

Non-Academic Student Conduct

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Your first priority at UAB is to get a great education, plain and simple. These are the guidelines that protect your chance at getting that top-quality education by setting the standard for what it means to be a successful student.

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Non-Academic Conduct Policy

Policy Summary

The University of Alabama at Birmingham exists to educate its students, to advance, preserve and disseminate knowledge through research and scholarship, and to advance the interests and the welfare of society as a whole. Free inquiry and free expression are indispensable to the attainment of these goals. Students, faculty and administration represent the three integral parts of the academic community; they share responsibility for the proper functioning of the institution in the pursuit of its educational goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom and throughout the overall campus community.

In order to ensure these rights and freedoms, it is the obligation of both the university as an institution and the members of the academic community to ensure orderly operation by prohibiting actions that interfere with legitimate educational objectives or that interfere with the rights of others. This obligation is met, in part, by assuring that appropriate action will be taken when either academic or non-academic behavior adversely affects the pursuit of the educational objectives of the UAB community. Students are challenged to take responsibility for their behavior, demonstrate respect for themselves, others, property, and to develop skills that will enhance lifelong problem solving, communication, and decision-making abilities.

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I. Jurisdiction

By accepting admission to and enrolling at the University of Alabama at Birmingham, students are obligated to align their behaviors with the values of the university, the Non-Academic Student Code of Conduct, and any other university policies and procedures. The Non-Academic Student Code of Conduct and the student non-academic conduct process apply to the conduct of individual students, informal groups of students, and university officially recognized groups of students. Because the Non-Academic Student Code of Conduct is based on shared values, it sets a range of expectations for the University of Alabama at Birmingham student no matter where or when his/her conduct may take place. Therefore, the Non-Academic Student Code of Conduct applies to behaviors that take place on the university premises, at university sponsored events or programs, and also apply off campus, when the administration determines that the off campus conduct has a direct impact on the educational mission and interests of the university. University of Alabama at Birmingham students studying in off campus contexts or participating in university sponsored programs remain responsible to uphold the Non-Academic Student Code of Conduct and the laws relevant to their location. The Non-Academic Student Code of Conduct also applies to conduct that takes place at any time from the date that a student is offered admission to the university until the student has completed graduation and includes summers and in between semesters. Further, the Non-Academic Student Code of Conduct applies to students when they host guests from the community who violate university policies. In these cases, students may be held responsible for the misconduct of their guests. In general, any behavior that discredits the student or the university, as determined by the Non-Academic Student Code of Conduct, may result in conduct action.

II. Distinction Between Academic and Non-Academic Conduct

Although it is important to bear in mind that misconduct may often be both *academic* and *non-academic* in nature, there are also distinctions between the two, however subtle those distinctions may be. Academic conduct is generally considered to be related to the actions of students that are associated with the teaching-learning environment. Academic misconduct, therefore, may include, but may not necessarily be limited to, such things as plagiarism, cheating and falsifying academic records. **For information on the handling of academic misconduct, see the appropriate academic catalog.** The first contact for reports of academic misconduct is the office of the dean of the school in which you are enrolled.

Non-Academic conduct is generally considered to involve actions of students related to standards of behavior that are established for the purpose of maintaining an acceptable level of propriety within the University community.

III. Definitions

1. The term "the university" means the University of Alabama at Birmingham.
2. The term "student" means any person admitted to the University of Alabama at Birmingham, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, and who is either currently enrolled or was enrolled the previous semester and registered for a future semester.
3. The term "student groups or student organization" means any number of students who have complied with formal requirements for University of Alabama at Birmingham recognition as a student organization.
4. The term "Complainant" means any person who submits a complaint/report alleging that a student violated

this Non-Academic Student Conduct Policy. When a student believes that s/he has been the victim of another student's misconduct the student will have the same rights under this Non-Academic Student Conduct Policy as are provided to the Respondent student.

5. The term "Respondent" means any student accused of violating this Non-Academic Student Conduct Policy.
6. The term "non-academic conduct committee" means any person or persons authorized by the university to determine whether a student has violated the Non-Academic Student Code of Conduct and to recommend imposition of sanctions.
7. The term "faculty member" means any person who is employed by the university for the purpose who holds academic rank or performs teaching or research duties.
8. The term "staff member" means any person employed by the university who is not considered faculty.
9. The term "university sponsored activity" means any activity on or off campus, which is initiated, aided, funded, authorized, or supervised by the university.
10. The Assistant Vice President for Student Life (AVPSL) is that person who considers appeals by students from findings of Administrative Hearings and the findings of the Non-Academic Conduct Committee Hearings. The AVPSL also serves as the Title IX Coordinator for the university.
11. The Director of Student Engagement is that person designated by the University of Alabama at Birmingham to be responsible for the administration of the Non-Academic Student Conduct Policy. The Director of Student Engagement serves as the Title IX Investigator for the university.
12. The "Non-Academic Conduct Hearing Officer" is the person designated by the Office of Student Engagement to be responsible for administering the non-academic conduct process for student(s) or student organizations that have allegedly violated established standards of conduct while in the general university environment.
13. The term "policy" is defined as the written regulations of the University of Alabama at Birmingham as found in, but not limited to, the Non-Academic Student Code of Conduct, residence hall living guides, and appropriate sections of the University Policy Manual and university catalogues.
14. The term "consent" is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Note, in order to give effective consent, one must be of legal age.
15. The term "will" is used in the imperative sense.
16. The term "may" is used in the permissive sense.
17. The term "HOLD" is defined as a hold on a student's registration.
18. The term "sexual misconduct offenses" include, but are not limited to: sexual harassment, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same) and sexual exploitation.
19. The term "force" is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
20. The term "coercion" is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes

clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

21. The term “incapacitation” is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what when, where, why or how” of their sexual interaction). Sexual activity with someone who one know to be, or based on the circumstances should reasonably have known to be, mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy. This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.

IV. Non-Academic Student Code of Conduct

The university is a community of scholars and learners, and, therefore, all participants are expected to conduct themselves in a manner that: 1) facilitates the institution’s pursuit of its educational objectives; 2) exhibits a regard for the rights of other members of the academic community; and 3) contributes to the maintenance of a healthy learning environment. Through appropriate due process procedures, conduct action will be taken in response to behavior that violates these principles. The Office of Student Engagement supports the academic mission of the university by protecting the rights of all members of the university community and by promoting civility, integrity, responsibility, openness, mutual respect and justice by enforcing community standards.

As used in this policy, “non-academic misconduct” includes, but is not limited to student behavior on campus or behavior while a student is participating in a university sponsored activity off campus. Incidents of student misconduct are subject to the university’s non-academic conduct process. UAB students who commit an offense off-campus, while involved in non-university sponsored activities may also be subject to the non-academic conduct process, notwithstanding the fact that such conduct may be subject to legal process, as well.

It is the responsibility of each student to become familiar with these regulations. Anyone may file a formal complaint against a student or student organization alleging a violation(s) of the Non-Academic Student Code of Conduct or related university regulation or policy. Non-Academic misconduct may include, but is not limited to the following:

1. Disruption or obstruction of, or interference with any university activity, including the teaching, research, administrative, or other public service functions, on or off campus, or other authorized non-university activities, when the act occurs on university premises.
2. Failure to comply with reasonable directions by university officials or law enforcement officers, or failure to provide identification to any properly identified UAB administrator, faculty or staff person while that person is in the performance of his or her duties. This includes failure to fulfill any sanction(s) assigned as a result of a non-academic conduct hearing.
3. Threatening or causing physical harm, verbal abuse, intimidation, coercion, retaliation, bullying or other conduct which threatens or endangers the health and safety of any member of the student body, faculty, staff, group or visitor to the university.

4. Intimate partner abuse is any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a sexual or dating relationship. This includes threats, assault, property damage, and violence or threat of violence to one's self or to the family members of the sexual or romantic partner when used as a method of coercion, control, punishment, intimidation or revenge.

5. Harassment. Violations include, but are not limited to:
 - A. Any act, display, or communication that would cause a reasonable person to fear for his or her personal safety. This includes, but is not limited to, physical coercion and/or restraint.

 - B. Any act, display or communication that causes substantial injury and/or distress on the part of the person or persons to whom it is specifically directed that results in the individual being deprived of educational activities or opportunities.

 - C. Any attempt to willfully and repeatedly make contact with a person over his/her stated objections, when such contact serves no legitimate purpose.

6. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the university community; or the safety of any of the immediate family of members of the university community.

7. Sexual misconduct offenses include, but are not limited to: sexual harassment, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same) and sexual exploitation.
 - A. Sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that is, sufficiently severe, persistent or pervasive that it, has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the university's education program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

 - B. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon a person that is without consent and/or by force. Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

 - C. Non-consensual sexual intercourse is any sexual intercourse, however slight, with any object, by a person upon a person that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

D. Sexual exploitation occurs when a student takes a non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy; prostituting another student; non-consensual video or audio taping of sexual activity; going beyond the boundaries of consent; engaging in voyeurism; knowingly transmitting an STI or HIV to another student; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; sexually based stalking and/or bullying may also be forms of sexual exploitation.

See **UAB Equal Opportunity and Discriminatory Harassment Policy**.

See **Sexual Assault Guide**.

See **Sexual Harassment Guide**.

8. Conduct that is disorderly, lewd, indecent, or a breach of peace.
9. Illegal use, possession, sale, attempted sale, cultivation, manufacture, distribution or dispensing of any state or federally controlled drug or substance, or drug paraphernalia.
(See **UAB-wide policy**)
10. Public intoxication and/or the illegal consumption, possession, sale, attempted sale, manufacture, distribution or dispensing of alcoholic beverages.
(See **UAB-wide policy**)
(See also **Medical Amnesty Policy**)
11. The attempted or actual theft of and/or damage, misuse, or malicious destruction to property belonging to the university, visitors to the university or to any member of the university community. This includes knowingly possessing stolen property.
12. Possessing, using, carrying or storing firearms, ammunition, explosives, fireworks, weapons of any kind, or dangerous chemicals on university premises or at any university-sponsored activity. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate.
(See **UAB-wide policy**)
13. Gambling, including unlawful games of chance for money or anything of value and the sale, or other disposition of a ticket, order, or any interest in a scheme of chance by any name.
14. Unauthorized attempted or completed entry into or use of any university building, facility, room, vehicle, equipment, or area without reservations through the appropriate university authorities.
15. Forgery, alteration, fabrication or misuse of university forms, documents, records, keys, or instruments of identification. This includes withholding material information from the university and making false statements to any university official. The submission of false information at the time of

admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate non-academic conduct action.

16. The operation on campus of student organizations not properly recognized and registered.
17. Behavior during a non-academic conduct hearing involving contemptuous, disrespectful or disorderly behavior, or the giving of false testimony or other evidences at any hearing.
18. Failure to appear for a university non-academic conduct proceeding to respond to allegations of a conduct code violation or to appear as a witness when reasonably notified to do so. This includes non-academic conduct hearings and investigations.
19. Knowingly violating the terms of an official conduct sanction.
20. Failure to follow established rules and regulations.
21. Hazing or any action taken or situation created that endangers the mental or physical health or safety of any person within the university community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a group or organization.
22. Intentionally and substantially interfering with the freedom of expression of others on university premises or at university sponsored activities.
23. The unauthorized use of UAB property and resources for personal gain.
24. Violation of the UAB Information Technology Computer Policy. Failure to comply with laws, license agreements and contracts governing network, software and hardware use; abuse of communal resources, failure to protect your password or use of your account, and breach of computer security, harmful access or, invasion of privacy.
(See [IT Policies](#))
25. Unauthorized electronic or digital recording.
26. Unauthorized use, alteration or in any way tampering with fire equipment, safety devices or safety equipment.
27. Intentionally initiating or causing to be initiated any false report, warning, threat of fire, explosion or other emergency concerning the university and university sponsored activities.
28. Complicity. Presence during any violation of university policy in such a way as to condone, support, or encourage that violation. (NOTE: Students who anticipate or observe a violation of university policy are expected to remove themselves from the situation and are encouraged to report the violation.)

29. Other behaviors which are inappropriate in an educational environment.

V. Temporary Sanctions

All students are expected to comply with federal, state and local laws. When a student is convicted of such a violation and circumstances indicate that the student's continued presence on campus creates a danger of serious physical or mental harm to the student, to any member of the University community, or to the educational processes of the university, the university may impose sanctions, including suspension or expulsion.

A student or a student organization that has been accused of an offense, the nature of which constitutes a likelihood of serious danger to the student, other members of the university community, or the educational processes of the university, may receive temporary sanctions. These sanctions may include suspension or expulsion, as may be deemed necessary, pending final disposition of the case. Such temporary sanctions may exist and be enforced until such time as final disposition of the case has been made by the properly constituted authorities.

Medical Evaluation/Involuntary Withdrawal

A student who poses a significant danger of serious harm to himself/herself or to others may be asked to be evaluated by a medical professional, at the discretion of the university. If the individual is determined by that professional not to be a threat to self or others, they may safely return to campus. If a student refuses to be evaluated, or ignores medical advice regarding their situation, an involuntary withdrawal may be imposed. A student under involuntary withdrawal shall have a hold placed on his/her record, and the university may impose conditions for return, as appropriate for the safety of the student and campus environment.

The Assistant Vice President for Student Life, or designee, has authority for these decisions.

VI. Sanctions for Violations of the Non-Academic Student Code of Conduct

A student found responsible for a violation shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including, but not limited to, the student's conduct record. It is the student's responsibility to review his or her conduct record, and the student will be deemed to have knowledge of his or her record of previous conduct violations and sanctions, whether or not the student chooses to review the record. Sanctions include one or more of the following penalties, unless otherwise expressly provided:

Informal Warning Oral or written warning to the student that he or she is violating university regulations. No official record of an informal warning shall be maintained.

Official Warning Official warning in writing that continuation or repetition of specified conduct may be cause for more severe conduct action. A record of an official warning shall be maintained.

Parental/Guardian Notification In cases of violation of university alcohol and drug policies involving students

under 21 years of age at the time of the violation, the university may notify the student's parent or guardian of the violation. The university also reserves the right to notify parents of students over 21 years of age in the event that they are a threat to self or others.

- Conduct Probation** Conduct probation is for a designated period of time and includes the probability of more severe conduct sanctions, including suspension or expulsion from the university if the student is found responsible for violating specific and/or any university regulation(s) during the probationary period. Additional stipulations that are consistent with the nature of the violation may also be imposed.
- Loss of Privileges** A limitation is placed upon selected privileges for a specific period of time. Loss of privileges may include, but may not be limited to, denial of the right to represent the university, a denial of the use of campus facilities or access to areas of campus, or denial from participation in co-curricular activities.
- Campus and/or Community Service** Requirement that services be offered for a specified period to an appropriate non-profit community agency and/or to a university office.
- Educational Assignment** A student is required to complete a specified educational assignment related to the violation committed. Such educational assignments may include completion of a workshop or seminar, class, report, paper, project, alcohol or drug program and/or consultation, counseling consultation, psychological or psychiatric evaluation.
- Residence Hall Transfer or Removal** A student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.
- No Contact Order** A No Contact Order is a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, electronic, telephone, or third parties. Violating a No-Contact Order may result in suspension from the University of Alabama at Birmingham.
- Restitution** Reimbursement for damage or loss of property or expenses of others as a result of the misconduct.
- Suspension** Exclusion from classes and other privileges in the university community for a specified period of time.
- Expulsion** Permanent termination of student status in the university community.

Any student found responsible for violating the policy on non-consensual or force sexual contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for violating the policy on non-consensual or forced sexual intercourse will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely face a

recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Additional Sanctions

In situations involving some of the sanctions listed above, a student may be asked to relinquish any University office held. If a student leader is charged with a violation of serious non-academic misconduct, he/she may be removed from the leadership position until the matter is resolved. Sanctions may also result in permanent removal from leadership positions. This may also include their representing the university in any capacity. This could also result in the loss of certain scholarships and financial aid. In addition to the sanctions described, the Non-Academic Student Conduct Hearing Officer may apply or recommend additional sanctions.

Failure to complete a required sanction is a serious offense. It is considered an additional violation of the Non-Academic Student Code of Conduct (IV. 2.), and will usually result in more serious sanctions being imposed. Within one (1) week of a student's failure to complete a sanction, a HOLD will be placed on the student's records, and any pre-registration that the student might have already conducted. Students refusing to complete sanctions also place themselves at risk of being suspended or expelled from the University of Alabama at Birmingham.

VII. Student Groups and Organizations

Student groups and organizations are expected to maintain appropriate standards of conduct that are commensurate with those expected of individual students in the university environment. Therefore, student groups and organizations may be charged with violating non-academic standards of conduct without regard to whether members of such groups or organizations are individually charged with violations arising from the same occurrences. Misconduct by a UAB student organization while participating in non-university sponsored activities off-campus may be subject to the non-academic conduct process.

A student group or organization, its officers, or individual members may be held collectively or individually responsible when violations by those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, advisors, or spokespersons.

The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Director of Student Engagement, or a designee, to take appropriate action designed to prevent or end violations by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the Director of Student Engagement's, or a designee's, directive shall be considered a violation of Section IV. 2, both by the officers, leaders or spokespersons for the group or organization and by the group organization itself.

VIII. Group Sanctions

One or more of the following sanctions may be imposed on a group or organization for non-academic misconduct.

1. **Social Probation** is imposed for a specific period of time. This sanction prohibits the group or organization from campus sponsorship of any organized activity, party or function. This may also include off campus events.
2. **Reprimand** is an official notice of censure. Repetition of violations that resulted in a reprimand to the group within a period of two (2) years shall automatically carry charter probation as a minimum penalty.
3. **Charter Probation** is given for a specific period of time and carries the immediate threat of charter revocation or restriction if there are other violations or repetition of previous violations during the semester of the sanction. The group or organization may seek and add members but may not enjoy any of the privileges removed under the social probation.
4. **Charter Restriction** is the temporary removal of university recognition, usually for not more than one (1) semester in addition to the one in which the offense occurred. While under restriction, the group or organization may continue to occupy or hold property but may not seek or add members, hold or sponsor events in the university community, or enjoy any of the privileges removed under social probation set forth above.
5. **Charter Revocation** is the permanent removal of university recognition for a group or organization. Charter revocation may be recommended but can be imposed only by the university President.
6. **Additional Group Sanctions.** In addition to the above, the Non-Academic Conduct Officer may apply or recommend additional sanctions, as well as refer the case to the group's or organizations governing bodies for consideration of other sanctions.

Failure to complete a required sanction is a serious offense. It is considered an additional violation of the Non-Academic Student Code of Conduct (IV 2.) and will usually result in a more serious sanction imposed. Within one (1) week of an organization's failure to follow or complete a sanction, a HOLD will be placed on the organization president's student record. Organizations refusing to follow or complete sanctions also place themselves at risk of Charter Restriction or Revocation.

IX. Authority and Responsibility for Non-Academic Behavior Issues

The following statements establish authority and responsibility for non-academic misconduct:

Vice Provost for Student and Faculty Success

The Vice Provost for Student and Faculty Success is that person designated by the University President to be responsible for the administration of the Non-academic Student Conduct Policy.

Assistant Vice President for Student Life and Director of Student Engagement

The Assistant Vice President for Student Life, appointed by the Vice Provost for Student and Faculty Success, and the Director of Student Engagement, appointed by the Assistant Vice President for Student Life, will be principally responsible for administering the non-academic conduct process for students or student organizations that have allegedly violated established standards of conduct while in the general university environment. The Assistant Vice President for Student Life and Director of Student Engagement, in consultation with the appropriate university officials shall develop policies and procedures for the administration of the non-academic conduct program.

At the discretion of the Assistant Vice President for Student Life, non-academic programs and student organizations with internal conduct mechanisms may be allowed to handle minor violations of the Non-Academic Student Code of

Conduct by a member.

Director of Student Housing & Residential Life

The Director of Student Housing & Residential Life will oversee the housing conduct process for students who have allegedly violated housing standards of conduct and/or student housing policies and procedures while on housing premises. In many situations, the Director of Student Engagement and the Director of Student Housing & Residential Life may jointly handle violations of established standards of conduct. A student subject to housing processes may also be subject to non-academic conduct review.

Deans

The deans of the schools within the university have the option to investigate and administer non-academic conduct for students enrolled in their respective schools, or to refer the matter to the Director of Student Engagement.

Non-Academic Conduct Committee

A non-academic conduct committee will be appointed as needed for the purpose of dealing with non-academic misconduct issues. The committee will be appointed by the Assistant Vice President for Student Life. Each four (4) member non-academic conduct committee will be comprised of: 1) a faculty member; 2) two (2) students selected from the USGA Student Court; and 3) one (1) staff member appointed by the Assistant Vice President for Student Life, who will chair the committee.

X. Due Process

Students will be assured of fair and equitable treatment through consistent adherence to the due process procedure as described below:

1. A notice in writing of any complaint(s) filed against the Respondent and the opportunity to be made aware of the complaint against him or her;
2. A Preliminary Hearing for the purpose of rebutting the complaint(s) will be scheduled within five (5) business days, if at all possible, after a notice of the complaint(s) have been sent to the Respondents email address of record;
3. The opportunity to admit or deny the alleged violation(s) and request an Administrative or Non-Academic Conduct Committee Hearing;
4. The opportunity to bring to the Administrative or Non-Academic Conduct Committee Hearing an advisor /support person of his or her choice. The advisor/support person will not participate in the hearing, but will serve only in an advisory capacity to the Respondent involved. The Complainant has the right to be assisted by an advisor of his or her choice, as well;
5. Upon receiving notification of the outcome of a hearing, the Respondent or Complainant may request an appeal to the Assistant Vice President for Student Life within five (5) business days of the date of notification of the decision to the Respondent and Complainant email address of record. Failure to file a request for

appeal within the prescribed time constitutes a waiver of any right to an appeal. A request for appeal is not a new hearing, but is a review of the record of the original hearing. When submitting a request for appeal, the Respondent and Complainant must provide a rationale for the appeal and adequate information (including documentation) to support the appeal. A request for appeal must be based on one or more of the following: 1) Denial of a fair and reasonable hearing; 2) The decision was not reached in accordance of the facts presented; 3) The sanction is extraordinarily disproportionate to the violation; or 4) There is new information not reasonably available at the time of the hearing. If the request for appeal is not based on one of these factors, the request will be denied. If you would like to request an appeal regarding this decision, then you must complete the Non-Academic Student Conduct Appeal Form located on the Student Engagement's website, within five (5) business days of receiving the decision letter. The form is located on the Resources tab under forms.

Upon receipt of the request for appeal, the Director of Student Engagement, or designee, will determine whether the written appeal states one of the grounds for appeal. If the written appeal does not state one of the grounds for appeal, the parties will be notified that the appeal will not be processed for failure to state an acceptable ground for appeal. If an accepted basis for appeal is stated, the Director of Student Engagement, or designee, will forward the appeal and written response received to the Assistant Vice President for Student Life to determine the appeal. The review will be completed within thirty (30) calendar days of the date of receipt of the student's letter, if at all possible. The appeal decision may uphold the original hearing decision, modify the hearing decision, overturn the hearing decision, or refer the case back to the original hearing officer or committee. The decision of the Assistant Vice President for Student Life is final.

XI. Procedures for Non-Academic Conduct Action

1. When it is alleged that a student has violated university standards of behavior, the Office of Student Engagement will be notified.
2. After review by the Office of Student Engagement, if it is determined that there is adequate cause for a conduct action, the Office of Student Engagement will consult with the Academic Dean responsible for the program in which the student is enrolled. He/she will determine whether the Office of Student Engagement or the dean of the school will pursue the case, in accordance with applicable process and procedure.
3. If it is determined that the Academic Dean will handle the matter, it will be administered through the regular process prescribed for conducting non-academic conduct matters in the particular school or unit involved. If the Office of Student Engagement is to administer the case, the Non-Academic Conduct Hearing Officer will meet with the student involved.
4. If the matter is to be referred to the Non-Academic Conduct Committee, the Assistant Vice President for Student Life will be advised and will appoint members to hear the case. A faculty member will be selected to serve on the committee; two (2) students will be selected from the USGA Student Court, and a staff member, who is to serve as chairperson of this committee, will be identified.

5. Non-Academic Conduct hearings will be conducted in accordance with the appropriate standards of due process.
6. A decision whether the Respondent is found "in violation" (responsible) of the policy or "not in violation" (not responsible) of the policy is made by the Non-Academic Student Conduct Hearing Officer or Non-Academic Conduct Committee. The standard of evidence used to determine responsibility is a "preponderance of the evidence" ("more likely than not");
7. An unexcused absence from a hearing, without just cause, may result in sanctions being imposed, based upon the available evidence. It may also result in additional charges per Section IV, 2.
8. When suspension or expulsion are recommended by the dean, Office of Student Engagement Non-Academic Conduct Hearing Officer, or Non-Academic Conduct Committee, the Assistant Vice President for Student Life shall review the case and make a final decision after recommendation to the Vice Provost for Student and Faculty Success and the President of the university. The response to the recommendations will be communicated to the student(s) involved by the Assistant Vice President for Student Life. Similar due process procedures will be available for student organizations.

XIII. Non-Academic Student Conduct Records

Non-Academic student conduct records under this policy will be maintained by the Office of Student Engagement. Records of suspension or expulsion from the university are maintained permanently. Records of those students who have been found responsible for a non-academic code violation will be maintained for seven (7) years and then will be destroyed. Records of those students who have been found not responsible for a non-academic code violation will be maintained for one (1) year and then will be destroyed. The university reserves the right to retain all conduct records for longer periods as may be deemed necessary.

If a student withdraws or leaves the university prior to the resolution of an incident in which the student is involved, a **HOLD** will be placed on the students' record and he or she will be prohibited from future enrollment until such time as the matter is resolved.

Non-Academic student conduct records are personal and confidential. Students may inspect their records at reasonable times. To request a review of your conduct record, please contact the Office of Student Engagement at (205) 975-9509 or visit the office in the 1715 Building on 9th Avenue South. These records may also be shared with other University officials who have a legitimate educational interest in the information they contain. Under no circumstances will any personally identifiable information be released to any external individual, agency, or organization except with the prior written consent of the student or as otherwise required by law.

For information concerning procedures for academic and non-academic grievances, consult the appropriate officer in your academic unit

Academic Affairs

Mr. Andrew Marsch, Assistant Vice President for Student Life
Room 110, Hill University Center
934-4175

Dentistry

Dr. Steven Filler, Associate Dean of Student Alumni & External Affairs/Director of Admissions, School of Dentistry
Room 125A, School of Dentistry Building
1919 Seventh Avenue South
934-5424

Graduate

Dr. Bryan Noe
Dean of the Graduate School
Room 504, Hill University Center
975-8852

Health Professions

Dr. Donna Slovensky
Office of the Associate Dean for Academic and Student Affairs
Room 624, School of Health Professions/Webb Building
1675 University Boulevard
975-8034

Medicine

Dr. Laura Kezar, Associate Dean for Students/Physiatrist
Room 152, Spain Rehabilitation Center
1717 6th Ave S
934-6934

Nursing

Mr. Peter Tofani, Assistant Dean, Student Affairs, School of Nursing
Room 208A, School of Nursing Building
1701 University Boulevard
975-1964

Optometry

Dr. Gerald Simon, Director of Student Affairs, Clinical Associate Professor of Optometry
Room 124, Henry Peters (Optometry) Building
1716 University Boulevard
975-0739

Public Health

Dr. Melissa Galvin, Associate Dean for Academic & Strategic Programs

Room 120, Ryals Building

1665 University Boulevard

934-0361



Safety & Security



Non-Academic Student
Conduct



Student Health



Counseling & Wellness
Center



Women's Counseling
Center



How to Deal with
Distressed Students



Contact Student
Engagement



NO MORE

TOGETHER WE CAN END
DOMESTIC VIOLENCE & SEXUAL ASSAULT

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