

# University of Montevallo Student Code of Conduct

## Introduction & Purpose

The University of Montevallo is committed to the holistic development of its students. Part of this commitment is encouraging academic excellence, accountability, integrity, moral courage, respect, and good decision-making. The purpose of the Student Code of Conduct is to set clear expectations and community standards for students. The University strives to provide education, foster personal growth, and assist students in building individual character. As a community of educators and scholars, students are expected to maintain behavior that permits everyone the opportunity to freely and safely pursue their educational, co-curricular, and extracurricular goals and activities in an environment founded on respect for the rights of others.

## Definitions

The majority of these terms will appear in the [linked/QR Coded Student Conduct and Appeal process section](#) of this document.

**Advisor:** The person chosen by a party or appointed by the university to accompany the party to meetings related to Title IX or sexual misconduct resolution processes, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

**Business Day:** The days the university is officially open and functioning. This does not include weekends, days the University is officially closed or official University holidays.

**Complainant:** The individual or group affected by the alleged incident or who reported the incident..

**Conduct Educator:** A staff member trained in the student conduct process to resolve cases and has the authority and responsibility to assign sanctions and pathway projects in an efficient, consistent, fair, and educationally meaningful manner. The Conduct Educator reserves the right to assign the most appropriate pathway project.

**Conduct Status:** A behavioral standing given to a student or student organization after being found responsible for a policy violation. The available statuses are informal warning, formal warning, conduct probation, deferred suspension, suspension, and expulsion.

**Faculty:** Any person hired by the University to conduct classroom and teaching activities or otherwise considered to be a member of its faculty.

**Pathway Project:** An educational activity that students choose to complete if they are found responsible for a policy violation. Conduct Educators can also assign pathway projects to students found responsible and do not accept responsibility.

**Preponderance of the evidence:** The standard of confirmation needed to determine if it is more likely than not a violation of the Student Code of Conduct occurred.

**Respondent:** The individual or group reported for allegedly violating policy during an incident.

**Support Person:** A person chosen by the Complainant or Respondent to join them during their meeting or hearing but cannot contribute to the conversation.

**Staff:** Any person hired by the University to work professionally outside of teaching classes or leading academic activities.

**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. 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 Conduct Record:** The official record of student's policy violations. A student conduct record is not the same thing as a permanent record and no disciplinary actions are noted on a student's transcript.

**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 30th of the current academic year. More information about student organizations can be found at [www.montevallo.edu/student-organizations](http://www.montevallo.edu/student-organizations).

**University:** The University of Montevallo.

**University Conduct Council:** A hearing body made up of trained faculty, staff, and students that have the authority to investigate and adjudicate alleged violations of the Student Code of Conduct and to impose sanctions for violations of the Code.

**University Official:** Any person employed by the University or performing assigned duties and responsibilities (e.g., student workers, resident assistants, hall directors, etc.). Faculty and staff members are University officials.

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

The Board of Trustees and the president of the University are ultimately responsible for leading the University. The Vice President for Enrollment & Student Affairs (VPESA) is responsible for the student conduct process. The VPESA has given the Director of Student Conduct responsibility for facilitating and implementing a fair and equitable student conduct process, which includes the development and implementation of related policies and procedures. The Director of Student Conduct's job is to ensure due process for all students and student organizations and to hold them accountable when a violation of University policy occurs. The Director of Student Conduct may delegate that responsibility to other officials or organizations within the University (e.g., Housing and Residence Life staff, Title IX personnel, University Conduct Council).

When there is an incident that a student has committed a violation that is also a crime, the student will participate in the student conduct process and the legal process. These processes operate separately. The student can still be found responsible for violating the Student Code of Conduct even if charges involving the same incident have been dismissed in the legal process.

## University Disciplinary Jurisdiction

The University reserves the right to investigate and resolve reports of alleged misconduct that fall within its jurisdiction. The Student Code of Conduct applies to the following situations:

- Incidents involving undergraduate, graduate, online students, a group of students, or a student organization (academic or social) associated with any college, department, or the University as a whole. The University reserves the right to investigate and adjudicate through the student conduct process registered students who allegedly violate the Student Code of Conduct prior to their arrival on campus.
- Incidents occurring from the time a student is admitted, enrolled, or registered for study at the University for any academic period until their withdrawal from the University or conferral of a degree. Covered incidents include but are not limited to those occurring:
  - During the academic year;
  - Before classes begin or after classes end;
  - While pursuing credits earned off-campus (study away, internships, co-ops, etc.);
  - While suspended; or
  - Off-campus when the violation adversely affects legitimate University interests.

## Prohibited Conduct

The following misconduct—including knowingly assisting and encouraging such misconduct—is prohibited.

### Academic Misconduct

- A. Academic Sabotage.** An intentional effort to corrupt or negatively impact the academic work of another student.
- B. Cheating.** Completing academic assignments with or for other students or parties without permission from the class assigned faculty member; using any unauthorized materials to assist on assignments; misusing study aids such as Chegg, Quizlet, Course Hero, etc., to pass class assignments; using test banks or copying answers from another source or student. Any act or behavior that gives the student an unfair advantage.
- C. Fabrication.** Falsifying, altering or creating data, information, or a citation to meet the requirements of an academic assignment or for any improper purpose. Knowingly presenting false or falsified official documentation such as transcripts, doctor's notes, supervisor evaluations, application materials, etc.
- D. Facilitating Academic Misconduct.** Helping another student participate in any act of academic dishonesty.
- E. Plagiarism.** Misrepresenting the scholarly or academic work or ideas of others as one's own (whether reproduced and presented verbatim or in paraphrased or summary form); recycling a previous assignment as a new assignment without proper citation or notification of faculty members.

### Non-Academic Misconduct

- F. Alcohol.** The unlawful production, consumption, distribution, possession, provision, or use of

alcohol or alcohol paraphernalia, including the public drunkenness of students at least 21 years of age; any violation of University Policy 01:105.

- G. Assault.** Any physical attack on another person, including but not limited to choking, fighting, punching, slapping, striking, causing injury by animals, or any other form of contact resulting in physical harm.
- H. Classroom Disruption.** Any disruptive or disorderly behavior that disturbs the classroom instructional environment or interrupts the learning process.
- I. Destroying Property.** Intentionally destroying, damaging, defacing, or vandalizing University property or the property of others.
- J. Dishonesty.** Intentionally providing false, fraudulent, deceptive, or misleading information to University officials, faculty, or staff; forgery; falsification of documents; unauthorized duplication or distribution of university issued keys or other university property.
- K. Disorderly Conduct.** Behavior that creates a hostile, frightening, or intimidating environment, or that threatens the physical health, safety, and well-being of others. This behavior can include loud, unnecessary, unusual, disruptive, or continuous noise that disturbs the peace.
- L. Drugs & Paraphernalia.** The unlawful creation, use, possession, or sale of any counterfeit, controlled, dangerous, illegal, prescription medications, including drug paraphernalia (pipes, bongs, etc.), or mind-altering drugs, including but not limited to Adderall, marijuana, crack, cocaine, ecstasy, meth, etc.; any violation of University Policy 01:105.
- M. Failure to Comply.** Refusal to cooperate with or appropriately respond to a reasonable request by a university official, law enforcement officer; intentional disregard of a University policy, regulation, or procedure.
- N. Fire and Safety.** Changing, damaging, disabling, or misusing fire safety equipment; failing to immediately exit any university building when a fire alarm or other emergency notification has sounded; starting a fire; unauthorized possession or use of fireworks or explosive materials; causing a false fire alarm or report; and misuse of emergency call boxes; any violation of University Policy 01:135.
- O. Harassment.** Ongoing, unwelcome aggressive or intimidating behavior which, by means of physical contact or verbal, written, or digital-based (cyberbullying) communication, causes psychological or physical harm to another person.
- P. Hazing.** An intentional, knowing, or reckless act committed on or off University property that endangers any person's mental or physical health and safety, whether or not the individual of such conduct has "consented" to it; any such conduct that violates state law; failing to report hazing incidents; any violation of University Policy 01:110.
- Q. Interference with Freedom of Expression.** Any attempt to interrupt or interfere with anyone's right to freedom of expression under University Policy 01:018.
- R. Misuse of Information Technology Resources.** Any unauthorized attempt to access or use University computers, networks, systems, programs, or data, including manipulations and fraudulent transmissions; any action that interferes with the proper functioning of systems or adversely impacts another user's rights, including but not limited to student or employee privacy; any other violations of University Policies 01:010 (Use of Information Resources) and 01:011 (Information Technology Security Program).
- S. Misuse of Official Identification.** Purchasing, possessing, or using fake or altered identification or another person's state identification or license; sharing or using another student's University student ID card.
- T. Retaliation.** Discriminating against, intimidating, threatening, coercing, or harassing any person because the person reported, complained, testified, assisted, participated, or refused to participate in an investigation, proceeding, or hearing authorized by law or University policy.

- U. Sexual Harassment or Sexual Misconduct.** Any behavior prohibited by University Policy 01:114 (Sexual Misconduct, nondiscrimination, and harassment). Sexual misconduct includes any form of unwelcome, non-consensual, sexual contact, including touching an unwilling person's private parts (defined as genitalia, groin, breast or buttocks, or clothing covering them), forcing an unwilling person to touch another's private parts, sexual exploitation, voyeurism, and indecent exposure of one's private parts.
- V. Smoking & Vaping.** Smoking of any kind inside of or within 25 feet of building entrances and exits of University-owned facilities; any violation of University Policy 01:135.
- W. Stealing.** Taking or borrowing a thing of value or property (including intellectual property) from its owner without permission.
- X. Threat.** An act, statement, or expression with the goal of causing damage, injury, pain, or other intimidating action during an incident or interaction.
- Y. Trespassing.** Unauthorized entry into or use of University buildings, equipment, or property.
- Z. Weapons.** Except as expressly authorized by law, possessing or using dangerous items on University property including, but not limited to, firearms, guns, knives, tasers, stun guns, BB guns, replicas, bows and arrows or other devices designed to eject shells at a high rate of speed; any violation of University Policy 01:140.
- AA. Violating Law or University Policy.** Violating any local, state, federal law, or any University policy.

### Third-Party Misconduct

Guests of the University and its residence halls are expected to follow all University policies. Students are responsible and accountable for the misconduct of their guests and the behavior of their animals. Student organizations are likewise responsible for ensuring compliance with the Student Code of Conduct on the part of their members and guests.

### Student Conduct Process and Appeal Process

Student Conduct Process



Student Conduct Appeal Process



### Student Conduct Record Retention and Reporting

All student conduct records, including Title IX and sexual misconduct cases that involve the Division of Enrollment & Student Affairs are kept and maintained by the Office of Student Conduct for seven years and are considered educational records.

Outcomes resulting in suspension or expulsion will be retained permanently and may be reported with the consent of the student upon request to third-party entities such as graduate schools, employers, military branches, etc. as required by law. Outcomes resulting in conduct probation or deferred

suspension will be retained for seven years and may be reported with the consent of the student upon request to third-party entities such as graduate schools, employers, military branches, etc. as required by law. Outcomes resulting in formal warnings or lower will not be reported to third-party entities. Records of pending incidents are kept indefinitely. Seven years from the date of resolution, all eligible student conduct records will be destroyed.

### **Parent & Guardian Notification**

The University of Montevallo believes that parents and guardians can be influential and positive partners in encouraging healthy behaviors focused on student success. The Family Educational Rights & Privacy Act (FERPA) gives the University the option to notify parents or guardians about specific types of information from a student's conduct record. The University may share information with parents or guardians when students are found responsible for violating our alcohol or drug policy and are under the age of 21. Other than FERPA exceptions, the student must consent before releasing the record or sharing case-specific information to parents or guardians.

### **Interpretation and Revision**

The Student Code of Conduct shall be construed and applied so as to incorporate and conform to governing law. Any conflict in the Code with such law shall be deemed superseded and of no effect. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Director of Student Conduct or designee for final determination. The Student Code of Conduct should be reviewed every three (3) years and revised as needed under the discretion of the Office of Student Conduct.

### **Adoption and Amendments**

Additional policies or temporary guidance may be added during the academic year and will be updated to the Student Code of Conduct website upon adoption.

Approved by the Board Trustees May 4, 2022.