

# Students' Rights and Responsibilities

The university respects and upholds the principles of due process and a fair and equitable process as specified in the Board of Regents' Policy 09.02 Student Rights and Responsibilities. For more information regarding the rights and responsibilities of students, refer to the Office of Rights, Compliance and Accountability website (<https://www.uaf.edu/orca/>). You are encouraged to read the Board of Regents' policy carefully to fully understand your responsibilities to our community.

We strive to create a safe and respectful environment for all members of our community. If you have questions about expectations of you as a student or believe your rights are being violated, we encourage you to reach out to the Office of Rights, Compliance and Accountability for help. UAF reserves the right to suspend, expel or take other necessary and appropriate action in cases where a student is unable or unwilling to uphold community standards and campus safety.

## Regents' Policy & University Regulation

*(Note: This page is not the official publication of Regents' Policy & University Regulation. Policies and regulations may be updated from time to time. To see the current versions, please visit the Board of Regents website (<https://www.alaska.edu/bor/policy-regulations/>)).*

### Chapter 09.02 - Student Rights and Responsibilities

#### REGENTS' POLICY

##### P09.02.010. General Statement: Student Rights and Responsibilities.

A. The university will maintain an academic environment in which the freedom to teach, conduct research, learn, and administer the university is protected. Students will enjoy maximum benefit from this environment by accepting responsibilities commensurate with their role in the academic community. The principles found herein are designed to facilitate communication, foster academic integrity, and defend freedoms of inquiry, discussion, and expression among members of the university community.

B. Students will have the right:

1. to pursue an education free from illegal discrimination and to be judged on the basis of relevant abilities, qualifications, and performance;
2. to fair and impartial academic evaluation and a means of recourse through orderly procedures to challenge action contrary to such standard;
3. to free inquiry and expression;
4. to access their own personnel and education records and to have the university maintain and protect the confidential status of such records, as required by appropriate legal authority;
5. through student representatives, to participate in formulating and evaluating institutional policies;
6. to organize and join associations to promote their common and lawful interests;
7. to be able to protest on university premises in a manner which does not obstruct or disrupt teaching, research, administration, or other activities authorized by the university;
8. to an academic environment conducive to intellectual freedom;
9. to a fundamentally fair and orderly disciplinary process; and

10. to have access to accurate information regarding tuition, fees and charges, course availability, general requirements for establishing and maintaining acceptable academic standing, and graduation requirements.

C. Students are responsible for knowing, understanding, and complying with the University of Alaska Student Code of Conduct, which outlines both student rights and responsibilities as members of the academic community. The student code of conduct is available in the student handbook and/or online

D. Students are expected to balance these rights and responsibilities to promote a learning environment that is conducive to the academic success of all members of the community and strive to be a positive, contributing member of the academic community

(06-05-15)

##### P09.02.020. Student Code of Conduct.

A. 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. Students may not engage in behavior that disrupts the learning environment, violates the rights of others or otherwise violates the student code of conduct (Code), university rules, regulations, or procedures. 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 at activities authorized or sponsored by the university.

B. The university may initiate disciplinary action and impose sanctions on any student or student organization found responsible for committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of conduct:

1. cheating, plagiarism, or other forms of academic dishonesty;
2. forgery, falsification, alteration, or misuse of documents, funds, property or electronic records;
3. damage or destruction of property;
4. theft of property or services;
5. harassment;
6. discrimination, including sex or gender-based discrimination, which is also addressed in Regents' Policy and University Regulation 01.04;
7. hazing;
8. endangerment, assault, or infliction of physical harm;
9. sex or gender-based misconduct;
10. disruptive or obstructive actions;
11. mistreatment of animals;
12. misuse of firearms, explosives, weapons, dangerous devices, or dangerous chemicals;
13. failure to comply with university directives;
14. misuse of alcohol;
15. misuse of drugs or other intoxicants;
16. violation of Regents' Policy, University Regulation, rules, or procedures;
- or
17. any other actions that result in unreasonable interference with the learning environment or the rights of others.

C. Examples of actions that constitute these prohibitions will be described in the University Regulation and MAU rules and procedures.

D. This policy and University Regulation and MAU rules and procedures 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.

(08-14-20)

**P09.02.030. Scope of University Authority for Violations of the Student Code of Conduct.**

A. The student code of conduct and student conduct process apply to the conduct of individual students and all university affiliated student organizations. For purposes of determining what conduct is covered, the university considers an individual to be subject to student conduct proceedings for conduct that occurs while the individual is in any way affiliated with the university. Proceedings may be initiated at any time regardless of subsequent affiliation or graduation status. In all cases, conduct matters that have been initiated will be pursued to conclusion or resolution, even when students leave the university or choose not to participate in the process. As such, if a student leaves the university voluntarily or involuntarily, the university may still proceed with the conduct process in the student's absence. A student who has been alleged to have violated the Code may be prohibited from re-enrolling in the university until the allegations are resolved regardless of whether the student participates in the student conduct process.

B. Behavior that occurs on property owned or controlled by the university, in university online environments and classes, or at activities sponsored by or authorized by the university, is subject to university student conduct review and disciplinary action by the university. The student code of conduct may also apply to behavior that occurs off campus when it may present a potential danger or threat to the health and safety of others or may reasonably lead to a hostile environment on campus. The student code of conduct may also apply to behavior exhibited online or electronically via email, social media, text messaging, or other electronic means.

C. There is no time limit on reporting violations of the student code of conduct. Individuals are encouraged to report violations of the student code of conduct in a timely manner.

D. Alleged violations of federal, state, or local laws that are also potential violations of the student code of conduct fall within the jurisdiction of the university. The university reserves its right to pursue disciplinary action independent of the criminal proceedings, if the alleged criminal charges are also violations of the student code of conduct. University actions will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. University student conduct proceedings may precede, follow, or take place simultaneously with criminal proceedings.

(12-11-15)

**P09.02.040. University Student Conduct Procedures.**

Procedures for Code violations will be set forth in University Regulation and MAU rules and procedures and will provide for appropriate process. However, there may be circumstances that make it necessary to make minor adjustments to these procedures. Unless the adjustment to the procedures seriously impairs or infringes upon the rights of the student or students involved, this does not provide a basis for claims outside the university or appeal within the university.

(06-05-15)

**P09.02.050. Disciplinary Sanctions and Reinstatement of University Benefits.**

A. In accordance with Alaska Statute 14.40.240, the president of the University of Alaska is authorized to delegate the president's authority to suspend, expel, and reinstate a student.

B. The president or designee is authorized to revoke a degree that has been conferred by the board if a student has been found to have engaged in misconduct in pursuit of that degree.

C. Other sanctions for misconduct, and designation of the authority to impose these sanctions, may be established by the president in University Regulations.

D. Sanctions may be imposed on individual students who violate the Code. Sanctions may also be imposed on a student organization when the organization violates the Code or when a member's misconduct is attributable to the organization. Disciplinary sanctions imposed on a student by one MAU will be effective throughout the university system.

E. 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.

(06-05-15)

**P09.02.060. Opportunity for Review of Decisions from Student Conduct Proceedings.**

Students will be notified in writing of decisions or sanctions resulting from university student conduct proceedings affecting them, in accordance with University Regulation and MAU rules and procedures. Such notification will be accompanied by information regarding any additional review process.

(06-05-15)

**P09.02.070. Records and Confidentiality Regarding Conduct Violations.**

The management of student records pertaining to the violation of the Code, and the confidentiality accorded these records, will be set forth in Regents' Policy, University Regulation, and MAU rules and procedures regarding education records.

(11-20-98)

**P09.02.080. Final University Decision.**

A final university decision is one for which there is no further review within the university. The university will inform the student in writing and in accordance with University Regulation when a decision constitutes the university's final decision.

(09-19-14)

**UNIVERSITY REGULATION****R09.02.010. General Statement: Student Rights and Responsibilities.**

The purpose of this regulation is to further define the University of Alaska's Student Code of Conduct, or Code, and to establish a framework for the enforcement of the Code. These procedures, and their elaboration in MAU rules and procedures, will allow for fact-finding and decision-making in the context of an educational community, encourage students to accept

responsibility for their actions, and provide procedural safeguards to protect the rights of students and the interests of the university. These procedures are applicable to all students and student organizations.

(08-14-20)

#### **R09.02.020. Student Code of Conduct.**

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 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.

1. Cheating, Plagiarism, or Other Forms of Academic Dishonesty  
Academic dishonesty applies to examinations, assignments, laboratory reports, fieldwork, practicums, creative projects, or other academic activities. Examples include, but are not limited to:

- a. presenting as their own the ideas or works of others without proper citation of sources;
- b. utilizing devices not authorized by the faculty member;
- c. using sources (including but not limited to text, images, computer code, and audio/video files) not authorized by the faculty member;
- d. providing assistance without the faculty member's permission to another student, or receiving assistance not authorized by the faculty member from anyone (with or without their knowledge);
- e. submitting work done for academic credit in previous classes, without the knowledge and advance permission of the current faculty member;
- f. acting as a substitute or utilizing a substitute;
- g. deceiving faculty members or other representatives of the university to affect a grade or to gain admission to a program or course;
- h. fabricating or misrepresenting data;
- i. possessing, buying, selling, obtaining, or using a copy of any material intended to be used as an instrument of assessment in advance of its administration;
- j. altering grade records of their own or another student's work;
- k. offering a monetary payment or other remuneration in exchange for a grade; or
- l. violating the ethical guidelines or professional standards of a given program.

2. Forgery, Falsification, Alteration, or Misuse of Documents, Funds, Property, or Electronic Records

Examples include, but are not limited to:

- a. forgery, falsification, or alteration of records or deliberate misrepresentation of facts on university forms and documents;
- b. misrepresenting the truth during a university investigation or student conduct proceeding and/or making false statements to any university official, faculty member, or office;
- c. misuse or unauthorized use of university identification cards, keys, funds, property, equipment, supplies or other resources; such as:
  - i. possession of fake or altered identification;
  - ii. unauthorized duplication of any university key or key card;
  - iii. lending keys or key cards to individuals not authorized to possess them;
  - iv. misusing university computer resources by intentionally making, receiving, accessing, altering, using, providing or in any way tampering with

messages, files, electronic storage devices, programs, passwords or other computer users without their permission (as further defined in Regents' Policy 02.07); or

v. use or possession of copyrighted material, including, without limitation, software, graphics, text, photographs, sound, video and musical recordings without the express permission of the owner of the copyright in the material, or other legal entitlement to use the material.

- d. falsely representing oneself as an agent of the university, incurring debts or entering into contracts on behalf of the university; or
- e. unauthorized entry into, presence on, or use of property which has not been reserved or accessed through appropriate university officials.

#### **3. Damage or Destruction of Property**

Examples include, but are not limited to:

- 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:
  - i. the action occurred during an event sponsored or authorized by the university;
  - ii. the student was a representative of the university, such as an athlete, student government representative or club member, and the action occurred while traveling to or from an event sponsored or 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**

Examples include, but are not limited to:

- a. theft or unauthorized possession or removal of university property;
- b. theft or unauthorized use of university services or unauthorized presence at university activities without appropriate payment for admission; or
- c. theft of property or services not owned or controlled by the university if:
  - i. the action occurred during an event sponsored or authorized by the university;
  - ii. the student was a representative of the university, such as an athlete, student government representative or club member and the action occurred while traveling to or from an event sponsored or authorized by the university;
  - or
  - iii. the property not owned or controlled by the university was located on university property.

#### **5. Harassment**

Harassment is defined as behavior that is severe, pervasive or persistent to a degree that a reasonable person similarly situated would be prevented from fully accessing educational benefits, university services, or other opportunities. Harassment is also defined as behavior that limits the ability of third parties to conduct business. This behavior includes, but is not limited to, verbal abuse, threats, intimidation, and coercion (that is not speech or conduct otherwise protected by the First Amendment). In addition, harassment may be conducted in a variety of mediums, including, but not limited to, physical, verbal, graphic, written, or electronic. Examples include, but are not limited to:

- a. threats, defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property;

- b. intimidation, defined as implied threats or acts that cause reasonable fear of harm in another;
- c. bullying, defined as repeated, unreasonable actions directed towards an individual (or a group) resulting in intimidating, degrading, humiliating, or undermining behavior that creates a risk to the health or safety of individuals;
- d. cyberbullying, defined as repeated, unreasonable actions using electronic communications that are directed towards an individual (or a group) resulting in intimidating, degrading, humiliating, or undermining behavior that creates a risk to the health or safety of individuals; or
- e. stalking, defined as repetitive and/or menacing pursuit, following, or interference with the peace and/or safety of an individual(s).

#### 6. Discrimination

Discrimination is defined as being adversely treated or affected, either intentionally or unintentionally, in a manner that unlawfully differentiates or makes distinctions on the basis of the individual's legally protected status. Illegal discrimination against any individual because of race, color, religion, national origin, age, sex, sexual orientation, veteran status, physical or mental disability, marital status, pregnancy, or parenthood is prohibited.

#### 7. Hazing

Hazing is defined as an act(s) considered by a reasonable person to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, pledging, recruiting, joining, or continuing participation, in any group-affiliated activity. It is not a defense that the person, group, or organization against whom the physical abuse was directed consented or acquiesced to the physical abuse.

#### 8. Endangerment, Assault, or Infliction of Physical Harm

Endangerment, assault, or infliction of physical harm is defined as conduct which threatens the health and safety of another person, or conduct which threatens or causes physical harm to another person, or threatening or causing physical harm to another person.

Examples include, but are not limited to:

- a. physical abuse, defined as threatening or causing injury or physical pain to another person, or threatening or causing physical contact with another person when the person knows or should reasonably have known that the other person(s) will regard the contact as offensive or provocative;
- b. relationship violence, defined as violence or abuse by a person on another person with whom they are engaged in an intimate relationship. An intimate relationship is defined as a relationship related to marriage, cohabitation, dating or within a family and can occur in opposite-sex and same-sex relationships, regardless of whether it is a current or past relationship. Examples of relationship violence include but are not limited to:
  - i. domestic violence: a pattern of coercive, controlling behavior in which one intimate partner uses physical violence, coercion, threats, intimidation and emotional, psychological, electronic media or economic abuse to control and change the behavior of the other partner; or
  - ii. dating violence: behavior(s) used to exert power and control over a dating partner. Examples of power and control may come in the form of emotional, verbal, financial, physical, or electronic media abuse.
- c. dangerous behaviors, defined as actions that pose a risk of physical harm to another, which cause reasonable apprehension of physical harm, and/or create hazardous conditions; or
- d. acts that jeopardize the safety or security of the university, the university community, or any university facilities, buildings, or premises, including but not limited to:
  - i. starting a fire or creating a fire hazard on university property without university authorization;

- ii. tampering with, damaging, disabling or misusing fire safety equipment including fire extinguishers, fire sprinklers, fire hoses, fire alarms, and fire doors;
- iii. misuse of medical equipment such as automated external defibrillators; or
- iv. disabling safety equipment such as security cameras, door locks, key card readers, and alarms.

9. Sex or Gender-based Misconduct (Including, but not limited to, any sex or gender-based misconduct not required to be handled under University Regulation 01.04 (<https://www.alaska.edu/bor/policy-regulations/chapter-01-04-titleix.php>).)

#### 10. Disruptive or Obstructive Actions

Examples include, but are not limited to:

- a. obstructing or disrupting teaching, research, administration, disciplinary proceedings, or other activities authorized by the university;
  - i. behavior in a classroom, e-learning environment or instructional program that unreasonably interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to benefit from the class or program;
  - ii. any behavior in class or out of class, which for any reason, unreasonably interferes with the classwork of others, involves disorder, or otherwise disrupts the regular and essential operation of the university;
  - iii. non-compliance with reasonable time, place, or manner restrictions on expression; or
  - iv. leading or inciting others to disrupt scheduled and/or normal activities on university premises.
- 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. disorderly conduct, including but not limited to, lewd or indecent behavior or conduct that disturbs the peace.

#### 11. Mistreatment of Animals

Examples include, but are not limited to:

- a. noncompliance with accepted animal research procedures, regulations or guidelines set forth by institutional, local, state or federal policies; or
- b. taunting or physically harassing wildlife or otherwise creating an unsafe or hazardous environment involving wildlife on property owned or controlled by the university.

#### 12. Misuse of Firearms, Explosives, Weapons, Dangerous Devices, or Dangerous Chemicals

Examples include, but are not limited to: unauthorized use, possession, or sale of these items in violation of law, Regents' Policy, University Regulation, or MAU rules and procedures. See Regents' Policy and University Regulation on Possession of Weapons, currently 02.09.020 (<https://www.alaska.edu/bor/policy-regulations/chapter-02-09-public-safety.php#P0209020>).

#### 13. Failure to Comply with University Directives

Examples include, but are not limited to:

- 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.

#### 14. Misuse of Alcohol

Examples include, but are not limited to:

- a. use, possession, manufacture, or distribution of alcoholic beverages in violation of local, state or federal law, Regents' Policy, University Regulation, or MAU rules and procedures.; or
- b. Engaging in any other category of prohibited conduct while under the influence of alcohol may constitute a violation of this category.

15. Misuse of Drugs or Other Intoxicants

Examples include, but are not limited to:

- a. use, possession, manufacture, distribution, or being under the influence of illegal drugs or other controlled substances in violation of local, state or federal law, Regents' Policy, University Regulation or MAU rules and procedures;
- b. abuse or misuse of prescription or over-the-counter medications, other chemical substances or other intoxicants;
- c. engaging in any other category of prohibited conduct while under the influence of legal drugs or other intoxicants may constitute a violation of this category; or
- d. use, possession, manufacture, distribution, or being under the influence of designer drugs.

16. Violation of Regents' Policy, University Regulation, or UA Rules or Procedures

Any violation of Regents' Policy, University Regulations or other university policies, procedures, or rules published in hard copy or online or that are otherwise communicated to students verbally or in writing is considered a violation of this category of the student code of conduct.

Examples of such policies, procedures, rules or regulations include, but are not limited to, those described in:

- a. student handbooks;
- b. residence life handbooks;
- c. dining hall policies;
- d. housing agreements;
- e. course syllabi; or classroom rules.

(08-14-20)

## **R09.02.040. University Student Conduct Procedures.**

### **A. Definitions of Terms**

1. Day: A day the campus is open for business Monday through Friday, even if classes are not scheduled.
2. Third-party Reporter: An individual bringing forth information that another individual or group of individuals may have violated the student code of conduct.
3. Complainant: 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.
4. Respondent: An individual or group of individuals accused of violating the student code of conduct.
5. Major Sanction: Major sanctions include suspension, expulsion, revocation of a degree, and other sanctions specified by MAU rules and procedures as being major sanctions.
6. Minor Sanction: Minor sanctions are those other than ones specified as major sanctions, such as warning, probation, discretionary sanctions, etc., as described in University Regulation 09.02.050 (<https://www.alaska.edu/bor/policy-regulations/chapter-09-02-student-rights-responsibilities.php#R0902050>).
7. Student Conduct Procedure: 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.

8. Student Conduct Administrator: 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.

9. Administrative Review: 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.

10. Major Administrative Unit (MAU): 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.

### **B. Authority and Responsibilities of MAU Senior Student Services Professionals**

Each chancellor will appoint a senior student services professional experienced in student disciplinary proceedings who will supervise and implement a student conduct review process for student disciplinary matters for the MAU. The MAU senior student services professional will consult with extended site directors prior to delegating student disciplinary responsibilities to staff located on extended sites. The MAU senior student services professional or designee has authority over disciplinary proceedings and is responsible for:

1. serving as, or designating, a student conduct administrator to conduct administrative reviews; and
2. modifying timelines associated with student conduct proceedings in order to accommodate the academic calendar and for other reasons deemed appropriate.

### **C. Students Living on Campus**

The chancellor or MAU senior student services professional may establish in MAU rules and procedures a student conduct process specifically designed for students living on campus for matters relating to residence life. Such processes do not preclude other disciplinary action under the student code of conduct. Such processes must comply with University Regulation 09.02.010 (<https://www.alaska.edu/bor/policy-regulations/chapter-09-02-student-rights-responsibilities.php#R0902010>).

### **D. 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

The chancellor or MAU senior student services professional may establish in MAU rules and procedures a conduct process specifically designed for students participating in student organizations for matters relating to student organization conduct. Such processes must comply with University Regulation 09.02.010. If no MAU rules and procedures are established, the conduct process for student organizations will follow the student conduct process. In any such action, individual determinations as to responsibility will be made and the sanctions may be assigned collectively and individually



and will be proportionate to the involvement of each individual and the organization.

#### E. Amnesty

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

#### F. Rights Afforded Students in Student Conduct Proceedings

1. 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.
2. 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.
3. A student may be accompanied by an advocate of their choice during student conduct proceedings.
4. Students may have access to records of their student conduct proceedings.
5. 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.

#### G. Rights Afforded Injured Parties during the Student Conduct Process

1. 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.

2. A victim of 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.

#### H. Initiation of a Student Conduct Review

1. 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.
2. 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.
3. The student conduct administrator will send the student written notification:
  - a. of the allegations of misconduct and the provisions 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.
4. 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.
5. 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.

#### I. General Rules for Administrative Reviews

1. 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.

2. 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.

3. 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.

4. The student conduct administrator will conduct an administrative review.

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

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

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

8. 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.

#### J. Procedures for Administrative Reviews

1. 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.

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

3. 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.

4. 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.

5. 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.

#### K. 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 10 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.

#### L. Appeal Procedure for Minor Sanctions

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

1. 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.

2. 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.

3. 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 senior student services officer or designee deems appropriate.

4. 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.

#### M. 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.

1. 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.

2. 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 recommended 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 senior student services professional or designee deems appropriate.

3. 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.

(08-14-20)

#### **R09.02.050. Disciplinary Sanctions and Reinstatement of University Benefits.**

Except where otherwise noted in Regents' Policy or University Regulation, the authority to impose sanctions or summary restrictions may be delegated as provided by MAU rules and procedures. Sanctions imposed by one MAU are applicable across the university system except to the extent explicitly provided otherwise in writing.

##### **A. Interim Restriction**

Interim restrictions may be issued in writing by the chancellor or designee.

##### **B. Sanctions**

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.

##### **1. Warning**

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

##### **2. Disciplinary Probation**

Disciplinary probation is 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).

##### **3. Denial of Benefits**

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

##### **4. 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.

##### **5. 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.

##### **6. 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.

##### **7. Suspension**

Suspension is 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 authority to suspend a student is, by this regulation, delegated to the chancellors. Chancellors may not re-delegate this authority.

##### **8. 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 authority to expel a student is, by this regulation, delegated to the chancellors. Chancellors may not re-delegate this authority.

##### **9. 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 authority to revoke a degree is, by this regulation, delegated to the chancellors. Chancellors may not re-delegate this authority.

##### **C. 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.

##### **D. 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.



(07-27-15)

**R09.02.080. 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.

(11-20-98)