

**UAH**

The University of  
Alabama in Huntsville



Chapter 7:  
**CODE OF CONDUCT**

## **Student Conduct**

Location: UC 114

Phone: (256) 824-6700

To All Students, Faculty and Staff:

By issuance of the Code of Student Conduct, The University of Alabama in Huntsville hereby establishes the standards and disciplinary procedures, which shall govern student conduct at this institution. Students and student organizations will be expected to become familiar with this Code and to assure its successful operation by their observance of its provisions and their support of its objectives.

All questions regarding the Code should be directed to the Vice President for Student Affairs.

### **ARTICLE I. INTRODUCTION**

The University of Alabama in Huntsville is an academic institution with a mission that is, in the broadest sense, educational in character and that carried out by means of programs and activities devoted to the pursuit of knowledge, the instruction and development of students, and the general betterment of public life in the area it serves. It exists primarily as a community of individuals, including students, faculty, administrators, and staff, who provide, participate in, and/or support these activities and programs. Its campus, facilities, properties, and other resources facilitate the educational mission.

The University has an inherent interest in developing policies to preserve and enhance its ability to function effectively as an academic institution. These policies must uphold the integrity of the educational process and protect persons and property. They necessarily entail recognition of both rights and responsibilities for all members of the University community. It is these considerations that make student conduct a natural and legitimate concern of the University.

A person enrolling at the University comes to the campus as both a citizen and a member of the academic community. As a citizen, a student is entitled to the freedoms and rights guaranteed to other citizens by the United States Constitution and the Constitution of Alabama. The right of free speech, lawful assembly, petition, due process, etc., are not lost upon enrollment. As a student, the individual also has a right to the opportunity to learn and to benefit from the institution's educational environment.

Accompanying these rights, however, are certain general and special responsibilities. A citizen-student must abide by federal, state, and local

laws. The student is obligated to respect the lawful rights of others. The student is expected to comply with valid institutional regulations, to contribute to the good order of the University's academic and administrative processes, and to uphold standards of common decency and honor in all conduct. These incumbent rights and obligations are inextricably linked together. It is only when individuals are responsible as citizen-students that their rights as citizen-students can be assured. Freedom must be exercised responsibly in the context of recognized interests of others and of the institution itself.

It is to secure these ends that the policies and procedures in this Code are established. Such policies and procedures are fundamentally designed to help maintain a campus environment conducive to learning and other educational pursuits. They are intended to ensure the enjoyment by students of all proper rights, without undue infringement by others. They are a means to the attainment by the University of its educational mission by protecting the institution's processes, resources, and constituent community.

General authority in the governance of students enrolled at any campus of The University of Alabama System is vested by law in the Board of Trustees. See Alabama Constitution, Article 14, Section 264; Section 16-47-34, Code of Alabama (1975, as amended). The Board has delegated responsibility for supervision of student affairs to the respective campus Presidents. It is within the scope of such authority by the President, and pursuant to such further delegation to the Vice President for Student Affairs, that this Code of Student Conduct is promulgated for The University of Alabama in Huntsville.

This Code shall be published and made available, by any reasonable means, to students at this institution, and it shall be applicable to all such students (undergraduate and graduate, full-time and part-time, whether participating in classes or other educational activities on the campus or at some other location, including sites outside the United States, etc.). Upon enrollment a student shall be deemed to have accepted the conditions and obligations stated herein and to have agreed to be bound hereby, in addition to all other applicable university regulations that may have been or may in the future be issued and published by proper authority. The Code shall likewise apply to all student groups, whether formally or informally organized and whether chartered by the University or not.

Conduct off-campus as well as that taking place on University property shall be fully within the scope of this Code. The fact that criminal or civil proceedings may have been instituted against a student shall not bar commencement of the disciplinary process involving such student under this Code, nor shall the University be bound by the outcome of such pro-

ceedings in its determination of whether misconduct did or did not occur or in its selection of an appropriate sanction. The purposes, procedures, and outcomes provided for in the Code are very different from those of the civil and criminal justice systems. In regard to conduct by a student which may be subject of such a criminal or civil action, the University shall have the discretionary right to proceed under this Code against the student before, during the pendency of, or after the final disposition of such action, or even in the absence thereof. As a general policy in such a situation, however, the University shall resort to its disciplinary process only where the alleged conduct directly and/or adversely affects interests of the institution or the campus community, as discussed above.

## **ARTICLE II. STUDENT RIGHTS AND RESPONSIBILITIES**

As a means of giving greater content and definition to the important notion of student rights and responsibilities, those identified below shall be recognized as belonging to students at this institution. This enumeration is not intended to be exhaustive, however, nor shall it in any way prevent recognition of additional, different, or modified rights and obligations for students through supplementation to this Code, issuance of other University policy, or any alternative, appropriate means.

### **A. University Community**

1. The University, as a community, has the right and responsibility to formulate and disseminate policies and guidelines to promote the general welfare of its members. Students have the responsibility to know such policies and guidelines of the University.
2. The students shall have a voice, through the Student Government Association, in those affairs of the University directly concerning the student body.
3. Students shall conduct themselves in such a way as to recognize the legitimate rights of others and to promote the welfare of the University Community.

### **B. Academic Freedoms and Responsibilities**

1. In all academic matters students have a right to be governed by justifiable regulations.
2. Students have a right to an educational environment conducive to learning and free from unreasonable distraction. Students are responsible for classroom behavior, which is conducive to the teaching/learning process for all concerned.
3. Students shall be free to take reasoned exception to data and views offered in the classroom and to maintain personal judgment about matters of opinion, without fear of penalty.

4. Students have a right to grades that represent the instructor's professional judgment of their performance in courses and laboratories.
5. Students have a right to accurately and clearly stated information, which would enable them to determine:
  - a. The general requirements for establishing and maintaining an acceptable standing;
  - b. Their own academic/admission relationship with the University and any special conditions which apply;
  - c. The graduation requirements of any particular curriculum and major.
6. Students have a right to be informed of the content and objectives of a course, the methods and types of evaluations, and the relative importance of each test, paper, etc., comprising the total evaluation.
7. Students are responsible for meeting the requirements of a course of study according to the standards of performance established by the instructor.
8. Students have a right to protection against improper disclosure of information acquired by instructors concerning their grades, views, beliefs, political association, health, character or disability.
9. Students have a right to seek assistance from instructors during the instructors' regularly scheduled office hours.
10. A student has the right to refrain, without penalty, from activities that involve unreasonable risk to physical health and safety, except upon the student's consent.
11. Students have a responsibility for honest and ethical conduct in all academic and non-academic matters.

**C. Educational Records**

1. A student's right of confidentiality in and access to his/her educational record shall be stated in the University's Institutional Student Records Policy.
2. To minimize risk of improper disclosure, a student's academic and disciplinary records shall be separately maintained. A student's transcript shall only contain information concerning a student's academic experience.

**D. Freedom of Inquiry and Expression**

1. Students shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support any causes by lawful means. At the same time, it shall be made clear to the academic and at-large community that in their public expression or demonstrations students or organizations speak only for themselves.

2. Discussion and expression of all lawful view is permitted within the institution in public places subject to reasonable time, manner, and place requirements for maintenance of order and to applicable state, federal, and local laws. The University retains the right to provide for the safety of individuals, the protection of property, and the continuity of the educational process in maintaining order.
3. Chartered student organizations may invite and hear any persons of their own choosing, subject to requirements for use of institutional facilities and subject to the UAH speakers policy.
4. Students have a right to express opinions through student publications, and they have a responsibility to adhere to the canons of professional journalism.

#### **E. Student Life**

1. Students shall be free to organize and associate to promote their common interests.
2. Student organizations are required to publicize information concerning purpose, criteria for membership, and a current list of officers. They shall not be required to submit a membership list as a condition of institutional recognition other than an initial list of ten students or faculty members.
3. Chartered student groups may use University facilities, if available, in accordance with normal scheduling policies, unless they prove to be irresponsible in the use and care of such facilities.

#### **F. University Housing**

1. A student has the right to be secure in his or her possessions against invasion of privacy and unreasonable search and seizure.
2. Students shall not violate the rights of other students residing in University Housing.
3. University Housing is a privilege and not a right.

#### **G. Redress of Grievances**

In any case where a student's rights as outlined herein are contravened, he or she shall have the right to petition for redress of such a grievance. (See "Grievance Procedures", Section 6.10, in the Student Handbook.)

### **ARTICLE III. MISCONDUCT**

#### **A. General Behavior Standard**

Every student and student group at the University shall be required to act lawfully and in such a way as not to affect adversely the educational processes of the University or the rights of members of

the University community and others. Violation of this general standard of behavior shall be considered misconduct under this Code.

**B. Organizational Responsibility for Individual Misconduct**

1. *Group Responsibility.* A student group or organization shall be deemed responsible for acts of misconduct committed by individuals where such acts:
  - are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly;
  - take place in the context of a tradition, custom, or past practice of the group or organization; or
  - are reasonably foreseeable as a result of an activity carried on by the group or organization.
2. *Student Officials Represent Group.* When a group is charged with misconduct, the presiding officer and, if appropriate, other student leaders thereof shall be required to participate in disciplinary proceedings conducted under this Code as representatives of the group.

**C. Specific Types of Misconduct.** The following types of misconduct are specifically prohibited, and individuals or groups found guilty of any such misconduct by the procedures set forth in this Code should be subject to discipline.

1. *Academic Misconduct.* All forms of academic dishonesty, including the following:
  - a. Copying from another student's test paper.
  - b. Using materials during a test not authorized by the person giving the test.
  - c. Collaborating during a test with any other person by giving or receiving information without authority.
  - d. Stealing, buying, or otherwise obtaining all or part of an unadministered test.
  - e. Selling or giving away all or part of an unadministered test.
  - f. Bribing any other person to obtain an unadministered test or information about an unadministered test.
  - g. Substituting for another student, or permitting any other person to substitute for oneself, to take a test.
  - h. Submitting as one's own, in fulfillment of academic requirements, any theme, report, term paper, essay, or other written work; any speech or other oral presentation; any painting, drawing, sculpture, musical composition or performance, or other aesthetic work; any computer program; any scientific experiment, laboratory work,



project, protocol, or the results thereof; etc., prepared totally or in part by another.

- i. Selling, giving, or otherwise supplying to another student for use in fulfilling academic requirements any work described above.
  - j. “Plagiarism,” defined as the use of any other person’s work (such work need not be copyrighted) and the unacknowledged incorporation of that work in one’s own work offered in fulfillment of academic requirements.
  - k. Submitting in fulfillment of academic requirements, if contrary to course regulations, any work previously presented, submitted, or used in any course.
    - l. Falsifying records, laboratory results, or other data used in a course.
  - m. Cheating or deceit in any other manner.
2. *False Information.* Furnishing false information to the University with the intent to deceive.
  3. *Misuse of University Documents.* Fabricating, forging, altering, or misusing any University document, record, instrument of identification (such as a student card or a meal card), etc.
  4. *False Pretenses.* Obtaining any services or thing of value from the University by false pretenses.
  5. *Abuse of Property.* Vandalism, destruction, damage, defacement, abuse, or misuse of public or private property, whether intentionally or by negligence.
  6. *Taking of Property.* Theft, embezzlement, misappropriation, or the unauthorized temporary taking of the property of another, including the property of the University.
  7. *Littering.* Littering of University property.
  8. *Computer Mischief.* Unauthorized use, access to, manipulation of, tampering with, or duplication of any University computer hardware, firmware, software programs, and/or associated documentation.
  9. *Misuse of Proprietary Information.* Unauthorized use of or access to information, in whatever form, proprietary to the University.
  10. *Worthless Check(s).* Negotiation or delivery to the University of a check or other negotiable instrument with the intent, knowledge, or expectation that there will not be sufficient funds on account with the depository to cover it. It is evidence that the student had the requisite intent, knowledge, or expectation if he/she had no account with the depository at the time the check or instrument was given to the University, or if the depository refuses payment for lack of funds and the student fails to pay the University the full amount due thereon, together with a service charge, within 10



days after receiving notice from the University that payment was refused.

11. *Unauthorized Entry*. Unauthorized entry upon any University property or any University building or structure, or any part thereof, access to which has been restricted.
12. *Entry After Warning*. Entry and/or remaining upon any University property or in any University building or structure, or any part thereof, after receiving an order by an authorized University official not to enter and/or remain.
13. *Misuse of University Keys*. Unauthorized use, possession, duplication, and/or distribution of one or more keys to any University building or structure, or any part thereof.
14. *Disruption of University Activity*. Intentional disruption, obstruction, hindering of, or interference with teaching, research, administration, disciplinary proceedings, or any other lawful activity which takes place on University property or which is sponsored by the University or by a University recognized/related group.
15. *Physical Abuse or Violence*. The commission or threatened commission of physical abuse or violence with respect to a University person anywhere, or with respect to any non-University person on University property or at an activity which is sponsored by the University or by a University recognized/related group. Physical abuse or violence includes a non-consented striking, forcible restraining, manhandling, and assault with a dangerous weapon, or any similar act which involves physical contact with and poses a danger to the safety or health of another person. A threat shall be understood to mean any act, gesture, or words directed toward another person and reasonably evidencing, under all the circumstances, an intention to commit physical abuse or violence. The fact that a threat is expressed conditionally shall not alter its character as misconduct.
16. *Harassment*. Subjecting a person to physical contact or directing language or a gesture, which is abusive or obscene toward a person, with the intent to harass, annoy, or alarm. Harassment may be committed against a University person anywhere or a non-University person on University property or at an activity, which is sponsored by the University, or by a University recognized/related group.
17. *Disorderly Conduct*. Conduct which is disorderly or which breaches the peace. The essential element to such conduct shall be an intentional causing or recklessly creating a risk of public inconvenience, annoyance, or alarm without proper authority, such as by fighting or engaging in violent behavior, making

unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing lawful assembly, etc.

18. *Indecent Behavior*. Lewd, indecent, or obscene behavior, which flagrantly flaunts community standards with, respect to sexuality.
19. *Fire Mischief*. Fire mischief, including tampering with fire safety equipment, such as fire extinguishers and fire alarm devices; entering or reporting a false fire alarm; or setting or causing to be set any unauthorized fire on University property or at an activity sponsored by the University or by a University recognized/related group.
20. *Smoking*. Smoking in classrooms, in large public meeting rooms, in the Library, or in any other area on University property in which smoking has been prohibited by the posting of a sign or otherwise.
21. *Dangerous Instrumentalities*. Possession, distribution, or use of firearms, ammunition, explosives, fireworks, incendiary devices, or any other dangerous weapons or instruments on University property or at an activity sponsored by the University or by a University recognized/ related group, except as expressly authorized by the University.
22. *Controlled Substance Abuse*. Possession, use, manufacture, sale, giving away, or other distribution of any controlled substance (such as an opiate, narcotic, hallucinogen, etc.) as defined by federal or Alabama law, except upon prescription or except by a practitioner (as defined by Alabama law), or his/her authorized agent under his/her supervision, incident to teaching, research, chemical analysis, or professional practice.
23. *Alcohol Abuse*. Commission of any of the following acts relating to possession or use of alcoholic beverages:
  - a. Possession or consumption of an alcoholic beverage anywhere on University property except one's residence in University Housing.
  - b. Possession or consumption of an alcoholic beverage by any student who has not reached the legal age for drinking established by state law.
  - c. Public intoxication.
  - d. Driving while under the influence of alcohol.
  - e. Sale of alcoholic beverages anywhere without a proper license.
  - f. Furnishing false identification or otherwise making false representation about one's age for the purpose of buying, receiving, or otherwise obtaining alcoholic beverages.
  - g. Selling, giving away, or otherwise distributing an alcoholic

beverage to any student who has not reached the legal age for drinking established by state law. A person shall conclusively be considered to be intoxicated or under the influence of alcohol if his blood alcohol concentration is .08% or greater, (.02% or greater for persons under age 21) though such condition may be established by any other credible evidence.

24. *Hazing*. Participation in any form of hazing. Hazing shall be defined as any action taken, requirement or coercive expectation imposed, or situation created by a student organization, its members, or persons associated with it, with respect to prospective, trial, or new members of pledges which is, as to the latter, onerous, hazardous, insulting, humiliating, or abusive; which could reasonably be expected to produce mental or physical discomfort, embarrassment, pain, or injury; or which violates any law or University regulation.
25. *Bribery*. Bribery, which shall mean the offer of or agreement to confer a thing of value on a University or student official with the intent of improperly influencing the action of such official; or the acceptance of a bribe, which shall mean the solicitation of or agreement to accept a thing of value by a student official with the understanding that action by such official shall be improperly influenced.
26. *Violation of University Policy*. Violation of written University policies, rules, and regulations, including those pertaining to housing and the operation of motor vehicles on University property.
27. *Violation of Order*. Failure to comply with a lawful order or direction of a University official or employee acting in the performance of his/her duties and within the scope of his/her authority.
28. *Unlawful Conduct*. Conduct in violation of federal or state statutes local ordinances, whether resulting in a conviction or not.
29. *Injurious Conduct*. Any conduct not specifically stated herein which adversely affects the educational processes of the University or the rights of members of the University community or others.
30. *Attempts*. Any attempt to commit an act of misconduct prohibited by this Code.
31. *Assisting Misconduct*. Procuring, inducing, or causing another person to commit an act of misconduct prohibited by this Code, or assisting another person in the commission of such act.