

Statement of Expectations

As members of the University community, all students, groups of students, and student organizations are expected to exemplify Alabama Agricultural and Mechanical University's community principles and values, to engage in socially responsible behavior, and to model exceptional conduct, character, and citizenship on and off campus. If/when students witness or are informed of conduct that may not meet these standards, they are expected to take an active role in upholding the University's values, not merely through demonstration, but by informing the Department of Public Safety (DPS) at 256-372-5555; or reporting the behavior to University officials. All emergencies should be reported by calling DPS or 911.

Scope of the Code of Conduct

The Student Code of Conduct applies to alleged violations, both on and off campus, as it pertains to university students. The University reserves the right to investigate and resolve any report or incident in which a student is alleged to violate any part of the Student Code of Conduct. University and residence hall guests are also expected to follow all University policies. Student hosts are accountable for the conduct of their guests, and can be deemed the responsible party for violations committed by their guests and sanctioned accordingly. This applies to individuals, groups, and student organizations.

Philosophy of Student Conduct and Discipline

Student conduct is an integral part of Alabama A&M University's educational mission, and developing responsible behavior and self-discipline are part of the educational process. The university expects its students to obey national, state, and local laws, to abide by its institutional regulations, to respect the rights and privileges of others, to support the mission and vision of the institution, and to conduct themselves in a manner that brings no personal or institutional discredit. In the event that students fail to demonstrate such behavior, the University has the right to enforce appropriate disciplinary action. As a prerequisite for enrollment at Alabama A&M University, all parents, guardians, and/or students are expected to understand and accept the university's implied right to discipline.

The University's Student Conduct system and other components of the program emphasize the development of each individual's acceptance of his or her own personal and social responsibilities. Behavior, which is not in keeping with standards acceptable to the University community, is often symptomatic of misaligned attitudes, misconceptions, and emotional crises. Addressing these misaligned attitudes, misconceptions, and emotional crises through education is an essential part of the disciplinary process.

An educational approach to discipline is employed whenever possible. The University Student Conduct System and appeals processes are designed to provide and help maintain an atmosphere that is conducive to academic pursuits. There are times, however, when stringent student conduct measures against a student or a group of students are imposed, such as suspension or expulsion. These are instituted only when appropriate.

University disciplinary processes are not courts of law and follow procedures that are less restrictive and non-legalistic. The hearings are administrative procedures, which are used to determine whether the student has been in violation of University rules. For instance, the standard of proof is not "beyond a reasonable doubt" as it is in the courts. The standard of proof is "preponderance of the evidence." Preponderance of the evidence is defined as the greater weight of the evidence; that is, evidence that

outweighs or overbalances the evidence opposed to it. Preponderance means evidence that is more probable or more persuasive. It is the quality of evidence that is weighed. Quality may or may not be identical with quantity. If the weight of the evidence is equally balanced, the complainant has not proven the charge. The burden for proving an alleged violation rests with the complainant.

Attorneys are present at court settings and speak on behalf of the accused. Attorneys are not permitted in University student judiciary proceedings. The University General Counsel's office provides procedural advice in Conduct matters. Representation by the General Counsel in a student conduct proceeding is prohibited. University disciplinary hearing officers or boards have much latitude in deciding what to admit as evidence and what weight to give to various parts of testimony. The appellate systems for courts and the University conduct process also differ. In a court system, one cannot be tried twice for the same offense. In a university setting, there can be multiple levels of jurisdiction that might operate in individual cases.

The Student Code of Conduct shall apply to conduct that occurs on University premises; at University sponsored activities, and to off-campus conduct that adversely affects a member of the University Community or the reputation of the institution. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

All University investigations shall be conducted in an ethical manner, keeping in mind the rights of students, and the following regulations shall be strictly observed.

Principles for Collegiate Conduct

Alabama A & M University students are expected to exhibit appropriate, responsible behavior at all times as a student on or off-campus. Some of the characteristics of that behavior are:

- **Respect of Human Dignity:** It is expected that students will act with concern for the physical and emotional wellbeing of themselves and others.
- **Fostering Community:** Students are expected to participate in the development of a community that is mutually supportive, responsible, and accountable.
- **Positive Conduct:** Students are expected to know the minimum standards of behavior required as members of this community, and to be personally responsible for conducting themselves in ways appropriate to these standards.
- **Personal Responsibility:** When students enroll at Alabama A & M University; they accept the personal responsibility to uphold the honor and ideals of the University in all areas of University life and to maintain high standards of personal behavior. It must be understood that students are held responsible for their behavior at all times, both on and off campus. In addition, students are responsible for the actions of their guests on campus and at campus events.

By registering for academic credit and living in University housing, students agree to adhere to the policies detailed in this handbook. Students are subject to the rules and regulations contained in this Handbook. The University reserves the right to make changes to these regulations at any time, without notice.

Conduct Authority

By virtue of the bylaws and policies of the Board of Trustees of Alabama Agricultural and Mechanical University, the President of Alabama A&M University is charged with the responsibility of maintaining “appropriate standards of conduct of students.” This duty has been delegated to the Vice President for Student Affairs. The Vice President for Student Affairs or Designee (Conduct Administrator) is authorized to expel, dismiss or place limitations on continued attendance and to levy sanctions for disciplinary violations.

Disciplinary Responsibility

The Associate Vice President for Student Affairs, or designee (Judicial Clerk), is responsible for receiving and examining disciplinary matters related to the behavior of students, student groups, and/or student organizations. Furthermore, the Associate Vice President for Student Affairs, or designee, is responsible for assigning cases to the appropriate committees based on the behavior, status, and caseloads.

Jurisdiction of the University

Generally, University jurisdiction and discipline resides with conduct that occurs on university premises or which adversely affects the university community and/or the pursuit of its objectives. If, however, this activity occurs off campus, through some other medium, and affects or is detrimental to the University community and/or the pursuit of University objectives, the university reserves the right to address the issue.

Conduct Rules and Regulations

Any student found to have committed any misconduct as defined by the Student Code is subject to the disciplinary sanctions outlined herein.

Violation of Law and University Discipline

1. If a student is cited only with an off-campus violation of federal, state, or local laws, but not with any other violation of the Code, disciplinary action may be taken and sanctions imposed for misconduct that is detrimental to or demonstrates disregard for the University community and/or its pursuit of University objectives.
2. University disciplinary proceedings may be instituted against a student cited for a violation of a law that is also a violation of this Student Code if both violations result from the same factual situation, without regard to pending civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. An individual whose conduct violates a federal, state, or local law, as established by a preponderance of the evidence as outlined herein, need not be criminally charged or convicted for their conduct to be deemed a violation of the Code of Student Conduct.
4. When a student is cited by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a proceeding under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community. The University will

cooperate fully with law enforcement and other agencies in the enforcement of the law and in the conditions imposed by courts for the rehabilitation of student violators.

STUDENT RIGHTS IN THE CONDUCT CODE PROCESS

A student or student organization alleged to have violated University policy is entitled to certain rights to ensure a fair and impartial hearing. Students have the right to:

- A. Receive advance notice of the alleged violation(s), who to contact for a meeting, and the date by which that contact must occur.
- B. Present his/her/their or its (organization) version of the events in question.
- C. Be accompanied by an advisor(s) (up to two). Advisors may not speak for the student but may participate in the conduct process by quietly sitting in on the hearing.
- D. Have witness(es) (up to three) present information on his/her/their or its behalf.
- E. Choose not to attend or participate in a scheduled hearing.
- F. Challenge the objectivity of the hearing body for cause if he/she/they or it believes that a hearing officer/board member may be biased or have a conflict of interest.
- G. Appeal the outcome of the hearing.

Definitions

- A. The term “**University**” means Alabama A&M University
- B. The term “**student**” includes anyone admitted to the University and (a) registered for or pursuing undergraduate, graduate, or professional studies or courses at the University, both full-time and part-time, as well as persons attending classes on campus or off-campus; (b) not currently registered or enrolled for a particular term but who has a continuing relationship with the University; or (c) enrolled or participating in a University-sponsored program, including, but not limited to, orientation and study abroad programs.
- C. The term “**University official**” includes any person employed by or volunteering for the University performing assigned administrative, academic, or professional responsibilities.
- D. The term “**member(s) of the University community**” includes any person who is a student, University official, or any other person visiting University property or who is employed by or volunteering services to the University. A person’s status in a particular situation shall be determined by the Conduct Administrator.
- E. The terms “**University premises**” and “**campus**” include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- F. The term “**Conduct Administrator**” means the University official designated by the Vice President for Student Affairs who shall be responsible for the administration and operation of the Code of Student Conduct, including, but not limited to, overseeing the conduct process and appointing a Conduct Body and Chairperson to participate in conduct hearings.
- G. The term “**Hearing Officer**” means a University official designated by the Conduct Administrator who may, among other things, investigate alleged violations of misconduct, explore, where appropriate, an informal (administrative) resolution of such alleged violations, and present a case

before a Conduct Body. Examples include certain members of the University's Office of Student Conduct, Housing and Residential Communities staff, and Title IX Office.

- H. The term “**Student Judicial Board**” means members of the University authorized by the Conduct Officer to, among other things, adjudicate hearings based on information provided to determine if a student has violated the Student Code. Members include University faculty, staff, as well as graduate and undergraduate students.
- I. The term “**Chairperson**” means a University official authorized on a case-by-case basis by the Conduct Administrator to, among other things, oversee hearings and assess information provided to determine if a student has violated the Student Code. A Chairperson may also be a member of a Conduct Body.
- J. The term “**Dangerous Weapon**” is defined to include:
1. Any device that shoots or delivers a bullet, BB, pellet, arrow, dart, flare, electrical charge, airsoft ammunition, or other projectile, whether loaded or unloaded, including devices powered by CO₂.
 2. Any explosive device, including fireworks.
 3. Any instruments/devices that are designed or may be used as a weapon to injure or threaten another individual, including non-culinary knives with a blade greater than four (4) inches.
- K. The term “**Firearm**” means a pistol, handgun, rifle, or shotgun and any ammunition.
- L. The term “**shall**” is used in the imperative sense (i.e. essential, necessary).
- M. The term “**may**” is used in the permissive sense (i.e. accommodating).
- N. The term “**policy**” is defined as any published or existing policies, rules, requirements, or regulations of the University.
- O. The term “**preponderance of the evidence**” is the standard of proof employed in the Student Code process to determine if a student is responsible for violating the Code. This standard is satisfied if there is sufficient information to conclude that it is more likely than not that the alleged Code violation occurred.
- P. The term “**Charged Student/Student Organization**” is the student/student organization that has allegedly violated the Student Code of Conduct. There may be more than one charged student/student organization if they were all involved in the same incident.

It is the responsibility of this student/student organization to:

- Prepare his or her own/organization defense.
- Bring in relevant information or witnesses.
- Submit any documentation they wish for the panel to consider.
- Question/Respond to (in writing) the statements/allegations of the complainant.
- Submit a written appeal, if desired.

- Q. The term “**Complainant**” is the person who has brought about the conduct referral to report an alleged violation. Examples include, but are not limited to: resident assistants, campus police, faculty members, students, and community members.

It is the responsibility of this person to:

- Submit a written referral, outlining the alleged violation.
- Bring any relevant information or witnesses to the hearing.
- Question/Respond to (in writing, if not present at the hearing) the statements/allegations of the charged student/student organization and any witnesses brought to the hearing.

A complainant may not always be at a hearing (e.g. gender-based harassment, sexual harassment, sexual misconduct, sexual assault) and in his/her absence the Judicial Board is to use the information found in the written referral and from any investigations to make a decision.

- R. The term “**Respondent**” is the person who has been accused of an alleged violation. It is the responsibility of this person to:
- Provide any supporting evidence/witnesses that may counter the allegation(s) and prove innocence/or not being responsible.
 - Question/Respond to (in writing, if not present at the hearing) the statements/allegations of the complainant and any witnesses brought to the hearing.
- S. The term “**witness**” means any person with a first-hand account of the incident (i.e. present during the incident) that provides testimony, evidence or facts in a hearing.
- T. The term “**Advisor**” is anyone that the student /student organization chooses (examples include parents, friends, faculty members, etc.) so long as that person is not planning to serve as a witness during the hearing). The charged student(s)/student organization and complainants are allowed to bring two (2) persons into the hearing as an advisor. It is the responsibility of the advisor to:
- Allow his/her advisee to state his/her own case. An advisor may NOT speak on behalf of his/her advisee. If the advisor ignores these rules, the Judicial Board chair will warn him/her, and if the behavior persists, the advisor will be asked to leave the room.
 - Request a brief recess to confer with his/her advisee if necessary.

Not all students/student organizations will have an advisor; however, when an advisor is present, it is the duty of the Judicial Board chair to clearly explain the role of the advisor and monitor behaviors if necessary.

Groups and Organizations

Groups of students and registered student organizations (RSOs) are expected to comply with all University policies - including the Student Code of Conduct - and all additional policies pertaining to organizations, as documented in the RSO Handbook. A group or organization may be held responsible for the actions and behaviors of its members and guests. The decision to hold a group or organization responsible, as a whole, is ultimately determined by examining all the circumstances of a situation. Adjudicators will consider factors that include but are not limited to, whether the actions:

- Were committed by one or more officers or authorized representatives acting in the scope of their group or organizational capacities;
- Involved, were committed by, or were condoned by (actively or passively) members of a registered student organization, alumni, or guests;
- Occurred at or in connection with an activity or event funded, sponsored, publicized, advertised, or discussed by the organization and/or group.
- Occurred at a location over which the organization and/or group had control at the time of the action;
- Occurred at or in connection with an event that reasonable people would associate with the organization and/or group;
- Were the result of a policy or practice of the organization.

Or whether:

- One or more officers or members of an organization fail to report knowledge or information about a violation to, or otherwise fail to cooperate with, appropriate University or emergency officials; or
- The organization, or any member acting on its behalf, fails to satisfactorily complete the terms of any disciplinary sanction or outcome.

Disciplinary Record Retention

Disciplinary sanctions, with the exception of University expulsion, shall not be made part of the student's permanent academic record (official transcript), but shall become part of the student's confidential disciplinary record, subject to the Family Educational Rights and Privacy Act (FERPA).

Pending cases will be retained as long as is administratively necessary as determined by the University Conduct Administrator, the Associate Vice President for Student Affairs. Cases involving expulsion or suspension will be retained indefinitely. Other student conduct files will be retained for seven (7) years following the incident or until the student leaves the university, whichever is longer. If a student under the age of twenty-one (21) is found responsible for a violation of University policy involving alcohol and/or other drugs or the weapons policy, the University may notify the student's parent(s) or guardian(s).

Conduct Verification

Students and alumni who are applying to academic institutions or for employment which requires a disclosure of prior conduct information are encouraged to honestly answer the questions that are posed regarding conduct history. If you are unsure of your prior conduct history, please submit an e-mail with your name and ID to conductofficer@aamu.edu.

Please note that the Office of Judicial Affairs does not release prior conduct information over the phone, as we are unable to verify the identity of the caller.

Any document requiring academic and conduct verification can be dropped off, e-mailed or mailed to the Office of Judicial Affairs and it will be forwarded to the Registrar's Office for academic verification.

Any document requiring only conduct verification can be dropped off or e-mailed directly to the Office of Judicial Affairs located on the lower level of the Ralph Lee Student Center.

Please make sure that you have completed the following items:

- Signed and dated the student authorization section of the form.
- Enclosed a stamped and addressed envelope for each certification.
- If you are not providing a stamped envelope please leave your phone number or e-mail address so that you can be contacted when the form is ready for pick up at the Office of Judicial Affairs.
- Take any document requiring a character/personal reference to a Professor or Dean's office for completion of an evaluation. Please make sure that they leave any sections related to dates of attendance or academic or disciplinary standing blank. The Registrar and/or Office of Judicial Affairs are the only AAMU officials who can verify that information.

The disciplinary/conduct record verification process usually takes 7-10 business days. Please allow more time during holiday break periods and application deadline windows when a large number of forms are received.

For questions or more information regarding conduct verification please email the Office of Judicial Affairs at conductofficer@aamu.edu.

Disciplinary Record Removal

Twelve months after completion of any imposed sanction(s), a student may request in writing to the Office of Judicial Affairs that a minor conduct violation be removed from their student disciplinary file.

In the written request, the student should include what they have learned from the incident, how their behavior has changed since the incident and any steps taken to address the behavior. Generally, removal is not available if the student's record includes more than one violation of the Code of Student Conduct; sanction(s) that were not completed by the required deadline; an incident resulting in personal injury, property damage, providing alcohol to minors, possession and/or distribution of drugs; violation of the weapons policy; sexual misconduct, discrimination or harassment; criminal behavior; or suspension/expulsion. All removal decisions shall be made at the sole discretion of the University Conduct Administrator.

The Office of Judicial Affairs will attempt to avoid releasing a removed violation pursuant to proper third-party requests, but will, when it deems necessary, explain the removal process in response to third-party requests. If a removed violation is disclosed, as required by law or otherwise, it will be done in the sole discretion of the Office of Judicial Affairs and will include an explanation that the violation has been removed from the student's disciplinary record pursuant to this provision.

In addition, reports and/or other correspondences maintained by other university departments, local and/or campus police, or another reporting agency are not subject to this removal provision. Further, previous disciplinary record checks reported by the Office of Judicial Affairs or another university department will not be affected by this process.

Proscribed Conduct

Any student found to have committed one or more of the following acts of misconduct is subject to the disciplinary sanctions outlined below:

1.00 ABDUCTION AND/OR KIDNAPPING. Enticing, persuading or forcible seizing and carrying of any student, faculty, staff or University official from one place to another without that person's consent.

1.05 ACADEMIC MISCONDUCT. All forms of academic wrongdoing, including, but not limited to, cheating, plagiarism, bribery, misrepresentation, or any immoral behavior that will harm, damage or endanger any person or property, or hinder academic continuance.

1.10 AGGRAVATED BATTERY. An unlawful act of violent injury to the person of another, accompanied by circumstances of aggravation, such as the use of a deadly weapon.

1.15 AIDING AND/OR INCITING. Aiding, abetting, persuading, and/or procuring another person or persons to commit any act of misconduct in the University community or environment; the persuading or aiding of another person to breach the peace on University premises or at functions sponsored, approved by, or participated in by any member of the University. Gatherings of groups of students on or

off of the premises in such a manner which causes damage to public or private property, causes injury to persons, or interferes with the orderly functioning of the University or with the normal flow of traffic or ordinary procedures.

1.20 ALCOHOLIC BEVERAGES. The use, consumption, possession, purchase, sale, and/or distribution of alcoholic beverages on University property, in cars or other vehicles, or at any of the university's activities (whether on- or off-campus) are prohibited, except as expressly permitted by the university regulations, exceptions, or local, state, and federal laws. Knowingly being in the presence of alcohol constitutes a violation of University regulations. This includes the possession of any alcohol paraphernalia (bottles, cans, etc.).

1.25 ALCOHOL/DRUG INTOXICATION. Appearing in public on the University premises while intoxicated or under the influence of alcohol or illicit drugs is strictly prohibited. This includes any disorderly conduct regardless of whether such conduct results in injury to persons or property, as a result of intoxication.

1.30 ANIMALS - UNAUTHORIZED. Having pets or other animals (e.g. dogs, cats, snakes, birds, hamsters, tropical fish in an aquarium/bowl, etc.), in buildings, student residences, classrooms, offices, and other public areas on the University premises - except with written permission from the Office of Disability Services - is prohibited.

1.35 ARSON/FIRE SETTING. The malicious, fraudulent, and/or intentional burning of property on the university premises. Such acts include, but are not limited to, creating fires, setting a personal fire, open flames, and/or igniting flammable materials. This includes any person who is party to or aids, counsels or procures the burning or destruction of any state supported school building. Willfully starting a fire in University buildings or on University property, which includes but is not limited to bonfires and cookouts, without the proper authorization of the Vice President for Student Affairs or designee is prohibited. Compliance with local and state fire codes must be assured and verified.

1.40 ASSAULT. The intentional cause of physical injury or serious physical injury to another person by means of hands, feet, and any other body part or deadline weapon/dangerous instrument.

1.45 ATTEMPTED OFFENSES. An attempt to commit an act on University property, or involving members of the University community (that is faculty, staff, student, or campus visitor) in an offense that would be in violation of any law, code of conduct, rule, regulation of local, state or federal criminal code.

1.50 BULLYING/INTIMIDATION/MENACING. The harassment, degradation, threat or intimidation of another. This includes engaging in, attempting or intending to engage in any form of verbal or mental abuse, coercion, which is directed toward another person or group of people which creates an intimidating, fearful or offensive environment in the classrooms, offices, residence halls and on the University premises. In general, physical contact is not required.

1.55 BURGLARY/ROBBERY. The unlawful entry of a 'structure' to commit a felony or a theft. The taking or attempting to take something of value from another person by use of force, threats or intimidation.

1.60 CONTEMPT OF HEARING. Contempt of hearing violation includes (1) the failure to appear before a judicial body i.e., Residence Hall Director, Associate Vice President for Student Affairs, Disciplinary Committee, and/or Appeals Committee after receiving the proper notification of a

scheduled disciplinary hearing or conference, (2) willful disobedience to, or displaying open disrespect for a University judicial board member such as the use of profanity, threatening behavior, or derogatory remarks, comments, and/or gestures, and (3) failure to comply with disciplinary conditions as sanctions imposed by a judicial body or judicial administrative officer or staff person. Contempt charges will require the student to pay a disciplinary fine in addition to other sanctions imposed.

1.65 DAMAGE TO PROPERTY/DESTRUCTION OF PROPERTY/DEBASEMENT OF PROPERTY. Damage, vandalism, destruction, or devaluing property owned or leased by the University or personal property belonging to an individual, including but not limited to, car vandalism, walking on roofs of a University building, defacing structures and facilities, littering, unauthorized biking, skate boarding in inappropriate areas, marking, egging, littering, painting, use of sidewalk chalk, spraying, the painting of residence hall rooms, hallways, lobby areas, classrooms, doors, bricks, and siding without the proper authorization.

1.70 DANGEROUS, THREATENING, and/or UNSAFE BEHAVIOR. Any conduct or behavior, which threatens or endangers the health or safety of any person in the University environment. This includes, but is not limited to, verbal threats to injure or harm another, horse playing, practical jokes, abductions, and kidnapping.

1.75 DIGITAL AND ELECTRONIC COPYRIGHT INFRINGEMENT. Digital or electronic use of copyrighted materials without authorization from the owner of the copyright.

1.80 DISORDERLY CONDUCT, DISRUPTION. Disorderly conduct is any offensive or annoying act that disrupts the peace.

It includes, but is not limited to any person that assembles on campus for the purpose of causing a riot, destruction of property or a disorderly diversion, which interferes with the normal operation of the University; rowdy behavior, indecent language, excessive noise or drunken or drug induced behavior; disorderly and/or obscene conduct or a breach of the peace on any University property or public function affiliated with the University.

It includes, but is not limited to conduct which is offensive or annoying to others or is disruptive to the rights of others. It includes excessive noise, noise after quiet hours, misuse of musical instruments, noise producing devices, talking excessively loud, failure to properly dispose of trash or food trays, shouting, loud stereo or radio sets; horseplay, practical jokes, and general annoyances; throwing any dangerous objects in a University facility or from the window of a University facility or onto the premises of the University. Breaking lines, such as in the cafeteria, during registration, at campus events and activities, and so on, is deemed disorderly conduct.

The intentional obstruction, interruption, hindrance, or disruption of teaching, research, administration, ceremonies, disciplinary proceedings, or other university tasks and activities; interfering with duties of a student, faculty/staff member or University official; withholding information vital to any investigation carried out by an authorized agent of the University; creating excessive noise which can be heard in other areas of the campus and which interferes with the normal operations of the University is prohibited.

Disruptive behavior includes any person that threatens to or actually pushes, strikes or physically assaults any member of the University community or any guests to the campus. It includes maliciously provoking or participating in fights. It also includes conduct which materially interferes with the normal

operation of the University and conduct and/or expressions which are obscene, intimidating, or which are blatantly offensive to the prevailing standards of an academic community.

Note: Self-defense is that which reasonably appears necessary, in view of all the circumstances of the case, to prevent injury and remove oneself from the situation.

In so much as students are responsible for the behavior of their guests, students may receive sanctions if they permit their guests to behave disorderly on campus.

1.85 DISTRIBUTION OF ILLICIT PRINTED MATERIAL. Distribution of printed materials that are libelous, derogatory, scurrilous, sexually explicit, pornographic, or that encourage violations of public laws or University regulations.

1.90 DRUGS/ DRUG PARAPHERNALIA: Possession of/Use of (illegal)/Odor of a controlled substance. The consumption, sale, distribution, manufacturing, purchase, passing of, or being in the presence or the vicinity of illegal drugs or narcotics is strictly prohibited. Additionally, serving as an accessory to, or aiding and abetting the distribution or use of any controlled substances, is strictly prohibited from all locations of the university and beyond the premises, according to all local, state, and federal laws. Illegal drugs also include all prescription drugs without a valid medical prescription.

DRUG PARAPHERNALIA is strictly prohibited at the University. Paraphernalia is defined as all equipment, products, and materials, of any kind, used to facilitate planting, propagating, cultivating, growing, manufacturing, converting, processing, preparing, packaging, storing, concealing, playing with, injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the body. The scope of this prohibition includes drugs or paraphernalia that is on the person or in the possession of a student on property owned or controlled by the university and/ or at events and activities sponsored by the university, and involves related incidents that are subject to prosecution under local, state, and federal laws. The illegal possession of and/or use of drugs, or drug paraphernalia includes, but is not limited to roach clips, bongs, hookah, masks, scales, balances, sandwich bags or plastic bags and their corners, sifters, syringes, spoons, chamber pipes, homemade pipes, film canisters, diluents, spray cans, carburetor pipes, paint, pipes, using screens, water pipes, and any other equipment, products and materials that can be directly linked to the usage of controlled substances.

Evidence of use of marijuana includes but is not limited to: smell, smoke, seeds, or residue. The presence of the odor of marijuana will be considered evidence that a drug violation has occurred.

Improper behavior or conduct on the campus which is a result of the use of illegal drugs which means that one who, having consumed or used drugs, experiences a loss of the normal use of his/her mental and/or physical faculties is restricted.

1.95 FAILURE TO COMPLY. Failure to comply with a proper order or summons when requested by authorized University officials; failure to comply with the directions of University officials (including residence hall staff) acting in the performance of their duties; failure to appear before a disciplinary committee upon request; failure to provide student identification upon request; failure to abide by or comply with University policies and procedures; failure to comply with an ordered disciplinary sanction.

This includes direct disobedience of a lawful order of a University official, as well as failure to evacuate a building during a fire alarm, drill, or when otherwise so ordered by a University official, fire department staff, or local law official.

2.00 FORGERY, DISHONESTY, FRAUDULENT ACTS, AND/OR MISREPRESENTATION.

Forgery of names, signatures, documents (personal, public, and/or private) will not be tolerated.

Forgery, deceptive acts, misrepresentation and/or dishonest acts include, but are not limited to materials, alteration, misuse of University documents, records, or student identification cards, documents and records belonging to another, or third-party documents and records, cheating, plagiarism, or other forms of academic dishonesty; tampering with the election of any University recognized student organization; malfeasance or misuse of elective or appointive office in a student organization, its members, or the welfare of the University community; and fraudulently issuing worthless checks to the University.

Lying, knowingly furnishing false information to the University or its officials, other forms of dishonesty in University-related affairs is also prohibited. The scope includes but is not limited to the following: lying, fraudulently obtaining, altering, falsifying, transferring, loaning, selling or misusing or attempting intended misuse of an ID card, validation sticker, or any University document or service.

2.05 GAMBLING. Prohibited activity includes but is not limited to: betting or wagering or selling pools on any athletic event; playing card games or dice for money; possessing any card, book or other device for registering bets; knowingly permitting the use of your room, suite, apartment, telephone or other electronic communication device for illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and involvement in bookmaking or wagering pools with respect to sporting events.

2.10 GUEST BEHAVIOR. Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit on the campus. If a guest is found to be in violation of the Student Code of Conduct while in the company of the student host or with the student host's knowledge, applicable charges will be brought against the guest, as well as against the student host or the host student organization.

2.15 HARASSMENT (Verbal and/or Physical). The excessive physical annoyance of or the use of verbally abusive language by any person on University-owned or controlled property or while on the premises of, or while in attendance of University-sponsored or supervised events. This policy also applies to social media use. Harassment includes language to physical acts which degrades, insults, taunts, or challenges another person by any means of communication, so as to provoke a violent response, communication of threat, or defamation of character. It includes the use of profanity, verbal assaults, pushing, shoving, striking, kicking, or any touching a person or subjecting someone to physical contact. It also includes derogatory comments or remarks, sexist remarks, racist remarks or any behavior that places another member of the University community in a state of fear or anxiety.

2.16 HATE-MOTIVATED OFFENSE – Actions of violence, harassment, abuse and/or discrimination based on age, race, gender, ethnicity, sexual orientation, religion, or disability.

2.20 HAZING. Any action taken or situation of intimidation created, intentionally, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, ridicule, or the breaking of school's rules. Activities considered to be hazing include two elements: (1) Coercion, either overt or covert, and (2) Production of physical or mental discomfort, in either the participant(s) or spectators. It is strictly prohibited for a person or organization to, in the course of another person's initiation into or affiliation with any organization, intentionally or recklessly engage in conduct which creates a substantial risk of physical injury to such other person or to a third person.

2.25 HEALTH AND SAFETY VIOLATION. Any behavior which creates a risk or danger to others of the University community, including but not limited to propping open doors to residence halls, throwing objects from windows or balconies, failure to keep one's room in a condition that is safe and sanitary, or failure to maintain reasonable standards of cleanliness and safety as defined by the University. This includes the possession of flammable liquids, fireworks, weapons, illegal or controlled substances, illegal cooking appliances, open fires, candles, and incense burners.

2.30 HOUSING VIOLATION. Failure to comply with housing and residence life regulations including visitation policies.

2.35 IDENTITY DISCLOSURE/IDENTITY THEFT. Failure to carry a valid University student identification card (when possession is in reason) while on the University property or failure to present it to a University official, including housing and residence hall staff, police officers, administration, and staff members upon request.

Presenting a false name or other identification, including false or invalid ID card, to a University official, while in the performance of their duties is prohibited.

Fraudulently obtaining, transferring, selling, loaning, fabricating, manufacturing, falsifying, altering, misusing or attempting or intending to misuse one's ID card or personal identifying information, without the consent of said owner, for the purpose of misrepresenting oneself to obtain any benefits, credit, goods, services or other items of value in the name of said owner.

2.36 INTIMATE PARTNER/DOMESTIC VIOLENCE. Any behavior within a current or previous intimate relationship that causes physical, psychological or sexual harm to those in the relationship, including acts of physical aggression, sexual coercion, psychological abuse, and controlling behaviors.

2.40 POSSESSION OF STOLEN PROPERTY. Knowingly possessing property that may be identified as being stolen from the University or from any other person is prohibited.

2.45 INDECENT, OBSCENE, IMMORAL BEHAVIOR, AND/OR PROFANITY. Conduct, which is disorderly, lewd, indecent and/or portrayed on the premises of the University or at University sponsored or supervised activities will not be tolerated. Such acts include the use of obscene gestures, improper body exposures, stripping, vulgar language to or in the vicinity of students, staff members, administrators, or faculty or visitors of the University.

2.50 LITTERING, THROWING OBJECTS OUT OF WINDOWS. The inappropriate disposal of refuse, including ejecting or dropping any object from windows in residence halls or balconies or other University buildings or vehicle.

2.55 MORAL TURPITUDE. An act of baseness, vileness or depravity which brings shame to the University and is in contradiction to the letter and spirit of the University's Code of Conduct, good citizenship and ethics.

2.60 MOTOR VEHICLES, TRAFFIC VIOLATIONS, PARKING VIOLATIONS. Violation of properly constituted rules and regulations governing the use of motor vehicles (e.g. automobiles, motorcycles, etc.) on University-owned or controlled property or at University sponsored or supervised activities. This also includes driving and parking on grass and sidewalks. Failure to obey traffic and parking regulations is punishable by the University Department of Public Safety.

2.61 OBSTRUCTION OF UNIVERSITY ACTIVITIES. – the act of preventing or prohibiting teaching, research, administration, disciplinary procedures, or other University activities.

2.65 PROBATION VIOLATION. Failure to comply with the sanctions placed on a student for a specified amount of time violating the Student Code of Conduct and/or breaking of any laws.

2.70 RAPE. Forcing or coercing another, regardless of sexual gender, personal affiliation, and/or affiliation with the University to engage in the act of sexual intercourse without that person's consent, or when the sexual intercourse is deemed without the person's consent because the person (victim) is incapable of understanding the nature of the act by reason of stupor or abnormal condition of the mind produced by an intoxicating or narcotic agent administered by the offender.

2.75 SAFETY CODE MISCHIEF. Tampering with safety equipment is a serious violation of the Student Code of Conduct and is subject to criminal prosecution. Turning in a false fire or bomb alert, by any means including a telephone call or by a warning device, theft, removal of, or tampering with fire extinguishing or safety equipment, exit signs, smoke alarms and detectors, fire hoses, sprinkler systems, hoses, fire mischief, or violation of University guidelines regarding fire safety, or standard safety (e.g., failure to follow evacuation procedures or obstructing the evacuation of a building during a fire, fire drill, or any other type of emergency) is strictly prohibited.

2.80 SEXUAL ASSAULT. The forcing of, or attempting to force, another person regardless of sexual gender, personal affiliation, and/or affiliation with the University, to participate in sexual intercourse and/or other sexual activities against his/her will is prohibited. Such misconduct includes verbal coercion, threats and physical restraint, and will not be tolerated. Violators also are subject to criminal prosecution.

2.85 SEXUAL BATTERY. The forcing of or forceful intention of engaging in sexual misconduct by physical contact and/or excessive force (with or without a weapon) which leads to physical pain, toward another person regardless of sexual gender, personal affiliation, and/or affiliation with the University, without his/her consent or when such sexual contact is deemed offensive to the victim, will not be tolerated by the University.

2.90 SEXUAL HARASSMENT. Regardless of sexual gender, personal affiliation, and/or affiliation with the University, sexual harassment is defined as unwelcome and unsolicited sexual advances, requests for sexual favors or other verbal, visual or physical conduct or communication with sexual overtones that the victim deems offensive. Sexual harassment includes, but is not limited to unsolicited, deliberate, or repeated sexual flirtation, advances or propositions; verbal abuse of a sexual nature; display of sexually suggestive pictures or objects; and/or offensive or abusive physical contact of a sexual nature.

2.95 SMOKING. The inhaling, exhaling, or burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other type of material in University owned buildings or in University owned vehicles. Smoking is also prohibited on the Quad and during any University sponsored outdoor event hosted on University property.

3.00 SOCIAL MEDIA. Students and recognized organizations are cautioned that any material posted on the internet, including social networking sites and internet blogs will not be considered private or protected information. Students may be held accountable for inappropriate content and/or content that brings shame to the University (including fights, practical jokes, etc.) posted in this manner and

information obtained from such sources may be considered in cases of misconduct. This includes, but is not limited to, Instagram, Facebook, Twitter, Snapchat, LinkedIn, BlogSpot, YouTube, Periscope, etc.

3.05 SOLICITATION. Unauthorized selling, collection of monies, and promotion on campus or within University buildings is not permitted without permission of the Associate Vice President for Student Affairs or designee. Students may not act as agents for business firms which entail solicitation or the receiving of business offers or goods on University property. Further, students may not solicit on behalf of the University without the permission of the Vice President for Student Affairs or designee, and the Vice President for Marketing, Communications and Advancement. Use of any residence hall room for business purposes of any nature, (e.g. the selling of food, clothing, jewelry, merchandise, favors, manicures/pedicures, hair perming/styling/braiding, barbering, babysitting, etc.) whatsoever is prohibited.

3.10 STALKING. A course of conduct, whether electronic or physical, directed at a specific person that would cause reasonable fear. This conduct includes, but is not limited to, electronic communication, third party communication and/or an individual's behaviors.

3.11 TERRORIST BEHAVIOR. The use, or threat of use, of violence by groups or individuals to achieve political change, and in doing so, targeting non-combatant civilians as its immediate victims. Terrorist ideologies tend to provide a set of beliefs that justify and mandate certain violent behaviors.

3.15 THEFT/MISAPPROPRIATION. Theft is defined as the wrongful taking of money or property without the consent of the owner, and/or the secreting of anything stolen, regardless of where the theft occurred; stealing from another person, agency institution, or the University; the taking of property belonging to another, with the intent of converting the property to one's personal use; the unauthorized taking or consumption of food from the cafeteria or from a campus event; unauthorized use of another's credit card; and failure to return another's personal property upon request or within a reasonable period of time. Misappropriation, the taking of property belonging to another by mistake and/or without the owner's permission, but with no intent to convert the property to one's personal use is not permitted. This includes unauthorized moving or relocation of University furniture to one's own room or to some other area, illegal and/or unauthorized possession or sale of any property without the proper authorization, and possession of property which has been reported lost or stolen.

3.20 TRESPASSING. Unauthorized presence on, in or within any building or property owned or operated by the University (including residence halls), or the unauthorized entry into or remaining in a facility, or in a private room or office under the control of another, after having been asked to leave.

3.25 UNAUTHORIZED USE/ENTRY OF UNIVERSITY FACILITIES. Unauthorized use of equipment, occupancy of, or unauthorized entry into or exiting from University facilities. Unauthorized entry/exiting includes the entering and/or occupying and improper exiting of University facilities that are locked, closed or restricted to certain or all persons. Unauthorized entry or exiting into and from residence halls, without proper permission into living quarters or other building and/or structures or University premises, or the aiding and assisting of such is prohibited.

3.30 VIOLATION OF CRIMINAL CODE OF THE LOCAL, STATE OR FEDERAL GOVERNMENT. Actions or activities, on or off-campus that violate criminal law.

3.31 VIOLATION OF PRIVACY. To produce live streaming video/audio footage, audio recordings, video recordings, or photographs of any individual in a location where the person has a realistic expectancy of privacy and without the individual's awareness or consent.

3.35 WEAPONS/FIREARMS. The use, storage, possession, consumption, or display of weapons, firearms, self-defense devices, or explosives is strictly prohibited on the premises of the University. Weapons include, but are not limited to the following: mace, pepper spray, rifles, shotguns, Tasers, stun guns, ammunition, handguns, air guns, BB guns, bowie knives, daggers switchblade knives, butcher knives, metallic or brass knuckles, explosives (including dangerous chemicals), water guns, play guns, firecrackers, propelled missiles, fireworks. The possession or use of items that resemble guns, knives, or other weapons are also strictly prohibited. A concealed weapons permit does not constitute authorization. When course content and classroom assignments require the use of such items, the President or designee, the Provost or designee, Vice President for Student Affairs or designee, and the Department of Public Safety should give prior written approval.

Note: (+) means in addition to.

Students must use their assigned Alabama A&M University student e-mail account, in order to receive all University correspondence, including information pertaining to student conduct violations.

In addition to the sanctions listed below, a student may be assigned educational sanctions, which may include community or campus service or counseling, be assigned a research assignment, reflection paper, and/or be required to attend workshops/seminars. The Hearing Officer(s) reserve the right to assign educational sanctions based on the needs of the student who has violated the Student Code of Conduct.

Students found responsible for violating the Student Codes of Conduct may be prohibited from a specified affiliation or from representing the University as a member of an organization or a University-sponsored activity.

All sanctions imposed on students who have been found responsible of violation(s) are based solely on individual circumstances. No case is exactly the same as another, and sanctions will most likely differ in similar instances. It is primarily the decision of the Associate Vice President for Student Affairs, Residence Hall Director, or the Disciplinary Committee to determine the sanction imposed on each student.

Depending on the severity of an incident, students may face criminal charges off campus. If a student has already been to court for an alleged incident, then the student has fulfilled their obligation to any violation of law. Meaning, the student has met the requirement set forth under Alabama Law for the designated county. However, the student will still be required to meet their obligation to Alabama A&M University's policies and procedures outlined in this handbook. Consequently, even if the court finds a student "not guilty" or determined there was not sufficient evidence to even "hear" the case in court, the student will still be required to meet with Judicial Services for a hearing. The University judicial process runs separately and concurrently to any process the law requires, and determines responsibility based on the preponderance of evidence. Under these circumstances, this process is not considered double jeopardy.

Sanctions

1. When it has been determined that a student is responsible for violating any provision of this Code, one or more sanctions may be imposed. The following is a non-exhaustive list of potential sanctions that may be utilized individually or in combination:
 - a. **Warning** - A notice in writing to the student.
 - b. **Probation** - A written reprimand for violation for specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to be violating any University regulation(s) during the probationary period.
 - c. **Loss of Privileges** - Denial of specified privileges for a designated period of time.
 - d. **Educational Assignment** - A student is required to complete a specified educational assignment related to the violation committed. This may include completion of a workshop, seminar, class, report, paper, project, alcohol or drug program, consultation, assessment, evaluation, and/or counseling.
 - e. **Fines** - Based on the violation and number of offenses, fines ranging from \$50 - \$250 may be imposed.
 - f. **Restitution** - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - g. **Counseling Consultation**- the student will attend an individual or group counseling session through Health and Counseling Services.
 - h. **Discretionary Sanctions** - Work assignments, service to the University or community as well as other related discretionary assignments (such assignments must have the prior approval of the Conduct Administrator), etc.
 - i. **No Contact Order** - The student may have no further contact or communications with a student who was their accuser or otherwise involved with the Code violation.
 - j. **Residence Hall Access** - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Condition(s) for readmission may be specified. A student may also be required to transfer to a different residence hall on campus. Permanent separation of the student from the residence halls may also occur.
 - k. **Campus Ban** - Order, warning, or directive prohibiting access to University property. This may take the form of a formal Trespass Warning issued by the Alabama A&M Police Department.
 - l. **University Suspension** - Separation of the student from the University for a definite or indefinite period of time. When a student is eligible to return, conditions for readmission may be specified.
 - m. **Deferred Suspension** - The student may be subject to delayed suspension, if the University subsequently determines they have failed to comply with the conditions placed upon continued enrollment at Alabama A&M or if the student is found responsible for additional conduct violation(s).
 - n. **University Expulsion** - Separation of the student from the University permanently. A student permanently expelled is prohibited from reapplying to the University in the future or from earning a degree from any of its colleges or schools. If a disciplinary action results in a recommendation that expulsion is the appropriate sanction, then the Vice President for Student Affairs shall review the sanction and shall make the final decision to expel after consultation

with the President of the University. Because a decision to expel a student is made after consultation with the President, **a student has no right to request a review of the sanction of expulsion.**

2. When it has been determined that a student organization is responsible for violating any provision of this Code, one or more sanctions may be imposed. The following is a non-exhaustive list of potential sanctions that may be utilized individually or in combination:
 - a. Any of the sanctions listed in paragraphs (1)a through (1)n above.
 - b. Loss of or limitation on social event privileges.
 - c. Loss of preferred seating at University sponsored events.
 - d. Loss of recognition as a student organization. The Division of Student Affairs may notify any national or regional governing body with which the organization is associated or which sponsors social, academic, or sports events when such suspension is imposed.
3. The Conduct Administrator shall advise the student or organization in writing of any sanction(s) imposed. If the Conduct Administrator decides expulsion is the appropriate sanction, then that decision will be communicated to the Vice President for Student Affairs.
4. Sanctions will vary based upon the facts and circumstances of each individual situation. Sanctions are generally progressive in nature and include the probability of more severe discipline if the student is found responsible for multiple or subsequent Code violations. Depending on the Code violation(s), however, more significant sanctions, including immediate suspension or expulsion, may be more appropriate than progressive measures. Any prior Code violations the student has previously been found to have committed may be considered in imposing sanctions.
5. Similarly, if a Code violation is determined by a preponderance of the evidence to have been committed or motivated by prejudice toward a person or group because of protected factors, which include genetic information, race, color, religion, national origin, sex (which includes sexual orientation, gender identity, and gender expression), age, disability or protected veteran status, such a discriminatory purpose may be treated as an aggravating factor in determining the appropriate sanction(s).
6. In some circumstances, the Conduct Administrator may elect to defer a sanction. For example, a deferred suspension means the sanction does not go into effect as long as the student complies with all requirements the Office of Student Conduct imposes. In those instances where the student completes all expectations during the designated period, the student's record will not show that the deferred sanction was ever imposed.
7. A student or organization that fails to complete or comply with any sanctions may be subject to additional measures from the Office of Judicial Affairs, including, but not limited to, a disciplinary hold preventing a student from registering for classes and/or further charges under the Code for failure to comply. A student organization may not be able to register an event, reserve a space on campus, or utilize student organizational seating at athletic events if they are on hold.

Rights of Victims

In a conduct hearing, both the accused student and the victim have rights. The rights of the victim are listed below:

- To choose whether to charge the student with a violation of the law. The victim may also formally charge him/her with a violation of the Code of Conduct, resulting in an administrative or conduct board hearing.
- To have a person(s) of their choice accompany them throughout the judicial process.
- To submit a victim impact statement to the Associate Vice President for Student Affairs or designee prior to a sanction being imposed.

Student Conduct Process Terms and Communication Expectations

Charge notification: Written communication to a student outlining the Student Code of Conduct violations being brought against them.

Hearing notification: Written communication to a student outlining the confirmed hearing date, time, and location. This information is also accompanied with the requirements for advisor(s)/witnesses attending a hearing.

Decision/Sanction Letter: Written notification of the hearing outcome.

Appeal Decision Letter: Written notification of the appeal decision.

Communication: Correspondence from Judicial Services will be delivered to the respective residence hall for residential students, and will be mailed via USPS or delivered by the Department of Public Safety (within the Huntsville Metro Area for non-residential students. The same correspondence received via hard copy will also be distributed to the student's assigned Alabama A&M University's student e-mail account. Therefore, students are expected to check their student e-mail account daily.

Notification Process: A student, student group, and/or student organization who is to appear before the Vice President for Student Affairs or designee for his/her involvement in an alleged violation of the Student Code of Conduct shall be notified in writing or email with the following information:

1. That he/she must report to the Vice President for Student Affairs Office within three business days (72 hours) of receiving written or email notification to discuss his/her involvement in an alleged Student Code of Conduct violation (s)
2. The specific violation(s) and, in some instances, the recommended sanction (s) if found to be in violation of the Student Code of Conduct.

Failure to report to the Vice President for Student Affairs or designee's office after being properly notified will result in the student, student group/organization being charged with "Failure to Comply" and/or "Contempt of Hearing."

Hearing Procedures

The purpose of the administrative or student conduct committee hearing is to reach a decision regarding the accused responsibility for violation of University rules or regulations, to provide due process for the accused, and to recommend a sanction. Such decisions may affect students, groups, and student

organizations and their relationship to the University. Administrative hearing decisions shall be determined by the Vice President for Student Affairs or designee.

Student Conduct Board decisions shall be majority vote. If a student, student group, or student organization fails to attend the hearing after being notified, it will be held in their absence. Attendance at an administrative or student conduct committee hearing is limited to only those individuals directly involved or those requested by the Vice President for Student Affairs or designee. The confidentiality of all student cases should be maintained. The outline below will be followed for hearings:

1. Call to order by the chairperson;
2. Presentation of the violation (s);
3. Response from the accused student, student group, or student organization to the violation (s). The accused may plead responsible, not responsible, or no plea.
4. Presentation of the case against the accused, which may include testimony of witnesses and supporting information on the violation(s). Witnesses and the accused/alleged are not allowed to be present before the board at the same time.
5. The accused may present a response, which may include testimony of witnesses and supporting information.
6. All witnesses will be called separately and may not hear each other's testimony. Alleged may not be present during witness(es) testimony.
7. Examination and questioning by the hearing committee may follow any witness statement or information presented.
8. The decision is reached by the Vice President for Student Affairs or designee (administrative hearing or members of the Conduct Board (student conduct committee hearing) as to whether the accused is "responsible" or "not responsible" for violating the Student Code of Conduct.
9. If possible, the accused is usually informed in writing of the outcome of the hearing and sanctions if found responsible within three (3) business days after the hearing. In the event a decision cannot be made within three (3) business days, the accused will be informed by the Vice President for Student Affairs or designee. **Note:** The accused/complainant may not communicate or reach out to any member of the Conduct Board concerning the pending outcome or decision of the hearing.

Note: Students participating in the judicial process must abide by the University dress code at all judicial proceedings. Failure to abide by the University dress code will result in a recess of the Judicial proceeding until such time the Vice President for Student Affairs or designee sees fit.

The accused student, student group, or student organization may be accompanied by a representative(s) of their choice; however, their representative(s) is not allowed to speak during the hearing, with the exception of providing instruction regarding your Fifth Amendment Rights. The role of the representative(s) is to support the accused student or witness throughout the hearing, but that role is passive and will not include directly questioning witnesses, or addressing the hearing committee. If a student, student organization, or student group plans to bring a representative(s) and/or witness(es) to the hearing, the student, student group, or student organization must notify the Vice President for Student Affairs or designee in writing of their name at least 48-hours prior to the hearing.

Violation of Residence Hall Regulations

The Residence Hall Director of the appropriate residence hall will handle violations of residence hall regulations. Based upon the nature of the alleged violations and the past conduct of the accused, the University Conduct Officer shall determine if the Residence Hall Director Option is appropriate. The Student has the right outside of Hall Director adjudication to request a hearing by a University Conduct Officer or by Judicial Board. If the Hall Director Option is deemed appropriate, it will be administered as follows:

The accused student will be notified, in writing, that he/she is suspected of an alleged violation; of the circumstances of the violation; of his/her rights under the judicial system.

When allegations of individual misconduct are referred to the University Conduct Officer, the student will be scheduled for a conference. In the event that the student wishes to waive his/her right to a hearing before the Conduct Board and have his/her case determined administratively, he/she may request the University Conduct Officer to assume jurisdiction. If the University Conduct Officer accepts jurisdiction, he/she may, after determining that a violation was committed, impose an appropriate penalty. Once a student has been informed of his/her rights and has voluntarily waived in writing his/her right to a hearing before the board, the action of the University Conduct Officer shall be final except in cases of indefinite suspension or permanent dismissal that may be appealed to the University Appeals Officer. If the matter is not resolved by the conference, the University Conduct Officer shall refer it to the Conduct Board.

Conduct Board

The Conduct Board is charged with adjudicating Code of Conduct violations. The Board is comprised of the following:

- Eight (8) students (recommended by the Student Government Association or Faculty member);
- Eight (8) faculty members (recommended by the Faculty Senate President and/or Vice President of Student Affairs or designee); AND
- Eight (8) staff members (recommended by the Staff Senate President and/or appointed by the Vice President of Student Affairs or designee).

Note: There may be up to twelve (12) Alternates who are not used on a regular basis, due to their schedules, but may fill in during emergencies.

Conduct Board meetings are closed unless both sides agree to open the meeting.

Operation of the Conduct Board

All 24 members of the Conduct Board will receive a formal education on the judicial process before being allowed to hear a case. From the 24 members, six will be chosen to hear a case, two staff members, two faculty members, and two students. Selection of members to hear cases will be based on 1) rotation, 2) potential conflict of interest, and 3) availability. Four out of six members of the Conduct Board are needed for a quorum. A representative from each constituency must be present to hear a case. A majority vote by the Conduct Board is necessary to decide upon a case.

There are certain times of the year and certain circumstances that may remove the option of the Conduct Board. During this time, cases will be adjudicated by the Vice President for Student Affairs, designee and/or a short conduct board. A short conduct board is comprised of one faculty member, one staff

member, one student member, and a presiding chair. In the event a student is unable to serve on the short board, a faculty or staff member will hold the third board position. In this instance, two out of three members are needed for a quorum.

The option of a Conduct Board hearing may be removed:

- When the Conduct Board members are undergoing training.
- During times when the University is not in session.
- During final exam weeks of both fall and spring semesters.
- During summer session, between spring finals and the beginning of fall semester.
- Any time the Conduct Board cannot meet.
- In special cases during which administrative intervention has occurred.
- In cases where the Conduct Board feels that the case is not within its jurisdiction.

Student Conduct Hearing Procedures

Any member of the University community may submit a complaint (in writing to the Vice President for Student Affairs (or designee), or with the Department of Public Safety against a student for Code of Conduct violations. Complaint(s) should be submitted as soon as possible after the event takes place. Any charge(s) shall be prepared in writing by the Vice President for Student Affairs. The accused student(s) may, at his or her option, request a hearing before a panel of individuals (Conduct Board) or by a University Conduct Officer. A University Conduct Officer will chair a hearing before a Conduct Board. Board members and hearing officers shall be impartial and anyone lacking such impartiality shall recuse him/herself or may be removed by the Vice President for Student Affairs upon request of any party to a University hearing. A requested hearing shall be scheduled promptly after receipt of the request. An appropriate record will be made of the hearing procedures. Deliberations shall not be recorded. Defects in the record will not invalidate the proceedings.

In any disciplinary proceedings, written charges/allegations of the violation shall be presented to the accused student. These charges/allegations will include:

1. A statement of the rule or policy allegedly violated.
2. A summary of facts in support of the charges/allegations.
3. A notice of the date, time, and place of the preliminary hearing, sent at least three business days prior to the hearing.

The written charges shall be served upon the student using one or more of the following methods:

- Residential Student
 - Hand delivered to student's Residence Hall
 - E-mailed to student's Alabama A&M University email account.
- Commuter Student
 - Delivered by USPS to the address listed in Banner
 - E-mailed to student's Alabama A&M University e-mail account.

When applicable, the Associate Vice President for Student Affairs will contact a student in violation of the Code of Conduct via telephone to schedule a meeting where he/she can serve the student.

Conduct Terms and Definitions

Expulsion: Permanent dismissal from the University. Expulsion is the most severe sanction that can be imposed upon a student for a violation. The student who receives a sanction of expulsion is not eligible to apply for readmission to the university. When a student is expelled from the University, the student's relationship with the University is permanently severed, and the student is persona non-gratis.

Suspension: Dismissal from the University for a specific period of time following severe acts of violation of the Student Codes of Conduct or violation of a present probationary status. Suspensions are recorded on the student's permanent record. Students suspended from the University are required to return their student identification card and room keys and may not return to campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member, and then only with prior permission of the Vice President for Student Affairs or designee. If a student returns to the campus without permission during the period of suspension, his or her eligibility to return to Alabama A&M University will be threatened and he/she will be subject to arrest. During the period of suspension, the student is not eligible or entitled to receive any University services. His or her name is deleted from the roster of enrolled students and from the faculty class roll. The student will not get credit for course assignment, papers, projects, make-up work, or other course-related work during the period of suspension. During the period of suspension, therefore, the student's relationship with the university is terminated, and he or she is, in fact persona non-gratis.

Following a fully served suspension period, a student who wishes to re-enter the University must make a written request to be readmitted to the University. The student must present a typed letter to the Vice President for Student Affairs no later than (30 days prior to the beginning of the semester for which he/she is asking to be allowed to return (e.g. letter must be received 30 days before the fall semester is to begin if it is the semester during which the student wishes to return to the University. The Vice President for Student Affairs or designee will review the file of the student and determine the student's eligibility to return to the University following a suspension period. Regardless of the fact that a student has served the specified amount of a suspension period, it is left to the Vice President for Student Affairs or designee discretion whether to allow re-admittance. The types of suspension are as follows: Suspension, Interim Suspension, and Indefinite Suspension. They are defined below:

1. **Suspension.** Suspension period begins with an existing semester and continues through that semester; however, suspension may become effective at the beginning of a specified semester (usually the following semester) and continue through that semester and future ones. All students and student organizations returning to "active" status at Alabama A&M University following a disciplinary suspension will be placed on mandatory "Probationary Status" for one calendar year. Any violations of the probationary status within this time period may result in an additional suspension effective immediately and continuing throughout the time period recommended by the Vice President for Student Affairs. Dismissal or Suspension from the University to be served for a period up to (1) one year.
2. **Interim Suspension.** Suspension that is immediately put into effect when violations are alleged. The suspension will remain in effect until the disciplinary hearing is held or the student has completed requirements of the sanction imposed. Suspensions of this type are usually temporary; however, if the student is found responsible for the violation(s), or fails to satisfy the

requirements of the sanction imposed, the interim suspension may be changed to another sanction, including suspension or expulsion.

3. Indefinite Suspension. Dismissal or Suspension from the University to be served for a period of not less than (1) one year.

Note: Failure to complete an assigned sanction within the allotted time frame will result in the student receiving a judicial hold on his/her student account and/or suspension from the University.

Interim Suspension Warning: When a student has an Interim Suspension Warning that student may not be allowed on any AAMU property without approval from the VP for Student Affairs or University Police Department. Trespass Warning can be subject only to areas of campus or different campus events. It is issued to student at first contact with Campus Police, and a copy is sent to the Office of Judicial Affairs.

Disciplinary Probation: When a student's conduct is in violation of Alabama A&M University Community Standards, but is not sufficiently serious to warrant expulsion or suspension. A student on disciplinary probation shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. If there is a finding of responsibility for subsequent violations of the Community Standards or a failure to comply with established terms of Disciplinary Probation during this period of time, Disciplinary Probation may be expanded to include the following:

- Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed office of the University
- Become a member of or represent any NPHC or Non-NPHC organization • Ineligibility to represent the University to anyone outside the University community in any way, including representing the University at any official function
- Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct

This sanction implies a serious offense and will be administered on a case-by-case situation in collaboration with the Athletic Department upon notification by the University Conduct Officer as it relates to student athletes.

Probation: A student is on probation can still participate as a student at AAMU but their behavior will be under continuous review for a specified period of time. Some additional disciplinary actions may be required.

Loss of Campus Housing Privilege: Removal from University housing for disciplinary reasons.

Letter of Reprimand/ Written Warning: A letter that makes a matter of record any incident that reflects unfavorably on the student or the University.

Community/University Service: A student may be offered an opportunity to complete a specified number of hours of Community/University Service in lieu of other sanctions. The type of Community/University Service must be approved by the Conduct Officer or designee.

Educational Sanction: A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc.

Restrictions: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

Restitution: Monetary compensation for lost or damaged property or for expenses incurred due to the violation.

Fines: Financial penalty charged against the student's University account.

Loss of Parking Privileges on Campus: Revocation of campus vehicle registration, and forfeiture of permit and all refund rights to said permit.

NOTE: ANY SANCTION(S) NOT COMPLETED BY THE END OF THE SEMESTER IN WHICH IT IS ASSIGNED WILL RESULT IN A JUDICIAL FINE.

Student concerns about the judicial system should be directed to the University Appeals Officer, the Vice President for Student Affairs. It should be understood that the University conduct system in no way supersedes civil and criminal legal processes. The University may, at its discretion, take disciplinary action in advance of legal proceedings. Students are encouraged to keep their parents or legal guardians informed of their disciplinary status.

Appeals Process

A student, student group, or student organization may submit an appeal to the University Appeals Officer within 48 hours after the decision of the administrative or conduct committee hearing is reached. A decision may be appealed for one or more of the following reasons:

- 1) Substantial violation of the hearing procedure. If the appeal is based on substantial violation of the hearing procedure, the following should be noted: Citation of specific procedural errors, reason(s) why procedural error was not mentioned in the original hearing, and reason(s) why correction of error can contribute to a decision other than the one originally made; and
- 2) New evidence, witnesses or facts. If the appeal is based on new facts, the following must be included: A description of new evidence, name(s) of person(s) who can present this evidence (if any), or reasons why the evidence was not discussed at the original hearing, and reason(s) why the evidence can contribute to a decision other than that which was originally made.

Note: An appeal may not be submitted to the University Appeals Officer simply due to a student disagreeing with the assigned sanctions associated with being found responsible for a student conduct violation.

Filing an Appeal

All appeals must be submitted in writing (typed) to the University Appeals Officer within 48 hours after the student, student group, or student organization has received notification of a decision rendered in their particular case. The appeal request must state the specific grounds (new evidence and/or the

Conduct Board failed to follow proper hearing procedures) on which the student, student group, or student organization should be granted an appeal.

The appeal request must also be clear and specific, as the University Appeals Officer may decide whether to grant an appeal based solely on the written request of the student.

After the letter of appeal has been received, the University Appeals Officer will determine whether there are grounds to grant an appeal and notify the student, student group, or student organization of the decision within four (4) business days after receipt of the student, student group, or student organization request. If a conference is needed to consider the matter further, the notice shall include the time and place at which the student is to be present.

The sanction(s) imposed by the Vice President for Student Affairs or designee does not become effective until all available appeals have been exhausted by the student, student group, or student organization within the time periods designated for appeals. An exception occurs when, in the determination of the Vice President for Student Affairs, the student, student group, or student organization continued presence on campus constitutes a clear and present danger to the students and/or others in the University community. In such instances, the student, student group, or student organization will be asked to leave the campus; however, the student, student group, or student organization rights to request an appeal within the designated time periods shall not be compromised.

The decision of the University Appeals Officer to grant an appeal, is final, except in those cases involving expulsion from the University. In cases involving expulsion, the student may appeal the sanction to the President of the University, in writing, within twenty-four (24) hours of receipt of the decision of the Appeals Officer. Appeal requests of this nature must also be typewritten. The President is not obligated to confer with the student, and may choose to review only the written information to decide.

If a student chooses not to request an appeal within the specified time period, the decision of the Vice President for Student Affairs, designee, or Conduct Board is final. It is, therefore, imperative that the student abides by the stipulations of his/her sanction.

SEXUAL MISCONDUCT & TITLE IX POLICY

Alabama A & M University recognizes that there are many forms of sexual misconduct and harassment and will abide by the applicable laws as it relates to sexual harassment and sexual assault. The University holds more stringent standards in order to provide a safe and conducive learning environment for all members of its community. For the purposes of communicating a clear and concise policy, we define sexual harassment and assault as the following:

Alabama A & M University defines sexual harassment as any and all unwelcomed sexual advances between members of the same and/or opposite sex. Sexual advances are defined as, but not limited to:

1. Verbal comments of a suggestive nature;
2. Visual or written materials that include content that is sexual in nature; and/or
3. Physical touching without consent.

Whether particular language and conduct constitutes sexual harassment or assault depends upon the circumstances of an incident and will be determined by the University on a case-by-case basis.

Alabama A&M University defines sexual assault as an intentional sexual act against a person when such act is committed without consent of that person as a result of:

1. Physical force, violence, threat, intimidation, or duress;
2. Ignoring that person's verbal or physical objections; or
3. Causing that person's intoxication or impairment through the use of drugs or alcohol;

That person's inability to consent due to: incapacitation, legal minority (under age 18), mental or physical disability, the use of alcohol or use of any controlled substance, intimidation, helplessness, or any other reason that suggests an individual is unable to give full consent.

For these purposes, a sexual act is defined as unwelcome sexual contact including, but not limited to:

1. Sexual intercourse, sodomy, or sexual penetration with a foreign object;
2. Oral/genital contact or copulation;
3. Touching of a person's intimate parts (defined as genitalia, groin, breast or buttocks, or clothing covering them);
4. Compelling a person to touch his or her own or another person's intimate parts; and/or
5. Illegal sexual imaging defined by secretly photographing or taping another person without their expressed consent.

Consent for sexual activity must be clearly expressed at all times-before and during sexual activity. Moreover, Alabama A&M University also recognizes sexual assault as instances where the alleged victim clearly indicates that he/she has changed his/her mind during a sexual act, and the alleged assailant refuses to stop the sexual act.

Reporting Sexual Misconduct

Alabama A&M University does not tolerate any form of sexual harassment and sexual assault. Individuals who believe that they, or someone they know (third party reporting), is a victim of sexual harassment or sexual assault are strongly encouraged to immediately report the incident to the Department of Public Safety, Vice President for Student Affairs and/or Director of Counseling Services. While the University stresses the importance of reporting all incidents of sexual harassment and sexual assault, AAMU's primary and immediate concern is for the well-being, health, and safety of all of our students.

In many cases of sexual assault applicable federal, state and local laws and regulations may require that University officials report incidents committed on any property owned, leased, or under control of the University to the local Police Department with jurisdiction. As a result, all University officials (including faculty or staff) have an obligation to promptly inform the Director of Public Safety and/or the Vice President for Student Affairs of any known sexual assaults. In meeting these reporting obligations, the University will take steps to protect the privacy of the persons against whom any alleged sexual acts were committed to the extent to which the University is legally permitted to withhold such information.

The University takes all complaints of sexual harassment and assault very seriously and will promptly investigate all allegations. The University Judicial Officer will serve as the primary investigator of all reported incidents involving students. Specifically, the University Judicial Officer will prepare a written fact- finding report in consultation with the accuser(s), accused individual(s), and members of the Public Safety staff. This report will be a summary of the information gathered during the investigative process.

If you are a student who believes you have been subjected to (1) sexual harassment by University faculty or staff; or (2) any other form of gender discrimination under Title IX, you may report such misconduct or file a formal complaint with the Title IX Coordinator in the Office of Human Resources (HR). Complaints must be submitted in writing not more than 300 days after the incident (s) in question. For good cause and at HR's discretion, HR may waive the writing requirement or the 300-day time limitation.

Concurrently, local law enforcement agencies may investigate if a crime has taken place in accordance with the Alabama State Law. The University reserves the right to adjudicate violations of the Student Code of Conduct without waiting for completion of any police investigation. Following the completion of the fact-finding report, the University Judicial Officer will determine whether a violation of the University's sexual harassment or sexual assault policy has occurred. If it is determined that a violation of policy has occurred, the University Judicial Officer will proceed with disciplinary action against the accused party.

There are four effective ways to report Sexual Misconduct:

1. **Safe Space** – <https://www.aamu.edu/campus-life/campus-safety/safe-space-anonymous-reporting.html>
2. **Maxient Report Form:** https://cm.maxient.com/reportingform.php?AlabamaAMUniv&layout_id=52
3. **Contact the Department of Public Safety at 256-372-5555 or email** public.safety@aamu.edu
4. **Contact the Title IX Coordinator at 256-372-4499 or email** conductofficer@aamu.edu

OTHER POLICIES

Anti-Hazing Policy: It is the policy of Alabama A & M University that hazing activities of any type is inconsistent with education and is prohibited at all times. No student, including leaders of student organizations, may plan, encourage, or engage in hazing. Hazing is defined as doing any act or coercing another person to do any act of initiation into any organization that causes, or creates a risk of causing, psychological or physical harm to any person. Hazing includes actions or situations that could or do result in mental, emotional, or physical discomfort, embarrassment, ridicule, or endangerment whether intentional, for fun, or by consent. Hazing is also coercing another person to violate any university policy or law.

Obvious examples of hazing include but are not limited to:

- Whipping
- Paddling or beating
- Forced calisthenics
- Forced exposure to weather
- Pre and post pledging as a way to gain “respect”
- Forced or required consumption of any food, liquor, beverage, drug, or any substance
- Any brutal or cruel treatment; and, any activity which subjects any student or other person to ridicule, mental stress
- Lining up for the purpose of membership (that is not directly related to presentation shows)
- Undue physical endurance
- Forced social media or public displays

Administrators, faculty members, and all other employees of the University should be alerted to possible situations, circumstances or events, which might include hazing. If hazing or planned hazing is discovered, involved students will be informed by the University of the prohibition contained in this policy and will be required to end all membership intake or organizational initiation activities immediately until an investigation is completed. All hazing activities will be reported immediately to the Office Student Activities and Leadership Development.

Students violate the code of conduct if they do not report incidents of hazing or potential hazing to the Office of Student Activities and Leadership Development. Administrators, faculty members, students, and all other employees who fail to abide by this policy may be subject to disciplinary action of the University and may be liable for civil and criminal penalties in accordance with federal, state, and local laws.

Hate-Free Policy: Alabama A & M University is committed to fostering ethical and moral values that are consistent with its mission. Among the central values of the University is the inherent dignity of every individual as well as the right of each person to hold and to express his or her viewpoint. When views conflict it is the obligation of members of the community to respect other perspectives.

The University welcomes students, faculty, staff, and visitors from diverse backgrounds, and it works to ensure that they will find the AAMU environment free of discriminatory conduct. It is unacceptable - and a violation of University policy - to harass, abuse, or discriminate against any person because of age, race, gender, ethnicity, sexual orientation, religion, or disability.

Members of the AAMU community affected by hate-motivated offenses are strongly encouraged to report these incidents. Such offenses can be reported to a variety of offices on campus including: Office of Student Affairs, Office of Judicial Affairs, Residence Life, and Public Safety. Reporting hate-motivated offenses does not in itself constitute a formal complaint nor compel one to file a formal complaint of misconduct. However, it does allow those affected by such violations to have a support system and an avenue for recourse. A formal complaint must be documented.

Students proven responsible for hate-motivated violations are subject to a range of disciplinary sanctions up to and including disciplinary expulsion from Alabama A & M University. The Office of Judicial Affairs may impose harsher sanctions when behavior is proven to be motivated by hate.

Technology Resources Policy: Students, faculty, administrators, and staff will use the technology resources at Alabama A & M University for the express purpose of enhancing and supporting the educational process and function of the University.

All users of AAMU's technology resources are prohibited from:

1. Using the AAMU local area network or Internet connection for any illegal purpose whatsoever including the exchange of copyrighted material protected by Title 17, USC.
2. Using AAMU network resources in any way contrary to the "Student Code of Conduct" as stated in the Student Handbook including the use of network resources to harass, threaten, libel, defame, intimidate, or deceive others.
3. Using AAMU technology resources for commercial purposes or personal profit.
4. The frivolous, non-academic, or otherwise unproductive use of AAMU network resources so as to not deprive or degrade the availability of network resources to the rest of the University community.

5. Attempting to access or accessing restricted devices, software and/or data at Alabama A & M University, or at any other site via modem, direct or network connection. It is also prohibited to use network scanners or sniffers on the AAMU network or otherwise attempt to discover and/or probe other devices.
6. Running server software on computers/networked devices without the express permission of the Office of Information and Technology Services.
7. Sending unsolicited bulk E-mail messages (junk mail, "spam" or "E-mail bombs") of any kind, forwarding or propagating chain letters or malicious email, attempting to mislead others as to your identity either by providing false information when subscribing to or posting to lists, or by forgoing the header and addresses in an Email message.
8. Using software or any other method of disrupting, restricting, or altering the normal flow of network data packets.
9. Disconnecting or otherwise altering the physical configuration of any computer or loading software on University-owned computers without the consent of the Office of Information and Technology Services.

Violators of this policy will be subject to the University's disciplinary procedures. A violation of this policy may also result in the termination of network services and/or access to AAMU technology resources.

Alabama A&M University regularly monitors traffic on its data network and the data stored on its networked devices to insure compliance with the University's policies. AAMU may take any measures necessary to insure compliance with its policies including restricting software and devices on the University network and access to specific network or Internet sites and services.

Alabama A&M University reserves the right to act against any person(s) who willfully misuses University-owned technology resources, associated furnishings, and facilities.

Contact the ITS Helpdesk at 256.372.4357 for a copy of all student related Information Technology Policies.

Inspection and Search Policy: Entry by University officials into occupied rooms in residence halls will be divided into three categories: inspection, search, and emergency.

Inspection is defined as University officials in order to ascertain the health and safety conditions in the room, or to make repairs on facilities, or to perform cleaning and janitorial operations.

Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law.

An emergency situation exists when the delay necessary to obtain search authorization constitutes a danger to persons, property, or the building itself.

Inspection: Scheduled inspections by University officials, with the exception of daily janitorial and maintenance operations, shall be preceded, if possible, by twenty-four hours' notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings, unless there is probable cause as determined by the Department of Public Safety.

Search: University officials will not enter a room for purposes of search except in compliance with campus, city, state and federal laws, or with the permission of the resident, or the written permission of the Vice President for Student Affairs or his/her designee.

University officials shall have, if possible, the Residence Hall Director or his or her designee accompany them on the search. Additionally, officers of the Department of Public Safety can accompany University officials as long as they are not acting in the capacity of certified police officers.

Prohibited items (weapons, drugs, drug paraphernalia, etc.) found during an inspection, search, or emergency will be confiscated. Student(s) assigned to the room in question may be arrested, trespassed, and/or written up for violating the Student Code of Conduct.

Alcohol Policy: Alabama A&M University is subject to the laws of the State of Alabama. Consumption, purchase, possession, or transportation of any alcoholic beverages by students on the campus of Alabama A&M University is prohibited. It is also unlawful for any person to knowingly provide alcoholic beverages to anyone under the legal drinking age of 21. Students are expected to obey the law and to take responsibility for their own conduct, off-campus. Students may be required to successfully complete an alcohol education class if they are found in violation of the University's alcohol policy. In addition, the University maintains the following regulations regarding alcohol:

1. The advertising, promotion, consumption, and sale of alcohol are prohibited.
2. Individual students and student organizations are responsible for their conduct, and the conduct of their guests and for promoting compliance with Alabama laws and University policy.
3. University faculty and staff are expected to promote compliance with Alabama laws and University policies regarding alcohol. Regardless of any prior approval, the University may withdraw approval for any campus event or activity if the event or activity becomes unsafe, disruptive, or creates an environment conducive to violations of University policy or Alabama law. Social event guidelines for registered student organizations are available from the Office of Student Activities & Leadership Development.

Drug Use and Abuse Policy: In accordance with state and federal laws, it is illegal for persons to possess, use or sell illegal drugs, and to abuse or distribute prescription drugs. Included in these categories are: opiates, barbiturates, amphetamines, marijuana, hallucinogens, illegal steroids, date-rape drugs, and other illegal or prescription drugs. Not only is it unlawful, but also the presence, use and abuse of these drugs within the University community is contrary to the intellectual and educational purposes for which the University exists. Indeed, possession of these substances may well be an indication that the student is not constructively engaged in academic endeavors. Student Affairs staff members and counseling services are available to provide counseling or referral services to students with concerns about drugs or alcohol use.

HIV Policy: The University has adopted this policy in response to the epidemic of infection with Human Immunodeficiency Virus (HIV), the agent that causes Acquired Immunodeficiency Syndrome (AIDS). The goals of the policy are:

- A. To provide education, information, and counseling concerning the causes, effects, transmissibility, and treatment of HIV;
- B. To safeguard the personal rights of individuals with HIV;
- C. To promote a safe environment for all members of the University community, and;
- D. To comply with the requirements of applicable federal and state laws relating to HIV.

As a matter of University policy, information about the existence of HIV is medical information, not administrative data. In recognition of the serious potential for discrimination against and mistreatment of persons with HIV, the University will handle information concerning any aspect of HIV in a student with care and sensitivity to the privacy concerns involved.

The University will not include information about HIV in any routine personal record. Only when administrative action is specifically related to HIV – positive status is necessary will such information be recorded. In those circumstances, such information shall be maintained in a separate administrative file and accorded confidentiality as a medical record.

SERVICE AND SUPPORT ANIMAL POLICY

Alabama Agricultural and Mechanical University (AAMU) recognizes the importance of Service and Support Animals to individuals with disabilities and has adopted a policy to ensure that people with disabilities who require the use of service or support animals as a reasonable accommodation receive the benefit of the work, tasks, or therapeutic support performed by such animals. AAMU's service and support animal policy complies with all applicable Titles of Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act (ADA) of 1990, U.S. Department of Housing and Urban Development (HUD), and Fair Housing Act (FHAct). As such, AAMU permits all individuals with disabilities, which include employees, students, and visitors who require service animal access to all facilities, university owned housing, transit vehicles, and programs held on the campus of AAMU; whereas individuals with disabilities who require assistance/comfort/therapeutic animals are only permitted access in university owned housing provided certain conditions are met as outlined by Disability Services (DS).

The ADA and FHAct/Section 504 Definition of Service Animals

The Department of Justice (DOJ) amendments to its regulations for Titles II and III of the Americans with Disabilities Act (ADA) limits the definition of a service animal to include dogs that are individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. In addition to the provisions about service dogs, revised ADA regulations have a new, separate provision about **miniature horses** that have been individually trained to do work or perform tasks for people with disabilities. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 to 100 pounds. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are:

- a) whether the miniature horse is housebroken;
- b) whether the miniature horse is under the owner's control;
- c) whether the facility can accommodate the miniature horse's type, size, and weight; and
- d) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

An assistance animal is not a pet. It is an animal that works, aids, or performs tasks for the benefit of a person with a disability. Assistance animals perform many disability related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. For purposes of reasonable accommodation

requests, neither the FHAct nor Section 504 requires an assistance animal to be individually trained or certified. While dogs are the most common type of assistance animal, other animals such as miniature horses can also serve as assistance animals.

AAMU does not allow any individual to keep more than one service animal for a disability (or identified symptom or effect of a disability) for which the animal is needed.

Registration and Management of Service Animals

Disability Services (DSS) will determine if an animal meets the criteria of a service animal as defined by the ADA.

Registering a Service Animal on Campus. The individual with a disability should contact the Office of Veterans Affairs and Disability Services (VADS) as soon as he or she is aware of plans to bring a service animal to campus. To register a service animal on campus, the individual with a disability should complete the Support Animal Request Form at least 30 days prior to planned arrival and submit it to the Office of Veterans Affairs and Disability Services via Laserfiche. In the event Laserfiche is inoperable for 48 hours or more, submit the request to the Office of Disability Services, which is located in the Health and Wellness Center, Room 114, by fax: (256) 372-4499 or by email: disabilityservices@aamu.edu.

Under the ADA's public accommodation statute, the university is not to ask about medical documentation, identification cards, or require demonstration of the ability to perform so long as the service animal is confined to the areas of the University that are open to the public. However, as required by university policy, the service animal is required to wear the appropriate harness, backpack, or vest identifying it is a trained service dog. When it is not obvious what service the animal provides, and the animal is within restricted access areas (such as residence halls, employee only, or classrooms), the student **must** provide a letter from a certified clinician which substantiates the answers to the only two questions that can be asked: (1) if the service or support animal is required because of a disability, and (2) what work or task the service or support animal has been trained to perform. The letter must be dated and on letterhead, then submitted to the Office of Veterans Affairs and Disability Services. In the event a person is found to falsely claim an animal, please see the Alabama law §24-8A-5. Alabama law §24-8A-5 states: A person commits the offense of misrepresentation of an animal as an assistance animal or service animal if a person intentionally does any of the following:

- a) Creates a document that misrepresents an animal as an assistance animal or service animal for use in housing, or
 - b) Provides a document to another person falsely stating that an animal is an assistance animal or service animal for use in housing, or
 - c) Fits an animal, which is not an assistance animal or service animal, with a harness, collar, vest, or sign that the pet is an assistance animal or service animal for use in housing.
- Upon a first offense, a violation of subsection (a) shall be subject to a civil penalty of five hundred dollars (\$500) or treated as a Class C misdemeanor, and
 - Upon a second or subsequent offense, a violation of subsection (a) shall be a Class B misdemeanor.

Procedures and Management of Service Animals

Request Submission Deadlines. Students requesting accommodations for service animals within a housing assignment on university property must notify the Office of Disability Services by completing the Support Animal Request form. The request should be completed and submitted no less than 30 days prior to the beginning of the semester in which the animal would be requested. If the request is submitted less than 30 days prior to the housing request, the university may be on a limited ability to grant the request. All supplemental documentation must be submitted with the initial request prior to review and or consideration. No animal should be present on campus or in dormitories prior to approval from the Director of Housing. Once approved, the service animal request is valid for the academic year (Fall and Spring). Approval to have an animal in the residence must be approved each academic year and each summer by submission of request to the Office of Disability Services and final approval by the Director of Housing.

Conflicting Medical Conditions. Individuals with medical or psychological conditions affected by service or support animals should contact the Office of Disabilities Services (ODS) if there is a health or safety concern about exposure to a service animal. The person reporting the concern will be asked to provide medical documentation to ODS and sign a Release of Information Form to the Student Health and Wellness Center so that a determination may be made regarding a need for accommodation.

Roommate Notification and Approval. The requesting student will notify and seek approval from roommates via email or other forms of written communication alongside the request of the service animal. The roommate decision should be attached with each annual submission.

Notice of replacement or removal of animal. Students will notify Disability Services and Director of Housing if an animal is no longer kept by the student in the residence. To replace an animal, the student must complete a new request with all documentation submitted to the Disability Services office. The replacement animal must not be on university property until notice is provided by the Director of Housing.

Access. Individuals with disabilities may be accompanied by their service animals in all university buildings where members of the public or participants in services, programs or activities are allowed to go. This would include participation in services, programs, or activities, unless it will fundamentally alter the nature of the goods, services, programs, or activities provided by the University or where is prohibited by health laws (i.e., food prep areas, swimming pools, or sterile laboratories, etc.).

Care and Supervision. The student shall always remain responsible for the service animal. At no time is the student permitted to transfer care or supervision to another person. At no time is the University responsible for the care or supervision of the service animal. If the assigned student is not in the physical presence of the animal, the animal must be within an appropriately sized crate and no longer than a reasonable amount of time. The appropriate amount of time that the animal can be left alone is determined by the Director of housing whose decision is final. Prior to presence on university property, the animal must be housetrained, and crate trained. Housetrained animals mean the animal can consistently control its waste elimination. Crate trained means the animal can be confined to a closed crate without barking, whining, or whimpering. The crates or equipment required for the animal may not pose a threat to the safety of others. Care equipment may not block evacuation routes in case of emergencies.

Control and Animal Behavior. The handler of the service animal **must** assume full responsibility and always demonstrate full control of the animal. The handler **must** maintain control of the animal through voice, signal, or other effective controls. If the animal is not under control or poses a risk to the health and/or safety of others, the handler may be asked to remove the animal.

*Service animals **must** be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the handler's disability prevents using these devices. To the extent possible, the service animal should be unobtrusive to other students and the learning environment. The student must ensure that the animal does not:*

- a. Leave the students room accept when accompanied by the student,
- b. Display disruptive repeated behaviors such as barking, digging, whimpering,
- c. Attack, harass, jump on or at other or their tamper with their personal belongings
- d. Bring nose or mouth near food intended for human consumption

AAMU has the authority to exclude an animal temporarily or permanently from the university if the behavior is aggressive or unruly. Upon a single occurrence of unprovoked biting or aggressive behavior, the animal will be required to be removed from the university property. This decision will be approved by authorized personnel or by the Director of Housing.

Animal Health and Vaccination Requirements. The service animal must remain in good health while on university property. AAMU has the authority to exclude an animal temporarily or permanently from the property if the animal is in ill health or is habitually unclean. The student of the service animal **must** show proof that the animal has been treated for pests such as fleas and ticks, as well as vaccinated against rabies as required by the State of Alabama. As such, the animal must wear a valid rabies vaccination tag. It is further recommended by the State of Alabama that the animal has been vaccinated against distemper/adenovirus/parainfluenza/ parvovirus (DAPP). All service animals kept in residence halls **must be sterilized** (spayed, neutered, or other method of sterilization). Students must provide Disability services with veterinarian verification that the animal has been sterilized. No request may be approved without the above-mentioned documentation from your veterinarian on official letterhead.

Waste Disposal Grooming/Upkeep. The student is responsible for cleaning and removing or arranging for the immediate removal of the animal's waste. Feces **must** be disposed of properly and not allowed to be disposed indoors. This includes University common areas and exterior property such as sidewalks etc. At no time are students allowed to maintain grooming (cutting animal hair) or upkeep (bathing) within the residence hall or anywhere on the university property.

University Property Damage and Emergencies. AAMU reserves the right to charge service animal owners and or students for any damage incurred by the animal on any university property.

AAMU is not responsible for any damages caused to the animal because of emergency occurrences such as fire alarms, fire drills, natural disasters, or any other emergency situations.

Student Health and Wellness Center. Except in emergency visits, the handler of a service animal must notify the staff in the Student Health and Wellness Center **in advance** of the presence of a service animal to ensure that patient safety is not compromised, as well the need to minimize the risk of exposing the service animal to infections and disease.

Harassing, Injuring or Causing the Death of a Service Animal

Effective August 1, 2016, it is the policy (Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901) of the State of Alabama to recognize the special role and value of service dogs, not only in the lives of those persons who use them, but also in society at large and, to encourage the use of service dogs by persons with disabilities, and to recognize that those persons have a right to use service dogs without any interference with or injury to the service dog. As such, it is unlawful in the State of Alabama and, considered a Class A, B, or C misdemeanor for a person who has received notice and found guilty of his or her behavior as harassing with malice or reckless disregard, and/or caused injury or death to a service dog without legal justification. In such, reports filed with the Office of Public Safety against individuals on the campus of Alabama A&M University will be handled in accordance with the Student Code of Conduct and applicable laws of the State of Alabama.

Exclusions

University exclusion rationale may include:

- a) The animal is not able to be controlled and the student does not effectively alleviate behaviors such as barking in residence halls, theater, or other places that may disrupt or disturb student learning, or animal placing snout or nose on food intended for human consumption.
- b) The animal will pose undue financial and administrative hardship on university services or facilities that would fundamentally alter the nature of services or programs.
- c) The animal poses a direct threat or would cause substantial damage to the property of others.

Emotional Support Animal Policy

The ADA and FHAct/Section 504 Definition of Emotional Support Animals

Emotional Support animals. Sometimes referred to as emotional support animals, therapy animals and/or companion animals, are not service animals under the ADA. This definition, however, does not limit AAMU's obligations to make reasonable accommodations for assistance under the FHAct or Section 504. In situations where the ADA and the FHAct/Section 504 apply simultaneously, AAMU must meet its obligations under both the reasonable accommodation standard of the FHAct/ Section 504 and the service animal provisions of the ADA.

An emotional support animal is not a pet. It is an animal that aids the benefit of a person with a disability by providing emotional support that alleviates one or more identified symptoms or effects of a person's diagnosed disability. Approval for emotional support animals will be determined by Disability Services and require documentation from a physician, psychiatrist, licensed social worker/mental health professional that demonstrates that the animal provides emotional support to alleviate symptoms of the disability and plays a role in the treatment of a disability. They are prescribed as part of an ongoing therapeutic relationship that is integrated into treatment.

Please note: AAMU will not permit animals that are reasonably viewed as high risk. The University reserves the right to request that an approved emotional animal be removed from campus if:

- a. The animal demonstrates behaviors that is deemed unruly, disruptive, or
- b. The animal becomes a direct threat to the health and safety of others.

AAMU does not allow any individual to keep more than one emotional support animal for a disability (or identified symptom or effect of a disability) for which the animal is needed.

Registration and Management of Support Animals

The Office of Disability Services (ODS) will determine if an animal meets the criteria of a support animal as defined by the ADA.

Registering a Support Animal on Campus. (*See Assistance Animal Guidelines*) The individual with a disability should contact the Office of Disability Services (ODS) as soon as he or she is aware of plans to bring a support animal to campus. To register a support animal on campus, the individual with a disability should complete the Support Animal Request Form at least 30 days prior to planned arrival and submit it to the Office of Disability Services via Laserfiche. In the event Laserfiche is inoperable for 48 hours or more, submit the request to the Office of Disability Services, which is located in THE Health and Wellness Center, Room 114, by fax: (256) 372-4499 or by email: disabilityservices@aamu.edu.

Under the ADA's public accommodation statute, the university is not to ask about medical documentation, identification cards, or require demonstration of the ability to perform so long as the animal is confined to the areas of housing within the University. However, students must carry, and readily present, documentation (provided by the university) verifying registration with Disability Services.

In the event a person is found to falsely claim an animal, please see the Alabama law §24-8A-5. Alabama law §24-8A-5 states: A person commits the offense of misrepresentation of an animal as an assistance animal or service animal if a person intentionally does any of the following:

- a. Creates a document that misrepresents an animal as an assistance animal or service animal for use in housing, or
 - b. Provides a document to another person falsely stating that an animal is an assistance animal or service animal for use in housing, or
 - c. Fits an animal, which is not an assistance animal or service animal, with a harness, collar, vest, or sign that the pet is an assistance animal or service animal for use in housing.
- Upon a first offense, a violation of subsection (a) shall be subject to a civil penalty of five hundred dollars (\$500) or treated as a Class C misdemeanor, and
 - Upon a second or subsequent offense, a violation of subsection (a) shall be a Class B misdemeanor.

Procedures and Management of an Emotional Support Animal

Request Submission Deadlines. Students requesting accommodations for emotional support animals within a housing assignment on university property must notify the Office of Disability Services by completing the Support Animal Request form. The request should be completed and submitted no less than 30 days prior to the beginning of the semester in which the animal would be requested. If the request is submitted less than 30 days prior to the housing request, the university may be on limited ability to grant the request. All supplemental documentation must be submitted with the initial request prior to review and or consideration. No animal should be present on campus or in dormitories prior to approval from the Director of Housing. Once approved, the emotional support animal request is valid for the academic year (Fall and Spring). Approval to have an animal in the residence must be approved each academic year and each summer by submission of request to the Office of Disability Services and final approval by the Director of Housing.

Conflicting Medical Conditions. Individuals with medical or psychological conditions affected by support animals should contact the Office of Disabilities Services if there is a health or safety concern about exposure to an emotional support animal. The person reporting the concern will be asked to provide medical documentation to Disability Support and, sign a Release of Information Form to the Student Health and Wellness Center so that a determination may be made regarding a need for accommodation. Roommate Notification and Approval. The requesting student will notify and seek approval from roommates via email or other forms of written communication alongside the request of the emotional support animal. The roommate decision should be attached with each annual submission.

Notice of replacement or removal of animal. Students will notify Disability Services and Director of Housing if an animal is no longer kept by the student in the residence. To replace an animal, the student must complete a new request with all documentation submitted to the Disability Services office. The replacement animal must not be on university property until notice is provided by the Director of Housing.

Access. Emotional support animals must remain in the residence unless accompanied by the student to the designated walking area, or while entering or exiting the residence hall. Emotional support animals are not allowed to roam throughout common areas or any area on campus aside from the student residence.

Care and Supervision. The student shall always remain responsible for the emotional support animal. At no time is the student permitted to transfer care or supervision to another person. At no time is the University responsible for the care or supervision of the emotional support animal. If the assigned student is not in the physical presence of the animal, the animal must be within an appropriately sized crate and no longer than a reasonable amount of time. The appropriate amount of time that the animal can be left alone is determined by the Director of Housing whose decision is final.

Prior to presence on university property, the animal must be housetrained, and crate trained. Housetrained animals mean the animal can consistently control its waste elimination. Crate trained means the animal can be confined to a closed crate without barking, whining, or whimpering. The crates or equipment required for the animal may not pose a threat to the safety of others. Care equipment may not block evacuation routes in case of emergencies.

Control and Animal Behavior. The handler of the support animal **must** assume full responsibility and always demonstrate full control of the animal. The handler **must** maintain control of the animal through voice, signal, or other effective controls. The *emotional support animal* must be on a leash, harness, or tether always. If the animal is not under the control or poses a risk to the health and/or safety of others, the handler may be asked to remove the animal. The student must ensure that the animal does not:

- a. Leave the students room accept when accompanied by the student,
- b. Display disruptive repeated behaviors such as barking, digging, whimpering,
- c. Attack, harass, jump on or at other or their tamper with their personal belongings
- d. Bring nose or mouth near food intended for human consumption

AAMU has the authority to exclude an animal temporarily or permanently from the university if the behavior is aggressive or unruly. Upon a single occurrence of unprovoked biting or aggressive behavior, the animal will be required to be removed from the university property. This decision will be approved by authorized personnel or by the Director of Housing.

Animal Health and Vaccination Requirements. The emotional support animal must remain in good health while on university property. AAMU has the authority to exclude an animal temporarily or permanently from the property if the animal is in ill health or is habitually unclean. The student of the emotional support animal **must** show proof that the animal has been treated for pests such as fleas and ticks, as well as vaccinated against rabies as required by the State of Alabama. As such, the animal must wear a valid rabies vaccination tag. It is further **recommended** by the State of Alabama that the animal has been vaccinated against distemper/adenovirus/parainfluenza/ parvovirus (DAPP). All emotional support animals kept in residence halls **must be sterilized** (spayed, neutered, or other method of sterilization). Students must provide Disability Services with veterinarian verification that the animal has been sterilized. No request may be approved without the above-mentioned documentation from your veterinarian on official letterhead.

Waste Disposal Grooming/Upkeep. The student is responsible for cleaning and removing or arranging for the immediate removal of the animal's waste. Feces **must be** disposed of properly and not allowed to be disposed indoors. This includes University common areas and exterior property such as sidewalks etc. At no time are students allowed to maintain grooming (cutting animal hair) or upkeep (bathing) within the residence hall or anywhere on the university property.

University Property Damage and Emergencies. AAMU reserves the right to charge emotional support animal owners and or students for any damage incurred by the animal on any university property.

AAMU is not responsible for any damages caused to the animal because of emergency occurrences such as fire alarms, fire drills, natural disasters, or any other emergency situations.

Exclusions

University exclusion rationale may include:

- a. The animal is not able to be controlled and the student does not effectively alleviate behaviors such as barking in residence halls, theater, or other places that may disrupt or disturb student learning, or animal placing snout or nose on food intended for human consumption.
- b. The animal will pose undue financial and admirative hardship on university services or facilities that would fundamentally alter the nature of services or programs.
- c. The animal poses a direct threat or would cause substantial damage to the property of others.
- d. Animals that may pose an animal-to human infectious disease threat, such as monkeys, reptiles, and hedgehogs, will not be approved.

Appeal/Grievance Procedure

If a student feels as though his/her request for an animal has been unreasonably denied, he or she may submit a written appeal to ODS for reconsideration. All appeals/grievance will be reviewed by a committee consisting of the Associate Vice President for Enrollment Management, Director of Health and Counseling Center, Director of Residential Life, Chief of Public Safety, and an ADA student. ODS and General Counsel will serve as the Chairs of the Committee; however, DS nor General Counsel will serve as a voting member. The Committee will have the ability to require mediation or require the handler to remove the animal from the residence hall or campus if it is determined that the behavior, odor, etc. of the animal is in violation of the AAMU's policy and procedures. The committee will convene within 14 Days of the written request and provide a response with 7 days after the meeting.



STUDENT CODE OF CONDUCT
MANAGING OFFICE: VICE PRESIDENT FOR STUDENT AFFAIRS
EFFECTIVE DATE:
REVISED DATE: MAY 2023

Please contact the Office of Disability Services at (256) 372-4429 or visit Room 114, Health and Wellness Center for more information.