

# Student Conduct Review Procedures

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Once a complaint has been received, the designated student conduct administrator will review the allegations and conduct a preliminary investigation. The student conduct administrator reviews and collects information to determine if sufficient information exists to support the accusation. If so, students are notified about the allegations and are invited to participate in a meeting to review the allegations and available information regarding the matter. The administrative review is an opportunity for the students to present relevant information, names of witnesses and/or witness statements, relevant explanations, and/or mitigating factors for the alleged violation. Findings from the review are based on the information contained in university reports, any information students choose to share, and information gathered during the investigation of the allegations. If students are found responsible for violating the Code, they may be assigned educational sanctions. Students are provided the opportunity to appeal cases where they are found responsible. Following are the Student Conduct Review Procedures:

## Definitions of Terms

A **student conduct procedure** is a review undertaken by the university to establish whether there is substantial information to determine whether it is more likely than not that a student violated the Code.

A **third-party reporter** is an individual bringing forth information that another individual or group of individuals may have violated the Student Code of Conduct. A **complainant** is an individual or group of individuals who has allegedly been subject to a destructive or injurious violation of the Student Code of Conduct by another individual or group of individuals. A **respondent** is an individual or group of individuals accused of violating the Student Code of Conduct.

**Major administrative units (MAUs)** in the UA system include the system offices and three separately accredited universities, UAA, UAF, and UAS. In the case of the universities, each MAU includes its main campus as well as its affiliated community and satellite campuses and extended sites.

A **student conduct administrator** is a university official authorized by the MAU senior student services professional or designee to collect information, initiate the student conduct process, articulate alleged violations, present information indicating whether alleged violations occurred, conduct administrative reviews, and impose or recommend, as applicable, sanctions upon any student(s) found to have violated the Student Code of Conduct. An **administrative review** is a meeting between the student conduct administrator and a student, where the student has the opportunity to review the alleged violation and present information relevant to the allegations. An administrative review is the review process for matters involving imposition of either a minor or major sanction.

**Major sanctions** include suspension, expulsion, revocation of a degree, and other sanctions specified by MAU rules and procedures as being major sanctions. **Minor sanctions** are those other than ones specified

as major sanctions, such as warning, probation, discretionary sanctions, etc., as described in University Regulation R09.02.050.

A **day** is a day the campus is open for business Monday through Friday, even if classes are not scheduled.

## Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of the Code by the organization and/or its member(s):

1. Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or implied;
2. have received the consent or encouragement of the organization or of the organization's leaders or officers; or
3. were known or should have been known to the membership or its officers.

## Amnesty

The university may provide amnesty from minor policy violations to students who report misconduct and who otherwise may be hesitant to report student misconduct to university officials because they fear being accused of minor policy violations that occurred during the incidents.

The university may provide amnesty from minor policy violations when students offer help to others in need. Amnesty may also be extended on a case-by-case basis to the person receiving assistance.

Students who are engaged in minor policy violations who choose to bring related, more serious violations by others to the attention of the university may be offered amnesty for their minor policy violations.

If students bring their own use of, addiction to, or dependency on alcohol or drugs to the attention of university officials outside of student conduct procedures, the conduct is unrelated to other prohibited conduct and the student seeks assistance, the university will grant amnesty to students for the drug and alcohol violations reported. The university may require students to comply with written action plans to track follow-through with students' requests for such assistance. Failure to follow the action plan will nullify the amnesty provision and the university may initiate student conduct proceedings.

Abuse of amnesty requests can result in a decision by the student conduct administrator not to extend amnesty to the same person repeatedly. Student services will maintain records of incidents for which amnesty is granted.

Students granted amnesty may be required to complete educational programs. In the event the student chooses not to complete the educational programs, amnesty may be nullified and the student may be subject to student conduct proceedings.

## Rights Afforded to Students in Student Conduct Proceedings

Students have the right to due process in conduct proceedings. This regulation articulates a level of process meeting constitutional requirements. However, a violation of this regulation shall not be

grounds for overturning a determination if the proceeding otherwise meets constitutional due process requirements.

Students have the right not to respond to the allegations during the student conduct proceeding. However, the university maintains the right to make a determination regarding responsibility and administer sanctions based on the available information.

A student may be accompanied by an advocate of their choice during student conduct proceedings.

Students may have access to records of their student conduct proceedings.

Students may appeal decisions to impose minor sanctions and/or the severity of the sanction to the MAU senior student services professional or designee. Students will be afforded an opportunity to provide comments to the MAU senior student services professional on recommendations to impose major sanctions.

## **Rights Afforded to Injured Parties During the Student Conduct Process**

The university will consider the needs and circumstances of injured parties. The university will take such measures as it deems reasonable to prevent the unnecessary exposure of victims of alleged violations of the Student Code of Conduct.

A victim of an alleged violation of the Student Code of Conduct will be provided such information regarding the student conduct process, support and assistance options, other remedies and the university's responses as required by law.

## **Initiation of a Student Conduct Review**

Any university student, faculty, staff member, or community member may report an alleged violation of the Code. Allegations of Code violations must be in writing and submitted to the student conduct administrator in accordance with MAU rules and procedures.

Though anonymous complaints are permitted, doing so may limit the university's ability to investigate and respond to a complaint. The university has the right to pursue notice of student misconduct on its own behalf and initiate a student conduct review, regardless of whether or not a formal allegation is submitted by a complainant.

The student conduct administrator and/or appropriate University official 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 student conduct proceedings; and, if so,
- c. whether the allegations, if substantiated, will subject the student to a major or a minor sanction.

The student conduct administrator will send the student written notification:

a. Of the allegations of misconduct and the categories of the Code which allegedly have been violated;

b. of the student conduct administrator's name, telephone number, and office location; and the time period in which to schedule a meeting to review the allegations;

c. of whether a major or minor sanction is likely to be imposed should the allegations be substantiated by a preponderance of the evidence; and

d. that, should the student fail to schedule a meeting, the meeting will be scheduled by the student conduct administrator.

Should a student fail to schedule a meeting within the time period specified in the notification of allegations, the student conduct administrator will schedule the meeting and notify the student in writing at least three days in advance of the scheduled meeting that, should the student fail to respond or appear, the student conduct administrator will conduct an administrative review.

Alternatively, the student conduct administrator may send an initial notice that identifies a default date and time at which the conduct meeting will occur unless rescheduled, provided that the initial notice complies with the requirements of this section.

## **General Rules for Administrative Reviews**

The university student conduct system is an administrative process and 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, and will be weighted appropriately, taking into account the reliability of the information. Findings and conclusions will be based upon information presented during the review.

Student disciplinary determinations of responsibility are based on whether substantial evidence establishes that it is more likely than not that the respondent violated the Code.

Dates and times for reviews will ordinarily be scheduled between three and fifteen days after written notice of the allegations has been sent to the student, at times determined by the student conduct administrator.

The student conduct administrator will conduct an administrative review.

Should a student fail to appear for an administrative review, the student conduct administrator may determine to proceed with the review without the student.

Reviews may be conducted by audio-conference, videoconference, or at an off-campus location, if directed by the student conduct administrator.

The student conduct administrator will establish reasonable rules for the participants' conduct during the review and will make them available to all parties.

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

## Procedures for Administrative Reviews

At the scheduled meeting the student conduct administrator will review the allegations and available information regarding the matter. The student(s), if present, will be given the opportunity to present relevant information, names of witnesses, relevant explanations, and/or mitigating factors for the alleged violation.

Attendance at administrative reviews is limited to individuals approved by the student conduct administrator.

An advocate for the student may 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 student conduct administrator.

If, during an administrative review for an allegation, new information is presented that could subject the student to additional allegations, the student will be notified, in writing, of the new allegations. The new allegations will be reviewed at a subsequent administrative review.

If, during an administrative review for an allegation 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 review will be suspended. The student will be notified in writing of the allegations now subject to the imposition of a major sanction. The allegations and sanctions will be reviewed in a subsequent administrative review.

## Written Findings and Conclusions

An administrative review will result in the preparation of written findings and conclusions within ten days of the conclusion of an administrative review, barring extenuating circumstances. Conclusions will result in one of the following:

1. Allegations are dismissed.
2. A minor sanction is imposed. If a minor sanction is imposed, the student conduct administrator will send the student written notification of the decision, of the reasons for the decision and of the right to appeal.
3. A major sanction is recommended. If a major sanction is recommended, barring extenuating circumstances, the student conduct administrator will, within ten days of the conclusion of an administrative review:
  - a. send the student written notification of the recommendation, of the reasons for the decision, and of the right to provide comment to the MAU senior student services professional; and
  - b. forward the record of the administrative review to the MAU senior student services professional.

## Appeal Procedure for Minor Sanctions

The respondent may appeal a decision to impose a minor sanction.

Appeals may be made on the basis that:

- a. A procedural error was made during the process which significantly impacted the finding or sanction;

- b. the sanctions imposed are substantially outside the parameters of guidelines set by the university for this type of offense or the cumulative conduct record of the respondent;
- c. there is new information that was not available at the time of the decision that, if introduced and credible would have significantly impacted the finding or sanction. Any party's unwillingness to provide a statement or participate in the student conduct process will not satisfy this ground for appeal; or
- d. the decision is not supported by a preponderance of the evidence.

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

The MAU senior student services professional or designee will conduct a review of the record and will ordinarily render a decision within seven days of receipt of the appeal, barring extenuating circumstances. The MAU senior student services professional or designee may:

- a. Uphold a decision and/or sanction;
- b. dismiss the case;
- c. alter or lessen a sanction;
- d. refer the matter back for further review;
- e. authorize a new administrative review; or
- f. take such other action as the MAU senior student services professional or designee deems appropriate.

Except in cases referred for further proceedings, the decision of the MAU senior student services professional or designee constitutes the university's final decision on the matter. Notification to the affected students must be made in writing and in accordance with Regents' Policy and University Regulation.

## Review Procedures for Major Sanctions

The student conduct administrator will forward a recommendation to impose a major sanction to the MAU senior student services professional for review.

The Dean of Students or designee and the respondent will be given an opportunity to comment upon the findings, conclusions, and recommendation of the administrative review. Comments must be submitted in writing within seven days of the day the findings, conclusions, and recommendation are sent to the student, and in accordance with MAU rules and procedures.

The MAU senior student services professional or designee will review the record and render a decision within fourteen days of receipt of the recommendation, barring extenuating circumstances, and may:

- a. Uphold a decision and/or impose the sanction;
- b. dismiss the case;
- c. alter or lessen the sanction;

- d. refer the matter back for further review;
- e. authorize a new administrative review; or
- f. take such other action as the MAU senior student services professional or designee deems appropriate.

If the MAU senior student services professional has recommended a major sanction, the chancellor will review the record and, barring extenuating circumstances, render a decision within seven days of receipt of the recommendation. The chancellor may:

- a. Uphold a decision and/or impose the sanction;
- b. dismiss the case;
- c. alter or lessen the sanction;
- d. refer the matter back for further review;
- e. authorize a new administrative review; or
- f. take such other action as the chancellor deems appropriate.

Except in cases referred for further proceedings, the decision of the chancellor constitutes the university's final decision on the matter. Notification to the affected students must be made in writing and in accordance with Regents' Policy and University Regulation.

## Interim Restrictions

An interim restriction is an immediate and temporary limitation on a student's access to the university or university services or functions, including conferral of a degree, pending the outcome of the university student conduct investigatory process. An interim restriction may be imposed on a student prior to a student conduct review if the chancellor or designee reasonably determines that the student poses a threat to the student's safety or to the safety of other members of the university community, or is obstructing or disrupting teaching, research, administration, or other activities authorized by the university.

## Disciplinary Sanctions

Sanctions imposed by one MAU are applicable across the university system except to the extent explicitly provided otherwise in writing. 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 notice that the student is violating or has violated the Code, and that further misconduct may result in more severe disciplinary action.

**Disciplinary Probation** - A written warning which includes the probability of more severe disciplinary sanctions if the student is found to be violating the Code during a specified period of time (the 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, research papers, reflective essays, 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 typically 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 sponsored or 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 the 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 sponsored or 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 expel 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 categories 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 MAU may be reinstated at another, the MAU senior student services professional or designee at the former MAU must be consulted.

The authority to reinstate a student following suspension or expulsion is hereby delegated to the chancellors by the president of the university.

Chancellors may not re-delegate this authority. Any student who is reinstated will be on university disciplinary probation for a minimum of 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 (30) calendar days after the university has mailed or otherwise distributed the final decision to file an appeal; and that failure to file an appeal constitutes acceptance of the decision and a waiver of any further legal rights.