In addition to the administration of the Code of Student Conduct, the office is an advocate for community standards and campus civility through educational programming, mediation and resolution of student disputes and conflicts of non-academic misconduct. For general information and assistance, contact The University of Alabama, Office of Student Judicial Affairs, Box 870295, Tuscaloosa, AL 35487-0295; or call (205) 348-8234.

In the event of any conflict, the Code of Student Conduct found at policies.ua.edu/studentcode.html will govern.

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.

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However, the University community, as any other, 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 which fail to meet expectations, the process of determining when a failure has occurred and the punishment to be imposed for such failure.

Article I: Judicial Authority

The judicial authority rests with the Division of Student Affairs. The University 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 appoint a judicial administrator who shall be responsible for the operation of this Code.

Jurisdiction of the University

Generally, University jurisdiction and discipline shall be limited to conduct which occurs on University premises or which occurs anywhere, but adversely affects the University community and/or the pursuit of University objectives.

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 which demonstrates disregard for the University community.

2. University disciplinary proceedings may be instituted against a student cited with violation of a law which is also a violation for this student code if both violations result from the same factual situation, without regard to the pendency of 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. When a student is cited by federal, state or local authorities with a violation of the law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the student code, 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 criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article II: Definitions

1. The term “University” means The University of Alabama, Tuscaloosa, Ala.

2. The term “students” includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students.”

3. The term “faculty member” means any person hired by the University to conduct classroom activities.

4. The term “University official” includes any person employed by the University performing assigned administrative or professional responsibilities.

5. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the judicial administrator.

6. The term “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks).

7. The term “organization” means any number of persons who have complied with the formal requirement for university recognition/registration.

8. The term “judicial body” means any person or persons authorized by the judicial administrator to determine whether a student has violated the Code of Student Conduct and to recommend imposition of sanctions.

9. The term “judicial administrator” means the University official appointed by the vice president for student affairs who shall be responsible for the administration and operation of the Code of Student Conduct.

10. The term “judicial investigator” means a University official appointed by the judicial administrator to investigate alleged violations of misconduct, to attempt informal (administrative) resolution of such complaints and to prosecute violations before a judicial body.

11. The term “hearing officer” means a University official authorized on a complaint-by-complaint basis by the judicial administrator to hear alleged violations and to recommend sanctions to be imposed upon students found to have violated the Code of Student Conduct.

12. The term “review board” means any person or persons authorized by the judicial administrator to consider a review from a judicial body’s determination that a student has violated the student code or from the sanctions imposed by the judicial administrator.

13. The term “shall” is used in the imperative sense.

14. The term “may” is used in the permissive sense.

15. The term “policy” is defined as any published regulations of the University as found in, but not limited to, the Student Handbook, Residential Life Handbook and graduate/undergraduate catalogs.
16. The term “substantial information” means information which would lead a reasonable person to conclude that it is more likely than not that the act in questions did occur.

Article III: Proscribed Conduct

Any student found to have committed the following acts of misconduct is subject to the disciplinary sanctions outlined in Article V.

Offenses Against the University Community

1. Acts of dishonesty, including but not limited to the following:
   • furnishing false information to any University official, faculty member or office
   • forgery, alteration or misuse of any University document, record, or instrument of identification
   • tampering with the election of any University-recognized student organization

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 which occur on University premises.

3. Failure to comply with directions of University officials or law enforcement officials 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 or regulations, including, without limitation, the Social Event Alcohol Policy, parking and traffic regulations, etc.

Offenses Against Persons

1. Physical abuse, verbal abuse, threats, stalking, intimidation, harassment, sexual misconduct, coercion and/or other conduct which threatens or endangers the health or safety of any person. This paragraph is intended to include any contact or communication which threatens, harasses or injures a person.

2. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization.

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 to any University premises or unauthorized entry to or use of University premises.

3. Theft or other abuse of computer time, including but not limited to:
   • unauthorized entry into a file to use, read or change the contents, or for any other purpose
   • unauthorized transfer of a file
   • unauthorized use of another individual’s identification and password
   • use of computing facilities to interfere with the work of another student, faculty member or University official
   • use of computing facilities to send obscene or abusive messages
   • use of computing facilities to interfere with normal operation of the University computing system

4. Damage to or littering on public grounds of the University, including driving motor vehicles on lawns or grounds of University property, without prior authorization from the appropriate University official.

Offenses Disrupting Order or Disregarding Health and Safety

1. Use, possession or distribution of narcotic or other controlled substances, except as expressly permitted by law.

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

3. Illegal or unauthorized possession of firearms, explosives, other weapons or dangerous chemicals on University premises.

4. Participation in a campus demonstration which disrupts the normal operations of the University and infringes 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; and intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

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

6. Conduct which 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.

7. Violation of federal, state or local law on University-premises or at University-sponsored or supervised activities.

8. Entering false fire alarms or bomb threats and/or tampering with fire extinguishers, alarms or other safety equipment.

9. Violation of traffic and parking rules and regulations, including but not limited to:
   • repeated or flagrant violations of the rules as set forth in University Traffic and Parking Regulations
   • tampering with, removal of or theft of wheel locks, barricades, traffic cones or traffic control devices

10. Violation of federal, state or local law off University premises and not related to University sponsored or supervised activities which adversely affects the University community and/or the pursuit of its objectives. The decision to pursue disciplinary action under this provision is that of the vice president for student affairs or a designee.

11. The operation of any form of gambling business or any activity sponsored by an organization identified as an approved University organization unless specifically approved by the Office of the Dean of Students. Any student or group of students who accepts or manages a large number of wagers or who provides the mechanisms for wagering or for playing games of chance for profit will be presumed to be operating a gambling business.

12. Facilitating or encouraging gambling by a student athlete or seeking or encouraging a student athlete to provide information or advice regarding competitions in which he or she will participate.

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 University recognition of student organizations is the obligation for each organization to conduct activities in accordance with University rules and policies and applicable laws. Student organizations are required to comply with the written rules and policies of the University.

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 of Student Conduct and to actively oppose and prevent any planned organizational activity which would violate the Code of Student Conduct. 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 violations against the organization, as provided herein.

Article V: Judicial Procedures

Complaints and Investigations

1. Any member of the University community may file complaints against any student for misconduct. Complaints shall be prepared in writing and directed to the Office of Student Judicial Affairs. Any alleged violation should be submitted as soon as possible after the event takes place, preferably within one month (28 days) of the knowledge of occurrence.

2. Any judicial investigator, who has reason to believe that a violation of the Code of Student Conduct may have occurred, is authorized to begin an investigation in the same manner as if a written complaint had been received. The Office of Student Judicial Affairs may investigate and cite students or organizations with misconduct when that office has reason to believe that a violation may have occurred.

3. A judicial investigator or judicial body may issue a summons for a student or organization to appear for discussion about a complaint or for a hearing in a pending complaint. The summons may also include an order to produce records which may be helpful in the course of an investigation or in the prosecution of a complaint.
4. The judicial investigator may conduct an investigation to determine if the alleged violations have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the judicial investigator, subject to the approval of the judicial administrator. Such disposition shall be final and there shall be no subsequent proceedings.

5. All alleged violations shall be presented to the accused student in written form. A hearing shall be set for a hearing, not less than five nor more than 15 calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the judicial administrator.

Hearings

1. Hearings shall be conducted by a judicial body according to the following guidelines. A hearing officer shall exercise all the powers attributable to the chairperson of the judicial body as described below. Student organizations shall have all the rights of students listed herein, which shall be exercised by the president of the organization.
   • Hearings normally shall be conducted in private. At the request of the accused student, and subject to the discretion of the chairperson of the judicial body, a representative of the student press may be admitted, but shall not have the privilege of participating in the hearing.
   • Admission of any person to the hearing shall be at the discretion of the chairperson of the judicial body.
   • In hearings involving more than one accused student, the chairperson of the judicial body, in his or her discretion, may permit the hearings to be conducted sequentially concerning each student to be conducted separately.
   • The accused has the right to be assisted by any adviser he/she may choose, at their own expense. The adviser may be an attorney. The accused is responsible for presenting his or her own case, and, therefore, advisers are not permitted to speak or to participate directly in any hearing before a judicial body.
   • The judicial investigator and the accused shall have the privilege of presenting witnesses, subject to the right of cross-examination by the other party and by the judicial body.
   • Pertinent records, exhibits and written statements may be accepted as information for consideration by a judicial body at the discretion of the chairperson.
   • All procedural questions are subject to the final decision of the chairperson of the judicial body.
   • After the hearing, the judicial body shall deliberate in private and shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated the Code of Student Conduct as cited.
   • The judicial body’s determination shall be made on the basis of whether there is substantial information that the accused student violated the Code of Student Conduct.

2. There shall be a single verbatim record, such as a tape recording, of all hearings before a judicial body. The record shall be the property of the University.

3. Except in the case of a student cited with failing to obey the summons of a judicial body or University official, no student may be found to have violated the Code of Student Conduct solely because the student failed to appear before a judicial body. In all cases, the information in support of the alleged violation shall be presented and considered.

Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Code of Student Code:
   • Warning—notice in writing to the student.
   • 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 if the student is found to be violating any University regulation(s) during the probationary period.
   • Loss of privileges—denial of specified privileges for a designated period of time.
   • Fines—previously established and published fines may be imposed.
   • Restitution—compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
   • Discretionary sanctions—work assignments, service to the University or other related discretionary assignments (such assignments must have the prior approval of the judicial administrator).
   • Residence hall suspension—separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
   • Residence hall expulsion—permanent separation of the student from the residence halls.
   • University suspension—separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
   • University expulsion—separation of the student from the University permanently or on an indefinite basis. 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. Readmission of a student expelled on an indefinite basis may not occur within five (5) years and shall require the recommendation of the Vice President for Student Affairs and approval of the Provost. If a disciplinary action results in the Judicial Administrator determining that expulsion is the appropriate sanction, then the Vice President for Student Affairs 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. The following sanctions may be imposed upon any organization found to have violated the Code of Student Conduct:
   • any of the sanctions listed in the first six paragraphs above
   • loss of recognition as a registered student organization; the Office of the Dean of Students shall 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. More than one of the sanctions listed above may be imposed for any single violation.

4. When a judicial body determines that a student has violated the Code of Student Conduct, the judicial body shall recommend a sanction to be imposed to the judicial administrator. The judicial administrator shall review the facts in the complaint, shall review any prior violations of the Code of Student Conduct by the student and shall determine the appropriate sanction to be imposed. The judicial administrator is not limited to sanctions recommended by the judicial body. The judicial administrator shall advise the student in writing of the sanction(s) imposed.

Reviews

1. A decision reached by the judicial body or a sanction imposed by the judicial administrator (excluding the sanction(s) of expulsion of a student, which is determined by the vice president for Student Affairs after consultation with the president) may be reviewed by a student to a review board within five school days of the decision. Such reviews shall be in writing and shall be delivered to the judicial administrator or his or her designee.

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 and supporting documents for one or more of the following purposes:
   • to determine whether the original hearing was conducted fairly in light of the alleged violations and information presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a defense to the allegations of misconduct
   • to determine whether the student decision reached regarding the accused student was based on substantial information, that is, whether the facts in the complaint were sufficient to establish that a violation of the Code of Student Conduct occurred
   • to determine whether the sanction(s) imposed were appropriate for the violation of the Code of Student Conduct which the student was found to have committed
   • to consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing because such information and/or acts were not known to the person reviewing at the time of the original hearing

3. If a review is upheld by the review board, the matter shall be remanded to the original judicial body or the judicial administrator to allow reconsideration of the original determination.

4. Review of the sanction(s) by the review board may not result in more severe sanction(s) for the accused student or organization. Instead, following a review, the vice president for Student Affairs or other designee may, upon review of the complaint, reduce, but not increase, the sanctions imposed by the judicial administrator.

Disciplinary Records

Disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s confidential record. Complaints involving the imposition of sanctions other than University suspension shall be
expunged from the student's confidential record seven years from the year in which the offense occurred.

**Interim Suspension**

In certain circumstances, the vice president for student affairs, or other designee, may impose a University or residence-hall suspension prior to the hearing before a judicial body.

Interim suspension may be imposed only:

- to ensure the safety and well-being of members of the University community or preservation of University property
- to ensure the student's own physical or emotional safety and well-being
- if the student poses a definite threat of disruption of or interference with the normal operations of the University

During an interim suspension, the student shall be denied access to the residence halls and/or the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the vice president for student affairs, or other designee, may determine to be appropriate.

Upon a student's request, a review of the interim suspension shall be held by the vice president for student affairs, or other designee, within three working days of the interim suspension to determine if the suspension should continue until a hearing by a judicial body on the alleged violation of misconduct is held.