



STUDENT CODE OF CONDUCT

Student Judicial
Review Procedures



UNIVERSITY *of* ALASKA
ANCHORAGE



STUDENT CODE OF CONDUCT

As with all members of the University community, the University requires students to conduct themselves honestly and responsibly, and to respect the rights of others. Conduct that unreasonably interferes with the learning environment or that violates the rights of others is prohibited by the standards and guidelines collectively described as the Student Code of Conduct (the Code). Students and student organizations will be responsible for ensuring that they and their guests comply with the Code while on property owned or controlled by the University, or while at activities authorized by the University.

Violations of the Code, which occur on property, owned or controlled by the University, or at activities authorized by the University, are subject to University judicial review and disciplinary action by the University. Student behavior which, were it to occur on property owned or controlled by the University or at activities authorized by the University, would constitute a Code violation is subject to disciplinary action when the University determines that the behavior would likely have an adverse impact on the health or safety of members of the University community, regardless of where the behavior occurs.

Students who are charged with violations of local, state, or federal laws may be subject to disciplinary action by the University if the offenses are also violations of the Code. University judicial procedures and disciplinary actions are independent of and may precede, follow, or take place simultaneously with criminal proceedings. University actions will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

A student who has been charged with a violation of the Code and refuses to participate in the judicial process, or fails to complete disciplinary sanctions assigned by the University may be prohibited from reenrolling in courses until the charges or sanctions are resolved to the satisfaction of the University.

Disciplinary action may be initiated by the University and disciplinary sanctions imposed against any student or student organization found responsible for committing, attempting to commit, or intentionally assisting in the commission of any of the following categories of conduct prohibited by the Code.

The examples provided in this section of actions constituting forms of conduct prohibited by the Code are not intended to define prohibited conduct in exhaustive terms, but rather to set forth examples to serve as guidelines for acceptable and unacceptable behavior. (R09.02.020)

- 1. Cheating, Plagiarism, or Other Forms of Academic Dishonesty:**
 - a. using material sources not authorized by the faculty member during an examination or assignment;
 - b. utilizing devices that are not authorized by the faculty member during an examination or assignment;
 - c. providing assistance to another student or receiving assistance from another student during an examination or assignment in a manner not authorized by the faculty member;
 - d. presenting as their own the ideas or works of another person without proper acknowledgment of sources;
 - e. knowingly permitting their works to be submitted by another person without the faculty member's permission;
 - f. acting as a substitute or utilizing a substitute in any examination or assignment;
 - g. fabricating data in support of laboratory or field work;
 - h. possessing, buying, selling, obtaining, or using a copy of any material intended to be used as an instrument of examination or in an assignment in advance of its administration;
 - i. altering grade records of their own or another student's work; or
 - j. offering a monetary payment or other remuneration in exchange for a grade.

- 2. Forgery, Falsification, Alteration, or Misuse of Documents, Funds or Property:**
 - a. forgery, falsification, or alteration of records or deliberate misrepresentation of facts on University forms and documents or to any University official or before a University judicial hearing board;
 - b. misuse or unauthorized use of University identification cards, keys, funds, property, equipment, supplies or resources;
 - c. falsely representing oneself as an agent of the University, incurring debts or entering into contracts on behalf of the University; or

d. trespassing or unauthorized entry into, unauthorized presence on, or use of property which is owned or controlled by the University.

3. Damage or Destruction of Property:

- a. damage or destruction to property owned or controlled by the University; or
- b. damage or destruction of property not owned or controlled by the University if the action constitutes a violation of the Code, e.g.: (i) the action occurred during an event authorized by the University; (ii) the student was a representative of the University, such as an athlete, and the action occurred while traveling to or from an event authorized by the University; or (iii) the property not owned or controlled by the University was located on University property.

4. Theft of Property or Services:

- a. theft or unauthorized possession or removal of University property or the property of any University member or guest that is located on property owned or controlled by the University; or
- b. theft or unauthorized use of University services or unauthorized presence at University activities without appropriate payment for admission.

5. Harassment:

- a. physical or verbal abuse;
- b. sexual harassment;
- c. intimidation; or
- d. other conduct, including hazing, which unreasonably interferes with or creates a hostile or offensive learning, living, or working environment.

6. Endangerment, Assault, or Infliction of Physical Harm:

- a. physical assault;
- b. sexual misconduct and assault;
- c. terrorist threats;
- d. hazing or coercion or other activity that endangers or threatens the health or safety of any person, including oneself; or
- e. conduct which causes personal injury.

- 7. Disruptive or Obstructive Actions:**
 - a. obstructing or disrupting teaching, research, administration, disciplinary proceedings, or other activities authorized by the University;
 - b. interfering with the freedom of movement of any member or guest of the University to enter, use or leave any University facility, service or activity; or
 - c. taunting or physically harassing wildlife or otherwise creating an unsafe or hazardous environment involving wildlife on property owned or controlled by the University.
- 8. Misuse of Firearms, Explosives, Weapons, Dangerous Devices, or Dangerous Chemicals:**
 - a. unauthorized use, possession, or sale of these items on property owned or controlled by the University, except as expressly permitted by law, Regents' Policy, University Regulation, or UAA rules and procedures.
- 9. Failure to Comply with University Directives:**
 - a. failure to comply with the directions of law enforcement officers or University officials acting in the performance of their duties;
 - b. failure to identify oneself to University officials when requested; or
 - c. failure to comply with disciplinary sanctions imposed by the University.
- 10. Misuse of Alcohol or Other Intoxicants or Drugs:**
 - a. use, possession, manufacture, distribution, or being under the influence of alcoholic beverages on property owned or controlled by the University or at activities authorized by the University, except as expressly permitted by law, Regents' Policy, University Regulation, or UAA rules and procedures; or
 - b. use, possession, manufacture, distribution, or being under the influence of any narcotic, controlled substance, or intoxicant on property owned or controlled by the University or at activities authorized by the University, except as expressly permitted by law, Regents' Policy, University Regulation, or UAA rules and procedures.
- 11. Violation of Regents' Policy, University Regulation, or UAA rules and procedures.**
- 12. Any Other Actions That Result in Unreasonable Interference with the Learning Environment or the Rights of Others.**

UNIVERSITY STUDENT JUDICIAL REVIEW PROCEDURES

Definition of Terms:

A **judicial procedure** is a review undertaken by the University to establish if substantial information exists to determine whether it is more likely than not that a student violated the Code.

Major sanctions are defined as suspension, expulsion, and revocation of a degree. **Minor** sanctions are defined as those other than ones specified as major sanctions.

Days are defined as **class days**. As used in the schedule for review of academic decisions, a class day is any day of scheduled instruction, excluding Saturday and Sunday, included on the academic calendar in effect at the time of a review. Final examination periods are counted as class days. The exception is for incidents that occur in UAA's residential community during University holidays and breaks where days are defined as work days.

After an allegation of misconduct is made, judicial review procedures will commence with a preliminary investigation, at the conclusion of which the designated judicial officer will determine:

- a. whether to dismiss the charges; or
- b. whether the allegations, if true, would likely result in imposition of minor sanctions, in which case the matter continues with an administrative review; or
- c. whether the allegations, if true, would likely result in imposition of a major sanction, in which case the student is provided the opportunity to choose between a judicial board hearing or an administrative review.

A judicial board hearing is only available to students deemed subject to imposition of a major sanction. In a judicial board hearing the matter is reviewed by a panel of students, faculty, and staff. In a judicial board hearing the students are afforded the opportunity to be represented by legal counsel.

An administrative review is conducted by a designated judicial officer and is intended to be an expedited process for examination of information and decision making. An administrative review is the only review process for matters involving imposition of a minor sanction. A student charged with infractions of the Code which would be subject to a major sanction may choose

to have the matter investigated by an administrative review, but in so doing will be required to waive certain processes otherwise available under the judicial board hearing.

An imposition of a minor sanction following a judicial board hearing or administrative review may be appealed to the Dean of Students or designated appeal reviewer, whose decision on the matter constitutes the final decision for the University.

Findings, conclusions, and recommendations from either the judicial board or administrative review process to impose a major sanction proceed to the Chancellor after review by the the Dean of Students and the Vice Chancellor of Student Affairs. An opportunity will be provided to the student to comment on the administrative review or judicial board hearing. The decision of the Chancellor is the final decision for the University.

Rights Afforded Students in Judicial Proceedings

The University will afford each student subject to judicial proceedings due process appropriate to the alleged violation and the magnitude of potential sanction(s).

If an accused student chooses to remain silent or does not participate in a judicial proceeding, decisions will be based on available information.

A student may be accompanied by an advisor, who may be an attorney, during judicial proceedings. The advisor's role will be determined by the rules governing the proceedings.

Students may have copies of the records of their judicial proceedings at their own expense, after providing a signed written request.

Rights Afforded Injured Parties During the Judicial Process

The University will consider the needs and circumstances of injured parties, especially victims of personal injury and/or sexual assault. The University will take such measures as it deems reasonable to prevent the unnecessary exposure of victims of personal injury and/or sexual assault.

An alleged victim of personal injury or sexual assault will be provided such information regarding the judicial process and the University's responses as is required by law.

Initiation of a Judicial Review

Any University student, faculty or staff member may initiate a disciplinary action against a student for violation of the Code. Allegations of Code violations must be in writing, signed by the complaining party, and submitted to the Dean of Students Office or the Department of Residence Life for incidents occurring in University housing involving students living on campus.

The designated judicial officer will review the allegations and conduct an appropriate preliminary investigation to determine:

- a. whether to dismiss the matter because insufficient information exists to support the accusation; or
- b. whether sufficient information exists to warrant further judicial proceeding, and, if so,
- c. whether the charges, if substantiated, will subject the student to a major or a minor sanction.

The designated judicial officer will send the student written notification of:

- a. the allegations of misconduct and the provisions of the Code which allegedly have been violated;
- b. the designated judicial officer's name, telephone number, and office location; and the time period in which to schedule a meeting to review the charges;
- c. whether a major or minor sanction is likely to be imposed, should the charges be substantiated, and
 - (i) if a minor sanction is likely, that the matter will be pursued with an administrative review;
 - (ii) or if a major sanction is likely, that the student has a choice between an administrative review or a judicial board hearing; and
- d. should the student fail to schedule a meeting, the meeting will be scheduled by the designated judicial officer.

Should a student fail to schedule a meeting within the time period specified in the notification of charges, the designated judicial officer will schedule the meeting and notify the student in writing at least three class days in advance of the scheduled meeting that, should the student fail to respond or appear, the designated judicial officer will conduct an administrative review and that the student will have waived the opportunity for review by a judicial board hearing.

A student under review for matters which could result in the imposition of a major sanction will be provided a written explanation of the differences between an administrative review and a judicial board hearing. The student's choice of procedure must be stated in writing.

If the student chooses an administrative review, the student must also waive, in writing, rights to procedures in the judicial board hearing which are not included in an administrative review. If the student chooses a judicial board hearing, the student will be notified in writing that:

- a. the names of witnesses, copies of any witnesses' written statements, or other documents on which they will be made available to the student for review at least three class days prior to the hearing;
- b. the student must submit to the designated judicial officer at least three class days prior to the hearing the names of witnesses, copies of any witnesses' written statements, or other documents on which the student will rely; and
- c. the student is to have no contact with any judicial board members or alleged victims involved in the matter, and, where appropriate, limited contact with other individuals involved with the hearing.

General Rules and Procedures for Administrative Reviews and Judicial Board Hearings

The University judicial system is not a court of law and is not held to standards applied in criminal proceedings. Formal rules of evidence will not apply. Testimony containing hearsay may be heard, taking into account the reliability of the information. Findings and conclusions will be based upon information presented during the review or hearing.

Reviews and hearings will ordinarily be scheduled between three and fifteen class days after written notice has been sent to the student, at times determined by the designated judicial officer.

A designated judicial officer will conduct an administrative review or chair a review by the judicial board.

Should a student fail to appear for an administrative review or judicial board hearing, the designated judicial officer may determine to proceed with the review or hearing without the student.

Reviews or hearings may be conducted by audio conference or at an off-campus location, if directed by the designated judicial officer.

The designated judicial officer will establish reasonable rules for the conduct of the review or hearing, and will make them available to all parties.

Students may select an advisor for assistance during the proceedings. Should the student choose an attorney for an advisor, the student is responsible for the attorney's fees and legal costs regardless of the outcome of the review or hearing.

An administrative review or judicial board hearing will result in the preparation of written findings and conclusions. Conclusions will result in one of the following:

- a. Allegations are dismissed.
- b. A minor sanction is imposed. If a minor sanction is imposed, the designated judicial officer will send the student written notification of the decision and appeal rights within ten class days of the conclusion of an administrative review or judicial board hearing.
- c. A major sanction is recommended. If a major sanction is recommended, the designated judicial officer will, within ten class days of the conclusion of an administrative review or judicial board hearing:
 1. send the student written notification of the decision and of the right to provide comment to the Vice Chancellor for Student Affairs and;
 2. forward the record of the administrative review or judicial board hearing to the Dean of Students.
 3. Dean of Students or designee will forward the record of the administrative review or judicial board hearing to the Vice Chancellor for Student Affairs along with a recommendation regarding major sanctions and the process.

Upon written request from the judicial officer, the Dean of Students or designee may extend the deadline for notifying the student of the review or judicial board hearing decision.

Rules and Procedures Specific to an Administrative Review

At the scheduled meeting, the judicial officer will review the allegations and available information regarding the matter. The student, if present, will be given the opportunity to present information, explanations, and/or mitigating factors for the alleged violation. Administrative reviews will be closed proceedings and attendance at the review will be limited to the designated judicial officer and the accused student, unless otherwise authorized by the designated judicial officer.

An advisor for the student may also be present during the review, but may not represent the student in the proceedings, nor speak or ask questions on the student's behalf unless authorized by the designated judicial officer.

If, during an administrative review for a charge originally determined to be subject to imposition of a minor sanction, new information is presented that could make the student subject to a major sanction, the student must be offered, in writing, the opportunity for review by a hearing board or for continuing with the administrative review. The student's choice must be indicated in writing. If the student chooses to continue with the administrative review, the student must also waive, in writing, rights to the processes in the judicial board hearing which are not included in an administrative review.

Rules and Procedures Specific for Conducting Judicial Board Hearing

The Judicial Board composes two currently enrolled students in good academic and disciplinary standing and three University faculty and/or staff members. The members of the board must be unbiased and may be selected from another campus or site. Student appointments and alternates will be made by the USUAA president. The Dean of Students will appoint student representation if the USUAA President fails to appoint students to the judicial board within a reasonable period of time. Faculty/staff appointments and alternates will be made by the Dean of Students.

The accused student will be notified, in writing, at least five class days prior to the judicial board hearing of the names of potential judicial board members. The student may object to a member on the basis of bias, provided the student notifies the designated judicial officer, in writing, at least three class days prior to the scheduled hearing and states reasons for believing the board member is biased. The designated judicial officer will have the discretion to either uphold the appointment or have the board member replaced.

The accused student may choose between an open or closed hearing to the extent that such choices are permitted by state and federal laws. A hearing will be closed unless the student makes a written request at least one day in advance of the hearing to the designated judicial officer for an open hearing. In order to protect privacy or other rights of individuals involved in a proceeding, however, the designated judicial officer may determine that all or portions of the hearing will be closed. Witnesses may attend the hearing only during their testimony.

An advisor for a student may be present and may represent the student during the hearing. The accused student will have the opportunity to question and hear all witnesses relied upon by the University.

The accused student will have the opportunity to present a defense, including introduction of relevant exhibits, affidavits, or witnesses, in addition to any information, explanations, and/or mitigating factors presented during the preliminary investigation of charges. Admission of and restrictions on exhibits and other evidence will be at the discretion of the designated judicial officer.

The judicial board will deliberate in closed session and make its determination within five class days of the conclusion of the hearing, unless an extension is provided by the designated judicial officer.

Appeal Procedure for Minor Sanctions

An accused student may appeal a decision to impose a minor sanction to the Dean of Students or designated appeal reviewer. Appeals may be made on the basis that:

- a. a material procedural error was made during the process which would have changed the outcome of the matter;
- b. the sanction imposed was clearly excessive for the violation committed;
- c. newly discovered information exists which the student could not reasonably have been expected to know of or discover through diligence prior to the conclusion of the matter and which information, if known, would clearly have affected the outcome of the matter; or
- d. the decision is not supported by substantial information.

Appeals must be submitted in writing within seven class days of the day the decision is sent to the student, and in accordance with the UAA rules and procedures.

The Dean of Students or designated appeal reviewer will conduct a review of the record and will ordinarily render a decision within seven class days of receipt of the appeal. The Dean of Students or designated appeal reviewer may:

- a. affirm a decision and/or sanction;
- b. dismiss the case;
- c. lessen a sanction;
- d. refer the matter back for further review;
- e. authorize a new administrative review or judicial board hearing; or
- f. take such other action as the Dean of Students or designated appeal reviewer deems appropriate.

The decision of the Dean of Students or designated appeal reviewer constitutes the University's final decision on the matter. Notification to the student must be made in writing and in accordance with Regents' Policy and University Regulation.

Review Procedures for Major Sanctions

A recommendation to impose a major sanction from an administrative review or judicial board hearing is automatically forwarded to the Dean of Students or designee for review. The Dean of Students or designee will forward a recommendation regarding the major sanction and the process to the Vice Chancellor for Student Affairs.

The accused student will be given an opportunity to comment upon the findings, conclusions, and recommendation of the administrative review or judicial board hearing.

Comments must be submitted in writing to the Vice Chancellor of Student Affairs within seven class days of the day the findings, conclusions, and recommendation are sent to the student, and in accordance with UAA rules and procedures.

The Vice Chancellor for Student Affairs will conduct a review of the record within fourteen class days and may:

- a. affirm or modify the recommendations for a major sanction and forward the recommendation to the Chancellor
- b. dismiss the case;
- c. lessen the sanction;
- d. refer the matter back for further review;
- e. authorize a new administrative review or judicial board hearing; or
- f. take such action as the Vice Chancellor or designee deems appropriate.

The Chancellor will ordinarily render a decision within seven class days of the receipt of the recommendation from the Vice Chancellor for Student Affairs. The Chancellor may dismiss the charges, impose a major or minor sanction, or take such other action as the Chancellor deems appropriate.

The decision of the Chancellor constitutes the University's final decision on the matter. Notification to the student must be made in writing and in accordance with Regents' Policy and University Regulation.

Summary Restrictions

Summary restrictions may be issued in writing by the Vice Chancellor for Student Affairs, the Dean of Students, Campus Director, or their designee for the purpose of investigating the events in which the student was allegedly involved and/or for the protection of persons or property pending the final outcome of the University judicial process.

Disciplinary Sanctions and Reinstatement of University Benefits

In determining appropriate sanctions, a student's present and past disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the prohibited behavior, and other factors relevant to the matter will be considered. The following list of sanctions is illustrative rather than exhaustive. The University reserves the right to create other reasonable sanctions or combine sanctions as it deems appropriate.

Warning – A written notice that the student is violating or has violated the Code, and that further misconduct may result in more severe disciplinary action.

Probation – A written warning which includes the probability of more severe disciplinary sanctions if the student is found responsible for violating the Code during a specified probationary period.

Denial of Benefits – Specific benefits may be denied a student for a designated period of time.

Restitution – A student may be required to reimburse the University or other victims related to the misconduct for damage to or misappropriation of property or for reasonable expenses incurred.

Discretionary Sanction – Discretionary sanctions include community service work or other uncompensated labor, educational classes, counseling, or other sanctions that may be seen as appropriate to the circumstances of a given matter. Costs incurred by the student in fulfilling a discretionary sanction will be the responsibility of the student.

Restricted Access – A student may be restricted from entering certain designated areas and/or facilities or from using specific equipment for a specified period of time.

Suspension – The separation of the student from the University for a specified period of time, after which the student may be eligible to return. Conditions under which the suspension may be removed and for re-enrollment will be included in the notification of suspension. During the period of suspension, the student may be prohibited from participation in any activity authorized by the University and may be barred from all property owned or controlled by the University, except as stated on the notification. The UAA Chancellor has sole authority to suspend a student and may not delegate this authority.

Expulsion – Expulsion is considered to be the permanent separation of the student from the University. The student may be prohibited from participation in any activity authorized by the University and may be barred from property owned or controlled by the University except as stated on the notice of expulsion. The UAA Chancellor has sole authority to expell a student and may not delegate this authority.

Revocation of a Degree – Any degree previously conferred by the University may be revoked if the student is found to have committed academic misconduct in pursuit of that degree. The UAA Chancellor has sole authority to revoke a degree and may not delegate this authority.

Group Sanctions – Student groups or organizations found to have violated provisions of the Code may be put on probation or sanctioned, which may include loss of University-related benefits and access to University facilities and University-held funds.

Reinstatement of University Benefits

The conditions, if any, for re-enrollment and reinstatement of University benefits lost through imposition of a sanction will depend upon the disciplinary sanctions imposed and will be specified in the notification of sanction.

Before a University benefit lost by sanction at one University of Alaska institution may be reinstated at another, the senior student services officer at the former University of Alaska institution must be consulted.

Students seeking reinstatement following suspension or expulsion must submit their requests and supporting documentation to the Dean of Students Office. After review and recommendation by the Dean of Students, the Chancellor will consider the students' requests for reinstatement. Any student who is reinstated will be on University disciplinary probation for at least one year from the date of re-enrollment.

Final University Decision

The University will inform a student in writing when a decision constitutes the University's final decision in any review procedure. Where applicable, the notification of final decision will also state that further redress on the issue may be had only by filing an appeal with the Superior Court of Alaska; that, in accordance with Alaska Appellate Rule 602(a)(2) regarding appeals from administrative agencies, the student has thirty calendar days after the University has mailed or otherwise distributed the final decision to file an appeal; and the failure to file an appeal constitutes acceptance of the decision and a waiver of any further legal rights.

 UNIVERSITY of ALASKA ANCHORAGE

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