

Student Disciplinary Procedures

Philosophy and Purpose

The University of Montevallo strives to maintain an educational community that fosters the development of students who are ethical, civil and responsible persons. Students of the University are expected to conduct themselves in a manner consistent with the University's function as an institution of higher education. As a community of learners and scholars, all are expected to maintain conduct which assures orderly pursuit of educational objectives, positive regard for the rights of others, and a safe environment. The purpose of this document is to set forth the procedures by which the University maintains student behavioral standards.

Jurisdiction

Responsibility for good conduct rests with students as individuals, for both themselves and their guests. Student organizations have similar responsibility for maintaining good conduct among their members and guests and at activities they sponsor. All members of the University community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of others.

Student Code of Conduct Violations and Sanctions

Students found in violation of University policies and regulations are subject to disciplinary actions with sanctions ranging from a verbal warning to expulsion from the university.

When behaviors and circumstances indicate that the student's continued presence on campus creates a danger of serious physical or mental harm to the student or others of the University community, the administration reserves the right to impose an interim sanction including suspension pending a hearing without delay 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; or to ensure that the student does not disrupt or interfere with the normal operations of the University. As a part of the interim sanction, an involuntary administrative withdrawal may be implemented. Upon his or her request, the student shall be granted a hearing within 10 business days of the effective date of the interim suspension while the University is in session.

Residential students who engage, or threaten to engage, in behavior that poses a danger or causes physical harm to self or others; or engage, or threaten to engage, in behavior that would cause

significant property damage; or who directly and substantially impede the lawful activities of others will be subject to immediate withdrawal from University housing.

When there is an allegation that a student has committed an offense that is also a crime, a student can be charged both by the criminal justice system and the student conduct system. Disciplinary action at the University will normally proceed independently of pending criminal charges even if charges involving the same incident have been dismissed by the criminal justice system.

Grievance Procedures

The Board of Trustees and the President of the University are ultimately responsible for governing the University. The student conduct system is administered by the Vice President of Enrollment and Student Affairs/Dean of Students in the Division of Enrollment and Student Affairs. The VPESA/Dean of Students, in turn, designates the Student Conduct Officer/Deputy Title IX (SCO) as the University's official judicial / student conduct officer with administrative authority and responsibility for oversight and enforcement of Student Conduct policies and procedures. This responsibility includes formulating and implementing policies and procedures, in cooperation with other appropriate University bodies, for the consideration of conduct violations and the imposition of sanctions in an efficient, consistent, fair, legal, and educationally meaningful manner. The SCO may further delegate responsibility to various judicial bodies and administrative staff including Housing and Residence Life staff, Justice Council and Administrative Council.

Once an alleged violation has occurred, an incident report is filed with the Student Conduct Officer/Deputy Title IX (SCO). Reporters, who are individuals initiating a complaint, must file an incident report within a timely manner not to exceed one year from the date of the alleged incident except in circumstances wherein an ongoing threat to the health and safety of the campus community is suspected. Reports may be filed in person, electronically or in writing by University faculty, staff, students, and/or police officers. A valid complaint must be related to a Student Code of Conduct violation and/or any violation of local, state or federal law. Incident reports should include the identity of the alleged violator, the location of the alleged incident, and as much information as possible related to the specifics of the alleged incident. An electronic incident report can be found through the Home or Faculty/Staff tab in ForUM or on the Montevallo.edu home page at www.montevallo.edu/campus-life/campus-safety/umcares-and-maxient-reporting/.

Violations of regulations of residences, libraries, resource centers, and other areas of University life may also result in disciplinary action. For further regulations pertaining to conduct within the residence halls see the University of Montevallo *Residence Hall Handbook* at <http://www.montevallo.edu/campus-life/housing/>

All types of incident reports including those related to sexual misconduct or abuse, stalking, domestic violence, and/or dating violence may be filed with and investigated individually or collaboratively by

the SCO, the Title IX Coordinator, the University Police Department, Housing and Residence Life staff as well as in partnership with other University and/or community teams and/or committees as necessary. University officials are available to assist anyone needing such assistance in matters wherein law enforcement notification may be warranted. In situations involving threatening behavior, sexual misconduct or abuse, stalking, domestic violence, and/or dating violence, other available options may include assistance with changing academic, living, transportation, and working situations regardless of a victim's choice in reporting the situation to campus or local police. Individuals needing assistance with filing an incident report and/or discussing their options for pursuing a case should contact the VPESA/Dean of Students, the University Judicial/Student Conduct officer, or the Title IX Coordinator. Contact information for these individuals is below as well as information related to available campus and community resources.

Ms. Barbara Forrest Title IX Coordinator Will Lyman House (205)665-6055 forrestb@montevallo.edu	Ms. Karen Willingham University Judicial /Student Conduct Officer Deputy Title IX Coordinator Main Hall, Lower Level (205)665-6020 willinghamkl@montevallo.edu	Dr. Tammi Dahle Primary Appellate Officer Main Hall, Lower Level (205)665-6020 dahlet@montevallo.edu
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Community and Campus Resources

UM Police 205.665.6155	Montevallo City Police 9-911 or 205.665.1264	UM Counseling Services 205.665.6245 (Source for confidential reporting on campus)	SafeHouse 205.669.1877 (Advocacy & Legal Assistance)	Rape Response 205-323-7273 or (Advocacy & Legal Assistance)
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Amnesty

Some students are hesitant to report conduct violations to University officials or seek assistance in emergency situations because they fear that they themselves or others may be accused of policy violations, such as underage drinking, at the time of an incident. A student who, in good faith, seeks assistance on behalf of himself/herself or others in an emergency situation may be granted amnesty from Code of Conduct charges, except where it has been determined that another violation of University policy may have occurred (e.g. destruction of university property, fire safety violation, physical harm to another student, etc.). The student(s) for whom help has been sought may also be eligible for amnesty.

In order for amnesty to apply, the reporting student(s) must contact appropriate assistance, such as 911, campus police, Resident Assistants, or other University faculty/staff, then remain with the intoxicated individual(s) and cooperate with staff in obtaining assistance. Both students seeking and receiving assistance must agree to a meeting with the judicial/student conduct officer at a time specified by the judicial/student conduct officer. No conduct action will be taken against student(s) who qualify for amnesty. The judicial/student conduct officer may determine that educational activities, assessments, and/or treatment are necessary to address health and safety concerns of student(s) receiving amnesty, in which case the student(s) will be required to complete such measures within the timeframe stated by the judicial/student conduct

officer. Failure to comply will result in further conduct action to be decided by the judicial/student conduct officer. Student(s) previously granted amnesty and involved in subsequent substance-related incidents will have their circumstances reviewed by the judicial/student conduct officer to determine eligibility for amnesty. Additional amnesty is not guaranteed in these circumstances.

Student organizations that seek assistance on behalf of members or guests experiencing a substance-related emergency may be eligible for mitigation of charges related to organizational violations, provided that the organization completes any educational programming or additional requirements by the Office of the Dean of Students. However, the organization can and will be held accountable for any other violations of the Student Code of Conduct related to the incident (e.g. endangering the health or safety of others, covered smoke detectors, etc.) and may be subject to disciplinary action by the national organization for violation of risk management programs, substance abuse policies, and other rules imposed by the national organization.

Please note that records are kept within the Student Conduct department regarding Amnesty incidents. These records can be shared within the guidelines of FERPA. Student Conduct records are not a part of your academic transcript.

Due Process

The University of Montevallo is an educational institution. At educational institutions, student disciplinary processes do not follow the same procedures as a court of law and are not intended to duplicate a court of law. However, the University of Montevallo does provide Due Process privileges to students involved in any alleged violation of the Student Code of Conduct. All students involved in a disciplinary situation will be treated with respect by all University officials and will receive a timely response and appropriate resolution of a credible disciplinary complaint. Credibility of the complaint and the decision to move forward with charges will be determined after a preliminary investigation of the complaint. In some situations, relevant University representatives may be consulted.

Individuals accused of a violation shall be:

- A. Informed of all violations against him/her.
- B. Provided a fair hearing in a timely manner that may include individuals directly involved in the situation and assumes no guilt until a violation is determined by a preponderance of evidence.
- C. Granted the opportunity and informed of the proper procedure for requesting and filing an appeal.
- D. Informed of the final decision in the case.

Individuals who initiate a sexual misconduct or abuse, stalking, domestic violence, and/or dating violence complaint are afforded additional rights within the University disciplinary process including:

- A. The right to be informed of the outcome and sanction(s) of the disciplinary case
- B. The right to appeal the findings in accordance with University appeal procedures

Complainants of sexual misconduct or abuse, stalking, domestic violence, and/or dating violence also have the right to have his/her name withheld as confidential in matters of public recordkeeping and timely warning to the campus community. Identifying information about the victim will be withheld or redacted in public records to the extent permissible by law.

In addition, no one shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his/her lawful right and responsibility to report a situation involving sexual misconduct or abuse, stalking, domestic violence, and/or dating violence.

Judicial Notification

Judicial notifications will be sent through the University's official means of communication, which is forUM email. In some situations, notification may be hand delivered and/or sent via US mail. Students involved in judicial situations are expected to monitor all communications and respond accordingly and in the timeframe specified. Cases will be investigated and may be determined in absentia based on information gathered and/or submitted when a student(s) and/or organization(s) does not respond to a notification letter.

Disciplinary Meeting

Once the student has been sent notification of the alleged violations, he or she should contact the judicial/student conduct officer and schedule a disciplinary meeting within five days. Meetings may be delayed during time periods in which the University is closed. The disciplinary meeting is an informal, non-adversarial meeting between a student and the judicial/student conduct officer or his/her designee. The purpose of the disciplinary meeting is to examine the complaint, listen to the student(s), discuss circumstances regarding the incident, and hear student concerns.

During the disciplinary meeting, the student and judicial/student conduct officer (SCO) will also discuss student options. The student can notify the SCO of his/her response during the meeting or may take no longer than 24 hours to notify the SCO of his/her selected response. Students involved in judicial situations are expected to respond accordingly and in a timely manner. Cases involving students and/or organization(s) who do not respond to the SCO with his/her response within 24 hours of the Disciplinary Meeting will be determined in absentia based on information gathered and/or submitted.

Student options are as follows:

1. The student will state he/she is in violation of the complaint. Sanctions will be developed and applied by the SCO. Student will be notified within five business days from the meeting of the sanctions applied.
2. The student will state he/she is in violation of the complaint. The SCO will refer the situation to a Council hearing for sanctioning. Administrative Council hearings will be scheduled within

10 business days and Justice Council Hearing will be scheduled within 20 business days of the disciplinary meeting. The student will be notified of sanctions applied within five business days of the hearing.

3. The student will state he/she is not in violation and forego a Council hearing. The SCO will hear the student's case and, if the student is found to be in violation, develop and apply sanctions. The student will be notified of any applied sanctions within five business days of the meeting.
4. The student will state he/she is not in violation and request a hearing to be determined and scheduled by the SCO. Administrative Council hearings will be scheduled within 10 business days and Justice Council Hearing will be scheduled within 20 business days of the disciplinary meeting. If the student is found to be in violation of the alleged complaint, he/she will be notified of sanctions applied within five business days of the hearing.

On many occasions, the student and judicial/student conduct officer can come to a consensus related to the alleged violations without the need for a more formal hearing. In other situations as noted above, the student may request a hearing or the judicial/student conduct officer may choose to initiate the hearing process. Most situations will be referred to an Administrative Council. Situations that may rise to the level of suspension or expulsion, with the exception of situations involving violence, threats of violence and sexual misconduct incidences, may be referred to the Justice Council at the discretion of the SCO. Due to the explicit content involved in such complaints, all disciplinary cases involving violence, threats of violence and sexual misconduct will be heard by the SCO or an Administrative Council.

Students involved in judicial situations are expected to monitor all communications and respond accordingly and in a timely manner. Cases will be determined in absentia based on information gathered and/or submitted when a student(s) and/or organization(s) does not appear for a scheduled hearing and/or meeting with University officials.

Hearing Procedures

Disciplinary cases will be managed by the Student Conduct Officer (SCO) and heard by the Student Conduct Officer, an Administrative Council or the Justice Council. Due to the explicit content and risks involved in such complaints, all disciplinary cases involving violence, threats of violence and sexual misconduct will be heard by the SCO or an Administrative Council.

The complainant in cases involving violence, threats of violence, sexual misconduct or abuse, domestic and/or dating violence, or stalking will receive the outcome of the case including sanctions imposed.

Justice and Administrative Councils

Administrative and Justice Councils hear disciplinary cases involving violations of University rules and of the Student Code of Conduct by individual students or by student organizations. Most cases will be heard by the Student Conduct Officer/Deputy Title IX (SCO). At the discretion of the SCO, a Justice Council may hear cases in place of an Administrative Council except in cases involving violence, threats of violence and sexual misconduct. Cases involving violence, threats of violence and sexual misconduct will be heard by the Student Conduct Officer or an Administrative Council with the Student Conduct Officer selecting which is most appropriate.

The Justice Council committee is composed of eight faculty representatives recommended by faculty senate, six staff members recommended by the Vice President for Enrollment Management, and eight students recommended by staff within Student Life, and Housing and Residence Life. Quorum for non-academic justice council hearings will consist of three faculty and/or staff representatives and two student representatives. Quorum for non-academic Administrative Council cases will consist of at least one faculty representative and two additional faculty or staff members from the Justice Council committee. Justice Council cases involving academic dishonesty must include only two faculty representatives, two student representatives and one staff representative.

Faculty and staff Justice Council committee members are appointed for three years on a rotating basis. Students serve one year and may be reappointed.

Hearings

If a hearing is requested, the Student Conduct Officer, an Administrative Council or the Justice Council will hear information related to the case and determine if a violation has occurred, and if so, what appropriate sanctions should be imposed. Decisions of the Councils are based on a majority vote of the membership of the Council and shall be based exclusively on the information presented.

For Administrative Council or Justice Council hearings, both the complainant and the accused may bring one representative who may attend and advise the student but not present the student's case. The representative has no standing in the proceedings but may provide advice to the respective student in a quiet manner that is not disruptive to the proceedings. The student must give the designated judicial coordinator notice in writing of his or her plans to bring a representative at least 24 hours before the start time of the hearing.

Hearing decisions will be reported in writing to the accused party within five business days. In cases involving violence, threats of violence and sexual misconduct, both the complainant and the accused will be notified of the final decision and sanctions. In the case of a sexual misconduct complaint, the complainant and the accused have an opportunity to request a review of the outcome of the case.

Some situations involving alleged Student Code of Conduct violations that occur within University housing will be managed by the Assistant Director of Housing and Residence Life. The Assistant

Director of Housing and Residence Life will hear the case and determine if a violation has occurred. If the student is found to be in violation, the Assistant Director of Housing and Residence Life will also determine appropriate sanctions. Those violations include but are not limited to:

1. First time alleged violation for open containers in public areas of residence halls (lobbies, hallways, etc.);
2. First time alleged violation for tampering with, damaging, disabling or misusing fire safety equipment including but not limited to fire extinguishers, fire sprinklers, fire hoses, fire alarms and fire doors in University housing;
3. First time alleged violation for failing to immediately evacuate University housing when a fire alarm or other emergency notification has been sounded or hindering or impairing the orderly evacuation.

Sanctions

If a student(s) or organization is found in violation of the Student Conduct Code, they may be subject to one or more sanctions. Students or organizations not completing and/or adhering to assigned sanctions may be subject to additional Student Code of Conduct violation(s) as well as additional sanctions including suspension. The following alphabetical list is not all inclusive:

Administrative Probation - a reprimand that includes strict adherence to University regulation(s), local, state and federal laws and carries the probability of more severe disciplinary actions if the student is found to be in violation of University regulation(s), local, state and federal laws during the specified probationary period

Counseling Assessment – a referral to UM Counseling Services for an assessment

Educational Sanctions – programs such as an educational module, researching a topic relating to the incident and writing an essay on the topic, as well as what has been learned from the experience; or alcohol and/or drug education, if applicable

Expulsion – permanent termination of student status at the University

Fine- a fine paid to the University

Housing Points- points given for violations that occur in or near the Residence Halls (refer to Housing and Residence Life Handbook)

Loss of Privilege - prohibition from use of specific university buildings and services, or participation in specific groups or events.

Removal from Residence Hall- a loss of the privilege of living in the Residence Halls for violations that occur in or near the Residence Halls

Reprimand - an official warning in writing

Restitution – reimbursement for damages or loss incurred

Social Probation – prohibition from participating in any officially recognized extracurricular activity and/or holding office in any University registered organization

Suspension - removal from the University for a specified period of time. When a student is suspended and required to leave the University community due to discipline, he or she may not re-enter without an interview with the VPESA/Dean of Students and the Chair of the Justice Council or appropriate designees of either party. Upon their recommendation, a student may regain full student status.

Warning – an oral or written statement warning of a violation

Appeals

Students involved in violations of the Student Code of Conduct have the option to request a review of the decision. In addition to the accused student, the complainant in cases involving sexual misconduct, domestic and/or dating violence, and/or stalking may also request a review of the decision. Decisions made by the Student Conduct Officer, an Administrative Council or the University Justice Council will be reviewed by the VPESA/Dean of Students. In the event of an appeal, the sanctions originating from the initial hearing/meeting decision shall be delayed until the appeal is decided except when such a delay may pose a health and safety risk to other members of the University community.

All appeal requests to the VPESA/Dean of Students must be in writing and submitted within three business days of the date of the sanction letter. Requests for an appellate meeting with the VPESA/Dean of Students must be included in the written appeal request and are granted at the discretion of the VPESA/Dean of Students. If an appellate meeting is granted, the student is allowed one representative who may attend and advise the student but not present the student's appeal. The representative has no standing in the proceedings but may provide advice to the respective student in a quiet manner that is not disruptive to the meeting. The student must give the VPESA/Dean of Students notice in writing of his or her plans to bring a representative at least 24 hours before the start time of the hearing.

Decisions made by the Assistant Director of Housing and Residence Life for minor violations as stated above in the "Hearings" section can be appealed to the Director of Housing and Residence Life per

the University of Montevallo *Residence Hall Handbook* guidelines at <http://www.montevallo.edu/campus-life/housing/>

Rationale for Appeals

An appeal request must include grounds upon which the appeal is based. Allowable bases for submitting an appeal include 1) a procedural error that significantly impacted the outcome of the hearing; or 2) new evidence, unavailable during the original hearing or investigation, which could substantially impact the original finding or sanction. A summary of any new evidence and its potential impact must be included in the initial letter of appeal.

A third ground for appeal, disproportionate sanctions, may be submitted only in situations involving sexual misconduct, domestic and/or dating violence, and/or stalking.

Decisions on Appeals

At the conclusion of the appeal, the student will be notified of the outcome within five business days. As a result of the appeal, one of the following actions may occur:

- 1) The original decision and disciplinary sanction will be upheld
- 2) The original decision will be upheld with a modified disciplinary sanction
- 3) A new hearing with different Council members will be ordered
- 4) The student will be found not in violation and the original decision and sanctions will be reversed.

All decisions of the designated appeals officers are final.

Academic Dishonesty

Students may not give or receive unauthorized aid in completing academic work and meeting academic requirements. Only the faculty member teaching the course can authorize assistance, use of resources, etc. If a student is uncertain about whether conduct would constitute academic dishonesty, it is the responsibility of the student to seek clarification from the faculty member prior to engaging in such conduct. The complete Academic Dishonesty Procedures can be found at bulletin.montevallo.edu