

University of Montevallo  
**Student Code of Conduct**

### **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 Policies and Procedures, Code of Conduct, and Student Handbook. As a community of learners and scholars, all are expected to maintain conduct which assures orderly pursuit of educational goals, positive regard for the rights of others, and a safe environment. The purpose of this document is to set forth the specific authority and responsibility of the University in maintaining behavioral expectations and standards.

### **Definitions**

**Business Day:** the days of the year the University is officially open and functioning, which does not include weekends, days the University is officially closed or official University holidays.

**Complainant:** the individual or group affected by the alleged incident. The terms complainant and victim may be used interchangeably. In some situations, the complainant and the reporter may be the same individual or group.

**Conduct Educator:** a staff member trained in the conduct review process to adjudicate cases and who has the administrative authority and responsibility for oversight and enforcement of Student Conduct policies and procedures and the imposition of sanctions in an efficient, consistent, fair, and educationally meaningful manner

**Reporter:** the individual or group filing an incident report for an alleged violation.

**Student:** an individual who is admitted, enrolled or registered for study at the University of Montevallo for any academic period including time periods between academic sessions. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with the University of Montevallo are considered students. A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, fraternity or sorority recruitment, orientation, placement testing, and residence hall check-in.

**Student Organization:** an organization which has been fully approved by the Campus Life Advisory Committee and has registered with the Student Life Office by September 30<sup>th</sup> of the current academic year. More information about student organizations can be found at <https://www.montevallo.edu/campus-life/student-life/student-organizations/>

**University Conduct Council:** a hearing body composed of faculty, staff, and students that hear cases involving alleged violations of the Student Code of Conduct. University Conduct Council cases involving academic dishonesty must include only two faculty representatives, two student representatives and one staff representative.

## **Jurisdiction**

The University's interest in enforcing its Student Code of Conduct extends beyond UM's campus and property to off-campus functions, events, and activities that are sponsored, endorsed, or supported by the University (*e.g.*, athletic events). Students may also be subject to disciplinary measures for conduct occurring off-campus when the behavior violates the Code and:

- Takes place while the student is acting or functioning as a representative or an extension of the University (whether or not the student has been formally designated as such); or
- Reflects negatively and directly on the University's image or reputation or threatens to undermine public support for the University or fulfillment of its educational mission; or
- Impedes, interferes with, or compromises the University's goals of preventing violence, promoting the health and safety of UM students and all members of the University community, and of providing timely support and resources to assist those struggling with substance abuse or addiction; or
- Conducts one's self in a manner inconsistent with generally accepted standards of behavior, including those set forth or implicit in the University's statutory charter, its policies, and official publications.

Procedures governing the disposition of Code of Student Conduct violations will apply to off-campus violations, but may be modified as necessary to accommodate practical considerations and limitations created by the nature of the off-campus conduct (*e.g.*, incarceration).

## **Division of Enrollment & Student Affairs Authority**

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 University's Chief Student Affairs Officer. The University's Chief Student Affairs Officer, in turn, designates the Director of Student Conduct 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 Director of Student Conduct may further delegate responsibility to various judicial bodies and administrative staff (e.g., Housing and Residence Life staff and University Conduct Council).

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.

## **Student Code of Conduct Policies**

This section establishes the rules and policies all students and student organizations are expected to follow under the duty and corollary powers inherent in educational institutions. Institutions protect their educational purposes through the setting of standards of student conduct and scholarship and through the regulation of the use of University facilities. Lack of familiarity with institutional rules is not an excuse for an infraction.

Students are responsible for their own conduct and for the conduct of 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. The University reserves the right to hold individual members responsible for their personal actions and to hold organizations responsible for the actions of their members.

### **A. Academic Integrity**

All academic work should be the result of an individual's own efforts and should be free of fraud and deception. Students may not give or receive unauthorized aid in completing academic work and meeting academic requirements as those acts may constitute academic dishonesty.

1. Academic dishonesty includes, but not limited to, cheating, plagiarism, fabrication of information or citations, facilitating acts of academic dishonesty by others, unauthorized prior use of examinations, submitting the work of another person or work previously used without approval, and tampering with the academic work of others. See the Procedures for Disposition of Academic Dishonesty Cases <https://www.montevallo.edu/campus-life/student-life/student-handbook/>

## **B. Alcohol Related Misconduct**

The University complies with federal and state law in prohibiting the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs and/or alcohol by students and employees on its property or as part of any of its activities. Alcoholic beverages may be lawfully consumed by individuals who are 21 years or older only within the privacy of their personal residence hall rooms. Prohibited behaviors include:

1. Possession of alcohol by a person under the age of 21
2. Consumption of alcohol by a person under the age of 21
3. Public intoxication
4. Disorderly, drunken, lewd or indecent conduct while under the influence of alcohol
5. Possession of alcohol related paraphernalia by person under the age of 21 (ex: empty containers)
6. Open containers in vehicles or in open spaces, or public areas of residence halls (lobbies, hallways, etc.)
7. The presence or possession of alcohol in an on-campus residential room in which only underage residents live
8. Provision or distribution of alcohol to individuals under the age of 21
9. Common containers (kegs, coolers, etc.) that provide unrestricted access are not permitted for use by students on campus, on University property or at student organization functions
10. Violation of other provisions of the Student Code of Conduct while under the influence of alcohol
11. Students and student organizations must comply with the published regulations and applicable laws concerning the transport, display, provision, possession, and consumption of beer, wine, and other alcoholic beverages

Violations of alcohol policies may result in disciplinary sanctions and/or administrative fees. For more information see University Policy 01:105 at [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)

## **C. Drug Related Misconduct**

Prohibited behaviors include:

1. Possession and/or use of any counterfeit, illegal, illicit, dangerous, or controlled drug or other substance is prohibited. This includes prescription medications.
2. Manufacture, sale and/or distribution of any counterfeit, illegal, illicit, dangerous, or controlled drug or other substance is prohibited. This includes prescription medications.
3. Possession of drug paraphernalia (i.e., pipes, bongos)
4. Disorderly, lewd, or indecent conduct while under the influence of an illegal or illegally obtained drug

5. Violation of any other provision of the Student Code of Conduct while under the influence of an illegal or illegally obtained drug

Violations of drug policies may result in disciplinary sanctions and/or administrative fees. For more information see University Policy 01:105 at <http://www.montevallo.edu/faculty-handbook-table-contents/policies>

#### **D. Dangerous Behaviors**

Intent is not an element of this violation, but will be considered in the application of sanctions.

Prohibited behaviors include:

1. Conduct or action that has the potential for physically harming another person. Included is conduct which creates conditions that pose a risk of physical harm to another, which causes reasonable apprehension of physical harm, and/or which results in unwelcome physical contact
2. Cruelty to and other offenses against animals as defined by state and local laws and statutes
3. The use or display of any object or instrument in a dangerous or threatening manner
4. Driving under the influence of alcohol or while intoxicated
5. Physical or verbal threats of violence or placing a person in fear of imminent physical injury or danger
6. Physical abuse, physical intimidation, coercion, and/or other conduct that threatens or endangers the health or safety of another person or violates a legal protective order
7. Actions that have the potential for damage or destruction or create hazardous conditions

#### **E. Weapons**

Possession of a weapon on or within any University premises must be in accordance with the University of Montevallo Weapons Policy 01:140, which can be found at [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)

#### **F. Disorderly Conduct**

Intent is not an element of this violation, but will be considered in the application of sanctions.

Prohibited behaviors include:

1. Conduct that disturbs the peace, interrupts the learning or residential environment, and/or disrupts the rights or privileges of others
2. Deliberate and significant interference with the freedom of expression of others
3. Making, causing, or continuing any loud, unnecessary, or unusual noise that disrupts the normal operations of the University or infringes on the rights of other members of the University community

4. Contemptuous, disorderly behavior, or perjury at any disciplinary hearing and/or knowingly violating the terms of an official disciplinary sanction
5. Any disorderly conduct adversely affecting the student's suitability as a member of the academic community

### **G. Disruptive Activity**

Prohibited behaviors include

1. Interference with or disrupting the normal activity and operations of the University or its educational mission, programs, or events
2. Conduct that causes or provokes a disturbance that disrupts the academic pursuits of others including but not limited to obstruction or disruption of teaching, research, administration, disciplinary procedures or other University activities, including its public service functions, or of any other authorized activity
3. Behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to profit from the class or program
4. Intentional obstruction which unreasonably interferes with freedom of movement (pedestrian or vehicular)
5. Throwing or dropping objects or substances out of buildings
6. Non-compliance with reasonable time, place, or manner restrictions on expression
7. Failure to leave immediately when asked to disperse by University or law enforcement officials

### **H. Abusive Conduct or Sexual Misconduct**

Prohibited behaviors include:

1. Physical abuse of any kind including but not limited to fighting, assaults, or actions which result in physical harm
2. Sexual Misconduct or Abuse: The University does not tolerate sexual misconduct or abuse, such as sexual assault, rape or any other forms of nonconsensual sexual activity. Sexual misconduct and abuse can occur between acquaintances or parties unknown to each other. Sexual abuse is attempted or actual unwanted sexual activity, such as sexual touching and fondling. This includes the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast or buttock, or clothing covering them), or forcing an unwilling person to touch another's intimate parts. Sexual misconduct includes, but is not limited to, sexual assault, rape, forcible sodomy or sexual penetration with an inanimate object, intercourse without consent, under conditions of force, threat of force, fear or when a person is unable to give consent because of substance abuse, captivity, sleep or disability. For more information see UM Policy 01:125 at [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)
3. Hazing for the purpose of pledging, initiation, admission into, affiliation with, or as a condition for maintaining membership in a group, organization, or team. Hazing is any intentional, knowing or reckless act, whether on or off campus, which endangers the mental or physical health and safety of any person, regardless of consent or which violates public law or University policy 01:110 at

- [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)
4. Sexual harassment. For more information about Title IX and sexual harassment see UM Policies 01:114 at and 01:115 at [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)
  5. Bias-related acts of violence, intimidation, harassment and/or discrimination. For more information see UM Policy 01:120 at [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)
  6. Stalking and relationship violence
  7. Harassment. Harassment is conduct that is sufficiently severe or pervasive so as to threaten an individual or substantially interfere with the individual's education, employment or access to University programs, activities or opportunities and that would detrimentally affect a reasonable person under the same circumstances. This includes harassment occurring through the use of various forms of technology and media commonly referred to as cyber-stalking and cyber-bullying
  8. Voyeurism. Voyeurism is the secret viewing of another person in a place where that person would have a reasonable expectation of privacy. This includes recording images of a person where they would have a reasonable expectation of privacy.
  9. Distributing a private image. Per Alabama law, a person commits the crime of distributing a private image if he or she knowingly posts, emails, texts, transmits, or otherwise distributes a private image with the intent to harass, threaten, coerce, or intimidate the person depicted when the depicted person has not consented to the transmission and the depicted person had a reasonable expectation of privacy against transmission of the private image. Recording and/or disseminating a private image for the purpose of ridicule or embarrassment when the depicted person had a reasonable expectation of privacy also constitutes a violation of University policy.  
  
For the purposes of this policy, an image includes photographs, digital image, video, film or other recording of a person.
  10. Lewd behavior and/or indecent conduct or exposure.

## **I. Fire and General Safety**

Prohibited behaviors include:

1. Starting a fire or creating a fire hazard on University property without University authorization. Precautionary steps should be taken by residential students while cooking including turning on vents (where applicable), opening windows, and closely monitoring cooking food
2. Unauthorized possession of or use of fireworks and explosive materials, the ignition or detonation of anything which could cause damage to persons or property or disruption by fire, smoke, explosion, noxious odors, stain, corrosion
3. Causing a false fire alarm or emergency report of any kind
4. 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

5. Failing to immediately evacuate any non-residential University building when a fire alarm or other emergency notification has been sounded or hindering or impairing the orderly evacuation
6. Disobeying a directive or command by any University or emergency official in connection with a fire, alarm, or other safety, security, or emergency matter
7. Misuse of emergency call boxes
8. Violation of UM Smoking Policy 01:135 found at [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)

Violations of the fire and general safety policies may result in disciplinary sanctions and/or administrative fees.

## **J. Compliance with General Laws and Arrests**

1. Violations of any federal, state, or local laws may be subject to disciplinary action. Disciplinary action imposed by the University may precede and/or be in addition to any penalty imposed by an off-campus authority

## **K. Dishonesty and Theft**

Prohibited behaviors include:

1. Damage to or theft of property of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen
2. Sale, possession, or misappropriation of any property or services without the owner's permission
3. Dishonest or fraudulent behavior in any oral or written transaction
4. Dishonesty or misrepresenting the truth before a hearing of the University, or furnishing false information or withholding information to any University official which interferes with University processes or procedures
5. Forgery, alteration, or misuse of any document, record, or officially issued identification information
6. Misrepresentation of oneself (e.g., as an officer of the law, a University official, etc.)

## **L. Misuse of Identification or University Resources**

Prohibited behaviors include:

1. Possession and/or use of fake or altered identification
2. Unauthorized entry into, presence in, or use of University facilities equipment or property which has not been reserved or accessed through appropriate University officials
3. Unauthorized use or lending of a UM student identification card
4. Unauthorized use, possession, distribution or duplication of any University key
5. Misusing or assisting in the misuse of telephones and communication equipment including using any form of communication equipment to harass or threaten any person(s); using any form of communication equipment to disrupt the normal operations or activities of any person, organization, or the University



6. Failure to adhere to the University's *Computing Resources Acceptable Use Policy*. Prohibited behaviors include but are not limited to misusing University computing resources by intentionally making, receiving, accessing, altering, using, providing or in any way tampering with files, discs, programs, passwords, messages or other computer users without their permission; attempted or actual unauthorized copying, transfer, modification, or destruction of University-owned software, programs, records, or data; attempted or actual interference with the normal operation of the University's computing system; using computer resources to harass others or in ways that violate institutional computer use policies; violation of any University policy or public law as it related to technology and usage of data. For additional information regarding the appropriate and authorized use of University computing resources, please see the University of Montevallo Computing Guidelines – Policy 01:011 available online at [www.montevallo.edu/about-um/administration/policies/section-1-administrative/](http://www.montevallo.edu/about-um/administration/policies/section-1-administrative/)

## **M. Failure to Comply and Other Conduct**

Prohibited behaviors include:

1. Failure to comply with and respond appropriately to the reasonable and lawful requests of University faculty, staff and other officials including residence hall staff and student employees in the performance of their duties
2. Failure to abide by any established University regulation, policy or procedure including but not limited to those governing residence in University-owned or controlled property; those related to the registration and operation of a student organization; those related to the use of University facilities, or the time, place and manner of public gatherings and expression
3. Failure to properly comply with or complete a sanction or obligation resulting from a disciplinary meeting or hearing
4. Any other conduct adversely affecting the student's suitability as a member of the academic community or as a representative of the University

## **N. Shared Responsibility for Violations**

Prohibited behaviors include:

1. Acting in concert to violate University conduct regulations
2. Attempting, assisting in or promoting any act prohibited by the Student Conduct Code
3. Condoning, encouraging, or requiring behavior that violates University conduct regulations
4. Permitting or assisting a guest in violating any University conduct regulation

## **Parental Notification**

The Family Educational Rights and Privacy Act (FERPA) provide the University the option to notify parents or guardians about specific types of information from a student's conduct record including the use or possession of alcohol or other drugs by a student under the age of 21.

## **Conduct Procedures**

Students who violate the Student Conduct Code are subject to disciplinary actions with sanctions ranging from a verbal warning to expulsion from the university. Information regarding University

conduct procedures is found in the student handbook, *the Fledgling*, or at [www.montevallo.edu/campus-life/campus-safety/student-conduct/](http://www.montevallo.edu/campus-life/campus-safety/student-conduct/)

## **Records**

### **Confidentiality of Records**

A student may authorize the release of his/her disciplinary record to any party by completing both a FERPA and judicial release form. Information related to FERPA can be found at [www.montevallo.edu/about-um/administration/human-resources/new-employee/ferpa/](http://www.montevallo.edu/about-um/administration/human-resources/new-employee/ferpa/).

### **Destruction of Records**

All records of cases in the Division of Enrollment & Student Affairs shall be maintained in a location designated by the Division of Enrollment & Student Affairs until such time as they are destroyed in accordance with the destruction schedule established by the University.

### **Adoption and Amendments**

Additional rules and regulations may be promulgated during the academic year and will be updated to the University's website upon adoption.

Approved by the Board of Trustees on May 1, 2019.