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CAMPUS AND STUDENT AFFAIRS

A. CAMPUS AFFAIRS

5-101 Code of Conduct

Repealed

Policy Number: 5-102	Policy Name: Parking and Traffic Regulations
Policy Revision Dates: 12/92	Page 1

5-102 Parking and Traffic Regulations

Each university shall establish rules, regulations and enforcement procedures consistent with A.R.S. §15-1627 for the control of vehicles and nonpedestrian devices on its property.

Policy Number: 5-103	Policy Name: Police Officers; Powers and Duties
Policy Revision Dates:	Page 1

5-103 Police Officers; Powers and Duties

The police officers of each institution have the authority and power of peace officers for the protection of property under the jurisdiction of the Board, the prevention of trespass, the maintenance of peace and order as prescribed by law, and the enforcement of regulations respecting vehicles on such property.

Policy Number: 5-104	Policy Name: Crime Reports - Repealed
Policy Revision Dates: 5/92	Page 1

5-104 Crime Reports

Repealed

Policy Number: 5-105	Policy Name: Interagency Law Enforcement Agreements
Policy Revision Dates:	Page 1

5-105 Interagency Law Enforcement Agreements

The Board may authorize the president of an institution on behalf of the Board, to execute and deliver interagency law enforcement agreements. The agreements shall include an order of priority for requests for assistance as may in each case be agreed upon by the respective institutions with the other affected law enforcement agencies. In all cases, the agreements shall be subject to the final approval of the Attorney General.

Policy Number: 5-106	Policy Name: Dogs on Campus - Repealed
Policy Revision Dates: 5/92	Page 1

5-106 Dogs on Campus

Repealed

Policy Number: 5-107	Policy Name: Solicitors on Campus
Policy Revision Dates: 12/85	Page 1

5-107 Solicitors on Campus

Solicitors, salespersons, and vendors are prohibited from conducting their business on the campus of any institution except under contract with the university.

Policy Number: 5-108	Policy Name: Sale and Consumption of Alcoholic Beverages on Campus	
Policy Revision Dates: 8/99, 2/93, 11/91, 7/89, 6/88, 11/96	Page 1	

5-108 Sale and Consumption of Alcoholic Beverages on Campus

A. Policy

A university operating under the jurisdiction of the Arizona Board of Regents may authorize the sale, service or consumption of alcoholic beverages on the campus of the university, in accordance with this policy.

The sale, service or consumption of alcohol in violation of this Policy or any applicable state or local law, rule or regulation, is prohibited, including without limitation a violation of any of the following provisions:

1. No person shall sell, furnish or give alcoholic beverages to any person under the age of 21 years.
2. No person under the age of 21 years shall be employed or allowed to sell alcoholic beverages. No person under the age of 19 years shall be employed or allowed to serve alcoholic beverages.
3. No persons authorized to sell or serve alcoholic beverages may consume alcoholic beverages while they are so engaged.
4. No person may serve or sell alcoholic beverages to any intoxicated or disorderly person, and such intoxicated persons shall not be allowed to remain on or about the premises in which alcoholic beverages are furnished for more than 30 minutes after the state of intoxication is known or should be known to a person selling or serving alcoholic beverages.
5. Persons authorized to sell or serve alcoholic beverages shall not allow a person under the age of 21 years to remain in the area in which alcoholic beverages are served unless the person who is under the age of 21 years is accompanied by a spouse or parent or legal guardian who is of legal drinking age, or the person who is under the age of 21 years is an on-duty employee of the university or university contractor.
6. An employee or other person authorized to serve and sell alcoholic beverages under this policy who has reason to question whether the person ordering or attempting to order alcoholic beverages is

Policy Number: 5-108	Policy Name: Sale and Consumption of Alcoholic Beverages on Campus	
Policy Revision Dates: 8/99, 2/93, 11/91, 7/89, 6/88, 11/96	Page 2	

under the age of 21 years shall require that person to exhibit an identification card which includes a photograph proving that the individual is at least 21 years of age.

B. Authorization

The authority to approve the sale, service or consumption of alcohol on university property is delegated to the President of the institution, and the President shall have the right and discretion to prohibit, or place restrictions and conditions upon such activities as deemed appropriate and in the best interest of the institution. The President may adopt rules and/or approval procedures governing the use of alcohol on campus consistent with this policy. Such rules and procedures may limit or restrict the areas where alcohol use will be permitted. With respect to any administrative action taken regarding the use or the approval of the use of alcohol on campus, the decision of the President shall be final.

C. Lessees, Licensees and Guests

Consistent with this Policy, the President is authorized to permit the lawful sale, service or consumption of alcohol on university property by lessees, licensees, and guests. Where the sale of alcohol is proposed, there must be a written agreement with the authorized individual, corporation, organization or other entity containing specific parameters of such use and, depending on the size of the event, adequate and appropriate provisions regarding licensing, indemnification, insurance and/or surety requirements to protect the university, the board, and the state. All other limitations, restrictions, and requirements shall be at the discretion of the President.

Policy Number: 5-109	Policy Name: Agreement Permitting Consumption or Service of Alcoholic Beverages in Athletic Facility - Repealed
Policy Revision Dates: 8/99, 6/88	Page 1

5-109 Agreement Permitting Consumption or Service of Alcoholic Beverages in Athletic Facility

Repealed

Policy Number: 5-110	Policy Name: Sale of Alcoholic Beverages in Athletic Facilities - Repealed
Policy Revision Dates: 8/99, 9/91	Page 1

5-110 Sale of Alcoholic Beverages in Athletic Facilities

Repealed

Policy Number: 5-201	Policy Name: Arizona Students' Association
Policy Revision Dates: 12/97, 12/85, 3/84	Page 1

B. STUDENT AFFAIRS

5-201 Arizona Students' Association

A. General Principles

The relationship between the Arizona Students' Association (hereinafter called ASA) to the Arizona Board of Regents shall be guided by two basic principles: (1) autonomy of operations and financing is essential to ASA's long-term existence, and (2) accountability for providing services and undertaking activities can only be achieved through legal and administrative separation from the three universities.

B. Legal Status

ASA has established itself as a legal entity under the laws of the State of Arizona through incorporation as a non-profit private corporation. The Board of Directors of the Corporation shall be composed of students from each of the universities, as prescribed by the bylaws of ASA.

C. General Purposes

ASA will educate students, serve as a collective voice to promote excellence in education, and guarantee students access to the highest quality education as nearly free as possible.

D. Financing

As agreed to by referenda, ASA shall be self-financed by a one dollar (\$1) per student per semester fee which is refundable upon written request to ASA. This fee is to be delineated on university billing, collected by the universities, and distributed, as soon as practicable, to ASA based on the gross count of students on the twenty-first day of classes each semester.

Policy Number: 5-202	Policy Name: Associated Students
Policy Revision Dates: 12/85	Page 1

5-202 Associated Students

- A. The constitutions of the student bodies of the institutions shall not be submitted to the Board for approval, but the Board may, at the request of the president of an institution, direct the president of the institution to appoint a committee to review the constitution and determine whether revisions are necessary or desirable. The results of the review may be submitted to the Board, if the president and committee so decide, for such action as the Board may deem appropriate.
- B. Associated student bodies of the institutions shall not devote their funds to outside business activities. An associated student body shall not be organized as a corporation nor become a legal entity separate from the university.
- C. The Board has veto power over any activity of the associated student body of each institution and such power may be exercised on behalf of the Board by the administration of the institution consistent with state law and Regents' policies.

Policy Number: 5-203	Policy Name: Funds for Associated Students
Policy Revision Dates: 12/85	Page 1

5-203 Funds for Associated Students

- A. All public funds and funds owned by or under the control of the Board, whether derived from legislative appropriations, student fees or other sources, as have been or may hereafter be transferred under authority of the Board to the account of Associated Students or any other student organization at any institution shall, except as provided in this section, be budgeted and expended by such organization pursuant to applicable provisions of its own constitution and bylaws.
- B. The budget of Associated Students shall not be effective until approved by the president of the institution who may, prior to giving approval, add to or delete from the list of budgeted items and may increase or diminish any budgeted amount.
- C. Expenditures may be made for any item in the approved budget to the amount provided therein, payment to be made by or for such organization in the manner provided by law, at its discretion or that of the president of the institution.

Policy Number: 5-204	Policy Name: Recruitment of Women and Minority Students
Policy Revision Dates:	Page 1

5-204 Recruitment of Women and Minority Students

The Arizona Board of Regents is committed to the goal of increasing enrollment levels and graduation rates for minority and women students in its universities. Each university shall place special emphasis on enrolling, retaining and graduating undergraduate and graduate students whose representation in the student body is less than their representation in the state's total population. Each university shall present to the Board an annual report on present activities, future plans and changes in the enrollment and graduation of women and minority students. This report shall be submitted to the Board concurrent with the affirmative action personnel program report.

Policy Number: 5-204-1	Policy Name: Early Outreach to Other Educational Systems and Ethnic Minority Communities
Policy Revision Dates: 7/90	Page 1

5-204-1 Early Outreach to Other Educational Systems and Ethnic Minority Communities

- A. The Board of Regents is committed to encouraging and supporting university initiatives to develop linkages with minority communities for the purpose of increasing the awareness of children in Grades K-12 and their parents about the importance of higher education, about opportunities for higher education in Arizona, and about the importance of academic preparation for higher education.
- B. Each university should maintain a presence within minority communities to build trust and credibility between minority and university communities and to enhance understanding of the challenges that confront minorities who seek a higher education. The presence should include linkages with community-based organizations including voluntary organizations, religiously affiliated organizations, and tribal governments.
- C. Early outreach initiatives should build upon the strengths inherent in cultural and linguistic diversity.
- D. Early outreach programs should include opportunities for university student participation from various disciplines, especially students from teacher education, sciences, mathematics and social sciences.
- E. Each university should assign high priority to the formation and refinement of linkages with K-12 schools and community colleges designed to enhance academic performance of minority students and to raise awareness about accessibility of higher education.

Policy Number: 5-205	Policy Name: Religious Centers
Policy Revision Dates:	Page 1

5-205 Religious Centers

The Board encourages and fosters religious centers in the vicinity of the campus of each institution, and will collaborate with any religious organization in its endeavor to secure suitable sites outside but near the campus boundaries. The physical properties of religious centers shall not be located within the geographical boundaries of the campuses of the institutions, including the proposed campus expansions as adopted by the Board. Religious groups will not be required to relinquish to the institutions physical facilities established outside the established boundaries in the event of future expansion of the campus of an institution.

Policy Number: 5-206	Policy Name: Student Health Services
Policy Revision Dates: 12/85	Page 1

5-206 Student Health Services

- A. Each university must develop campus health programs designed to help students avoid interruption of the educational process and to prevent conditions which will keep students from taking full advantage of their educational opportunities. Initial medical care, women's health care, mental health service, prompt, efficient and appropriate referral service, and health education are examples of the services which match the major needs of the campus age group. A balanced program stressing both treatment and prevention through education best serves students' needs.
- B. Campus health programs must provide:
1. Treatment which includes ease of reception and acceptance of student patients; expedient and accurate diagnosis; and prompt, effective and humane personal health care.
 2. Education programs which include a full explanation of care given and an emphasis on preventing health problems and on promoting healthful lifetime habits.
- C. Student health programs emphasize a broad range of relevant initial care rather than offering more complex medical treatment or total health care. Increased gynecological services, beyond routine health examinations and initial medical care, may be provided at the centers if fully supported by appropriate user fees.
- University physicians may prescribe medication based upon the medical needs of their patients. Appropriate medical authorities at each university campus health service shall develop the formulary of their pharmacies.
- D. The Board of Regents supports the maintenance in student health services of the statutorily and socially established policy of confidentiality between all health service personnel and patients.
- E. The professional quality of medical services must be equal to the standards of the Accreditation Association for Ambulatory Health Care, Inc., consistent with the recommended Standards and Practices for a College Health Program developed by the American College Health Association.

Policy Number: 5-206	Policy Name: Student Health Services
Policy Revision Dates: 12/85	Page 2

- F. Each student health center should be accredited by an appropriate accrediting agency.

Policy Number: 5-207	Policy Name: Student Health Insurance
Policy Revision Dates: 3/03, 9/86	Page 1

5-207 Student Health Insurance

- A. The universities, through a memorandum of understanding, will operate a student health insurance committee. This committee, subject to the oversight of the Council of Presidents, will request and approve proposals from one or more insurance carriers for the right to offer a student health insurance program to students and their dependents through the registration procedures of each university. One carrier will be selected for all three universities. The committee may select a health insurance consultant to work with the student health insurance committee in the planning, management, marketing, bidding and annual negotiations involved with the administration of the student health insurance plan.

Policy Number: 5-208	Policy Name: Residence Life Regulations and Contracts
Policy Revision Dates: 12/85	Page 1

5-208 Residence Life Regulations and Contracts

- A. Residence life regulations and contracts are the responsibility of each university. Appropriate legal advisors and administrative officers of the university shall review the documents before they become effective.
- B. The Board leaves to the administration of the universities the formulating and enforcing of rules and regulations for occupancy of their family housing facilities.
- C. Each university shall make provisions to maintain an atmosphere within the residence halls conducive to productive study and personal privacy. Rules or regulations of each university shall provide opportunity for faculty, staff, and students enrolled at that university to obtain permission for access to residence halls in order to provide information of general interest to the occupants.

Persons seeking such access may be required to make advanced written request, consult with appropriate residence hall student government organizations, present university identification cards, to advise the person in charge of the desk, to be accompanied by a staff member and to observe posted hours for such activities. Abuse of the occupants' desire for privacy or violation of regulations shall be grounds for revocation of an individual's permit to enter the residence halls. This policy shall not affect regular visitation hours or escort policies currently in effect. No solicitations for sales, commercial purposes, or for financial contributions for individual or personal gain shall be permitted by this policy.

Policy Number: 5-209	Policy Name: Athletic Policies
Policy Revision Dates: 5/94, 9/88, 4/87, 5/86	Page 1

5-209 Athletic Policies

A. Purpose

The purpose of the program of intercollegiate athletics is to provide the following important educational experiences to both men and women:

1. To train in legitimate methods of good sportsmanship, competition, and the will to win.
2. To aid in character development, which includes cooperation and teamwork, leadership qualities, group loyalty, and clean living.
3. To contribute to the development of institutional morale, loyalty, and school spirit.
4. To supply wholesome recreational activity for the participants and other students.
5. To enhance the skill and physical fitness levels of the participants.
6. To serve as a laboratory for the professional courses of those interested in physical education instruction and coaching as a career or in lifetime participation in athletic activities.
7. To provide an additional means through which the public at large and the institutional alumni will identify themselves with the universities for mutually beneficial purposes and for continuing support of the institutions.

B. Authority

Jurisdiction and control over the universities of the State of Arizona are vested by law in the Arizona Board of Regents. These athletic policies are promulgated by the Board in the exercise of such powers, which the Board cannot surrender. Nevertheless, the Board fully recognizes the desirability of promoting and sustaining viable, uniform, and constructive programs of intercollegiate athletics and, therefore, consents that the institutions remain members of the national and conference athletic associations to which they respectively belong, that they may hereafter join such other

Policy Number: 5-209	Policy Name: Athletic Policies
Policy Revision Dates: 5/94, 9/88, 4/87, 5/86	Page 2

and different athletic associations as this Board may approve, and that they abide by the rules and regulations of such associations, always providing, however, (1) that this Board retains plenary jurisdiction over the universities' athletic functions and may hereafter exercise continuing rule-making and amendatory powers, and (2) that in the event of conflict between any, all, or any combination of the policies or regulations of such associations and those of this Board, the latter shall prevail. The provisions of this section are continuing and pervasive; they need not be reiterated.

C. Admission and Retention

1. Standards for admission to and retention in student status apply equally and without variation to all persons alike, whether athlete or non-athlete, and shall be supervised, administered, and uniformly applied by the respective registrars and/or directors of admissions.
2. All individuals who participate in intercollegiate athletics shall be eligible to receive any assistance necessary to achieve satisfactory academic performance and to progress toward graduation at a satisfactory rate.
3. University-wide programs for minority and other disadvantaged students shall be coordinated with special programs to assist minority group student athletes.
4. Tutorial programs for student athletes shall be provided by the universities and graduation rates of student athletes shall be continually monitored by the universities.
5. The committee of the Board of Regents responsible for intercollegiate athletics shall monitor the academic progress of student athletes in football and men's basketball and, if necessary, other sports. The monitoring will be conducted as follows: each university president or president's designee shall submit to the Executive Director of the Board on or before September 15 of each year a copy of all reports the university intercollegiate athletics committee regarding the academic progress of student athletes. The Executive Director may request additional information from the presidents as needed. The Executive Director will submit a

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Policy Revision Dates: 5/94, 9/88, 4/87, 5/86	Page 3

summary of the university reports to the members of the Board and will advise the Chair of the Board's oversight committee regarding any Board actions needed.

D. Eligibility for Participation in Intercollegiate Athletics

1. The faculty athletic representative(s) at each institution shall determine that each student who participates in an intercollegiate athletic event is eligible to participate under the applicable rules and policies of the Board of Regents, the institution, the conference(s) to which it belongs, and any other organization officially recognized by the institution. The head coaches of the respective athletic teams, the director(s) of athletics, and the registrar shall fully and freely cooperate with the faculty athletic representative(s) and shall immediately communicate any and all information which might tend to affect the eligibility to participate of any student athlete.
2. The principle and practice of amateurism in intercollegiate athletics shall be strictly upheld and applied. Each institution is required to ascertain that every student athlete is in amateur status before entering upon any phase of the intercollegiate athletic program at the institution and to assure that such status continues throughout the entire period of participation in that program at the institution. Conference and national association techniques for ascertaining and assuring amateur status may be employed in effectuating the purposes of this subsection.
3. A student who makes or has made false statements, written or oral, or who engages or has engaged in false or deceptive actions or practices in order to gain admission to an institution, to remain there in student athlete status, or to secure or preserve eligibility for participation in or derivation of benefits from the intercollegiate athletic program shall not be permitted to enter such program, or, if already participating therein, may be suspended therefrom pending prompt and fair investigation and ascertainment of the relevant facts. Upon such ascertainment, restoration to such status may be made, exclusion from further participation may be ordered and carried out, or reasonable conditions may be imposed upon continued participation, as the facts of the situation may warrant. The student athlete is subject to the same procedures and

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penalties as may apply to any student who misrepresents or falsifies status or circumstances either to procure admission to an institution, to continue therein, or to procure a benefit therefrom.

4. To be eligible for competition in intercollegiate athletics, a student must be making satisfactory academic progress and be enrolled in an academic program leading to a degree or other approved curriculum. Standards that apply to student athletes must be no lower than standards that apply to other students in evaluating satisfactory academic progress. No special consideration shall be given student-athletes in determining whether or not their scholarship records warrant continuation in the institution.
5. Minimum Cumulative Grade Point Averages
 - a. Student athletes are required to fulfill all minimum grade point average requirements in accordance with applicable NCAA policies.
 - b. In addition to the applicable NCAA requirements referenced above, all student athletes must have a cumulative grade point average for all credit hours earned at the university of at least 2.0 if: (a) they have at least 96 hours earned or accepted in transfer to the university; or (b) they are entering their final seasons of competitive eligibility. This GPA requirement is to be met on a semester by semester basis, once it is first applied.
 - c. Eligibility in accordance with the applicable NCAA requirements shall be determined on a semester by semester basis once these requirements are first applied.
 - d. The requirements of this section are applicable to all transfer students at the completion of their first semester of enrollment.
 - e. Each university shall adopt an internal policy to ensure that student athletes are provided appropriate notice of all applicable grade point average requirements.

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- f. The Board's prior grade point average requirements shall continue to apply to all student athletes at the university until they become subject to the NCAA requirements.

E. Financial Administration

1. Under the general policies and directives of the Arizona Board of Regents, the presidents of the three institutions are responsible for the administration of the athletic funds of their respective institutions.
2. The financial control of the programs of intercollegiate athletics shall be similar to the control of the other activities of the universities. The regular business authorities of the institution shall supervise collection of revenues, purchase of athletic supplies, and the budgetary procedure of the athletic program. All collections and expenditures for the support of the athletic program must clear through and be accounted for through the business offices of the universities, and all accounts for athletics are to be included in the annual audits.
3. Apart from revenues derived from permitted usage of institutional facilities, proceeds from athletic events may not be shared with or divided between any interests other than those (1) of the participating organizations, or (2) of conferences or conference members in accord with prevalent conference regulations approved by this Board.
4. No athletic department staff member is to receive a salary supplement in cash from an outside organization or source for services to the institution concerned. Athletic department staff members shall have the same rights and privileges with respect to outside work, professional or otherwise, as are accorded other members of the institution's staff and faculty. However, it is recognized that the public's interest in athletic programs provides athletic staff members with opportunities not generally available to other university employees. Athletic staff members must therefore take special care not to imply or give the impression of university endorsement of policies, opinions, programs, or commercial products or services.

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5. All contracts and agreements between a university and any athletic booster group that is not under the direct control and jurisdiction of the university itself must be approved by the Board of Regents. The contract or agreement may provide that annual external audits be required and that copies of these audits be provided to the university administration and the Board of Regents.
6. Any contract or agreement in which a university makes available to an outside group a quantity of 500 or more tickets for an individual game or on a season basis for resale by the group must be approved by the Board of Regents prior to delivery of the tickets to the booster group.
7. The university administrations should remain constantly vigilant in all matters relating to improper collections and/or expenditures of funds in violation of the policies of this Board, the Rules of the National Collegiate Athletic Association, and applicable conference regulations.

F. Enforcement of Athletic Policies

At each institution, the enforcement of the Board of Regents' athletic policies is the responsibility of the president of that institution. In the performance of this responsibility, the presidents shall follow the enforcement procedures prescribed by the institution, the appropriate conference(s), and any other organizations officially recognized by the institution as having jurisdiction. Every effort should be made to resolve disputes between institutions by discussions between the faculty athletic representatives and/or athletic directors of the respective institutions involved in the dispute.

G. Recruiting of Prospective Student Athletes

1. Recognizing that students, members of the faculties and staffs, alumni and "booster" groups may attempt to interest eligible prospective students to enroll at some particular institution, such activity is to be condemned when it includes practices considered inimical to proper educational objectives. Specifically, such improper practices would include the following:

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- a. The recruiting of prospective students solely on the basis of expected athletic prowess without due regard to character, demonstrated scholastic achievement, and other desirable qualities.
 - b. Efforts to secure admission to the institution of applicants with expected athletic prowess on standards different than those applicable to other prospective students.
 - c. Efforts to secure the enrollment of prospective student athletes in any of the institutions by the offering of any inducements that do not conform with the standards and requirements of the institutions and of these policies.
2. All funds for the recruiting of prospective student athletes shall be deposited with the member institution. The institution shall be exclusively and entirely responsible for the manner in which it expends the funds.
 3. The books of booster groups of the three universities shall be open to examination and study by an examiner designated at each institution by its president so that the receipts, expenditures, and/or any other relevant matters pertaining to these organizations may be ascertained.
 4. Each university shall adopt and adhere to a formal letter-of-intent program in the recruiting of student athletes. Such program shall be either on a conference or interconference basis conforming with the corresponding prescribed regulations and procedures. All prospective student athletes and their families shall be made aware of the terms of the letter-of-intent and of the penalties involved if the prospective student athlete fails to observe these terms.

H. Miscellaneous

1. The selection and employment of coaches are functions of the respective administrations, which will apply and adhere to standards of competence and integrity no less rigid than those applicable to other personnel of similar rank. In addition to other

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duties, members of the coaching staff may be assigned to teaching duties for which they are qualified.

2. Each institution shall provide adequate safeguards for the health and physical condition of its intercollegiate athletic squads, including the employment on a part- or full-time basis of a competent physician, who will be available when needed for consultation and treatment, and who will have final authority in deciding whether or not any student might be in proper physical condition to engage in athletic practice or competition. It is recommended that each institution obtain group insurance for accident or hospital benefits for injury or illness related to participation in intercollegiate athletics.
3. In the case of disciplinary problems, no special consideration may be given students because of their athletic ability.
4. The price of admission to athletic events, the policies as to seating and concessions shall be determined by the appropriate university authorities on the basis of the best interests of the institutions and without regard to pressure from outside interests. Radio and television coverage and extra events will be negotiated by the appropriate university authority and will be undertaken by the institution only when the president or the president's delegate(s) determine it to be in the best interest of the institution. Agreements for such events shall be negotiated by the president or the delegate(s).
5. Athletic events are a part of the educational program under the control of the institutions and there is no implication of any obligation or responsibility on the part of the institutions to provide the public at large with entertainment.
6. No football game may be scheduled after the second Saturday in December except by special action of the Board of Regents.
7. The president of each university may appoint one or more committees to advise him, or such university officers as he shall so designate, on matters relating to intercollegiate athletics. Full-time students and alumni may be appointed to such committees, but

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university faculty and staff members jointly should constitute at least a two-thirds majority of any such committee. The president shall advise the Board of Regents if he chooses not to appoint any such committee or if the composition of such a committee is to be different than recommended herein.

Policy Number: 5-210	Policy Name: Student Legal Assistance Program
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5-210 Student Legal Assistance Program

- A. The Board authorizes each university to cooperate with the duly elected student officers in establishing and maintaining a campus position designed to advise, counsel, and assist students in areas involving legal and quasi-legal problems. The program shall be conducted in compliance with general policies set forth below and shall further be subject to the Board's usual and customary control of all university operations as set forth in the constitution and the statutes of the State of Arizona.
- B. The student legal assistant program shall be administered under the jurisdiction of the university vice president responsible for student affairs. The position shall be funded from budgeted funds designed for student activities.
 - 1. Where the position of student legal assistant will be filled by the appointment of a qualified university employee, then budgeted funds shall include an amount necessary to cover appropriate fringe benefits, FICA taxes, and other normal employee-related expenses. The appointment may provide for full- or part-time service. If part-time, and the person holding the position is not otherwise employed at the university, the person may also practice law in a private capacity.
 - 2. Where the position of student legal assistant will be filled by the procurement of appropriate professional services pursuant to ABOR Policy 3-801, et. seq. (University Procurement Code), then budgeted funds shall include an amount sufficient to meet the payment requirements of the contract awarded.
- C. The student legal assistant may be chosen in a manner agreed upon by the student governing body and the university administration consistent with Board procurement procedures where applicable, but the appointment or contract award shall be made by the university vice president responsible for student affairs.
- D. The student legal assistant shall counsel and advise students and shall, if appropriate, refer students to the county legal aid society or the county bar association legal referral service. Attempts shall be made to resolve problems through counseling, negotiation, and conciliation. Mediation

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may also be utilized if the parties and students so elect. In the event the legal assistant is not successful in resolving a problem, he or she may refer the student to the above-mentioned sources for additional legal aid. The student legal assistant shall not represent a student in any adversarial proceedings, judicial or administrative, shall not charge a fee to students, shall not represent a student charged with violation of the Arizona Criminal Code or the Board's Code of Conduct, and shall not either directly or indirectly participate as an attorney in any litigation on behalf of a student against the State of Arizona, the United States government, county or municipal governing bodies, nor the officers, agencies, appointees, employees or other representatives of such political entities, including the university and university officers and employees.

- E. Any attorney-client relationship shall be derived solely from the limited counseling, advising, and referral services provided as student legal assistant. No referral shall be made to specific attorneys or firms of attorneys except where a county legal aid society is serving as the student legal assistant.
- F. The student legal assistant shall be a member of the Arizona State Bar in good standing or a law firm or other entity whose members are qualified to practice law in Arizona. The student legal assistant shall abide by the professional ethics requirements to which all attorneys practicing in Arizona are subject. The student legal assistant shall be hired for a period not to exceed one year and the funding for the position shall be subject to change or deletion at each budgeting sequence of the university's student association.
- G. Any student legal assistant who is also practicing law in a private capacity shall not represent any student whom the student legal assistant has consulted, counseled, advised, or otherwise assisted while serving in the capacity of student legal assistant.
- H. The university administration may discontinue the program if the program adversely affects the proper functioning of the university or is determined not to be in the best interests of the university.

Policy Number: 5-301	Policy Name: Code of Conduct - Preamble
Policy Revision Dates: 9/83, 5/83	Page 1

C. CODE OF CONDUCT

5-301 Preamble

A. Jurisdiction and Authority

1. The Arizona Board of Regents is charged by law to exercise control and supervision of the three state universities, their properties and activities, and is authorized to enact ordinances for the government of the institutions under its jurisdiction. The Board is further required by law to adopt rules and regulations for the maintenance of public order upon all university property under its jurisdiction. The Board has promulgated this Code of Conduct (ABOR Policy 5-301, et seq.) in order to meet its responsibilities under Arizona law.
2. The administration at each of the state universities is to assist the Board in the enforcement of the rules and regulations set forth under this Code of Conduct, but the authority of the administration is subject to the ultimate authority of the Board.

B. Philosophy

1. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change and respect for the rights of all individuals. This Code of Conduct is designed for the promotion and protection of such an environment at each of the state universities.
2. Acceptance of membership in the university community amounts to neither a surrender of those individual rights accorded to all citizens of this country nor a means for escaping the attendant fundamental responsibilities of that citizenship. Membership in the university community brings rights as well as responsibilities. This Code of Conduct shall be implemented by the adoption of sets of procedural rules appropriate for the various segments of the university community, which shall provide for the full protection of individual rights and freedoms.

C. Purpose and Intent

Policy Number: 5-301	Policy Name: Code of Conduct - Preamble
Policy Revision Dates: 9/83, 5/83	Page 2

1. The primary purpose for the enactment of this Code of Conduct is to set forth in a clear and concise manner the rules and regulations of conduct expected of those who join the university community, or who are present on the university campus or participating in any university-sponsored activity.
2. It is intended that the sanctions listed in this Code of Conduct be imposed and enforced for the protection of the university community and for the maintenance of order and stability, both with respect to activities occurring on the university campus and with regard to all university-sponsored activities.

D. Limitations Upon Code of Conduct Coverage

1. The adoption of this Code of Conduct does not prohibit any university or the Arizona Board of Regents from adopting or maintaining additional conditions, rules, regulations and procedures not in conflict with this Code of Conduct and which address matters not covered by this Code of Conduct. Charges brought pursuant to this Code of Conduct may be combined with charges brought pursuant to other conditions, rules or regulations, provided administrative procedures for enforcement of the Code of Conduct are used to resolve the charges.
2. Among the matters specifically excluded from coverage under this Code of Conduct are the following:
 - a. Rules and regulations that have been or will be adopted by each university which pertain to the control of vehicles on university property.
 - b. Regulations and procedures relating to student academic performance, other than academic dishonesty matters, e.g., grade appeal procedures.
 - c. Student housing regulations and contracts where sanctions are not imposed that extend beyond the student housing setting.

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Policy Revision Dates: 9/83, 5/83	Page 3

3. The Code of Conduct is not intended to interfere with the internal corporate affairs of organizations such as the Associated Students, sororities, fraternities, honor societies, and similar organizations, but such organizations are otherwise subject to this Code of Conduct.

E. Violations of Law and Code of Conduct Regulations

Members of the university community may be accountable to both civil authorities (city, state or federal) and to the university for acts that constitute violations of law and of this Code of Conduct. Disciplinary action at the university may proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. There is no legal basis for any claim of double jeopardy and no right to immunity may be urged in any administrative proceeding.

Policy Number: 5-302	Policy Name: Code of Conduct - Definitions
Policy Revision Dates: 9/83, 5/83	Page 1

5-302 Definitions

In this Code of Conduct, unless the context otherwise provides or requires:

1. "Aggravated violation" means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal university or university-sponsored activities.
2. "Board" means the Arizona Board of Regents.
3. "Cheating" means intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise.
4. "Controlled substance" means a drug or substance listed in schedules contained in A.R.S. 36-2512 through 36-2516.
5. "Distribution" means sale or exchange for personal profit.
6. "Fabrication" means intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
7. "Faculty" means all employees of the Arizona Board of Regents in teaching, research, or service, whose notice of appointment is as lecturer, instructor, assistant professor, associate professor, professor or otherwise designated as faculty on the notice of appointment. Graduate students who serve as assistants, associates or otherwise, are academic appointees as well as graduate students but are not members of the faculty.
8. "Group" means a number of persons who are associated with each other and who have not complied with university requirements for registration as an organization.
9. "Illegal drug" means any drug whose use, possession or distribution is prohibited or restricted by provisions of Title 13 of the Arizona Revised Statutes, and includes, without limitation, narcotic drugs, dangerous drugs, marijuana and peyote.

Policy Number: 5-302	Policy Name: Code of Conduct - Definitions
Policy Revision Dates: 9/83, 5/83	Page 2

10. "Organization" means a number of persons who are associated with each other and who have complied with university requirements for registration.
11. "Plagiarism" means intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.
12. "President" means the president of the university or a designee.
13. "Reckless" means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with university or university-sponsored activities.
14. "Student" means any person registered or enrolled in one or more classes except a faculty member or full-time employee who takes any course as a privilege of employment. Graduate students who serve as assistants, associates or otherwise, and all other students employed part-time are classified as students rather than faculty or other university employee.
15. "University" means the appropriate university involved: The University of Arizona, Arizona State University, Northern Arizona University, and any other university governed by the Arizona Board of Regents.
16. "University campus" means all land, buildings, facilities and other property owned, used or controlled by the university.
17. "University community" means university, students, administrative and staff personnel, members of the faculty and all other university employees.
18. "University property" means all real and personal property owned by the university or owned by the Arizona Board of Regents and used by the university and includes all such property in the possession of or subject to the control of the university.
19. "University-sponsored activity" means any activity on or off campus which is initiated, aided, authorized or supervised by the university.

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Policy Revision Dates: 9/83, 5/83	Page 3

20. "Weapon" means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, without limitation, all firearms, pellet guns, switchblade knives, knives with blades five or more inches in length, and chemicals such as "mace" or tear-gas, but excluding normally available over-the-counter self-defense chemical repellents.

Policy Number: 5-303	Policy Name: Prohibited Conduct
Policy Revision Dates: 9/83, 5/83	Page 1

5-303 Prohibited Conduct

The following misconduct is subject to disciplinary action:

1. All forms of student academic dishonesty, including cheating, fabrication, facilitating academic dishonesty and plagiarism.
2. Intentionally or recklessly causing physical harm to any person on the university campus or at a university-sponsored activity, or intentionally or recklessly causing reasonable apprehension of such harm.
3. Unauthorized use, possession or storage of any weapon, explosive device or fireworks on the university campus or at a university-sponsored activity.
4. Initiating or causing to be initiated any intentionally false report, warning or threat of fire, explosion or other emergency on the university campus or at a university-sponsored activity.
5. Intentionally or recklessly interfering with normal university or university-sponsored activities, including, but not limited to, studying, teaching, research, university administration, or fire, police or emergency services.
6. Knowingly violating the terms of any disciplinary sanction imposed for an earlier violation of this Code of Conduct.
7. Unauthorized use, possession or distribution or possession for purposes of distribution of any controlled substance or illegal drug on the university campus or at a university-sponsored activity.
8. Intentionally or recklessly misusing or damaging fire safety equipment.
9. Intentionally furnishing false information, including false identification, to the university.
10. Forgery, unauthorized alteration or unauthorized use of any university document or instrument of identification.

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Policy Revision Dates: 9/83, 5/83	Page 2

11. Intentionally and substantially interfering with the freedom of expression of others on the university campus or at a university-sponsored activity.
12. Theft or misappropriation of property or of services on the university campus or at a university sponsored activity; known possession of stolen property on the university campus or at a university-sponsored activity.
13. Intentionally or recklessly destroying, damaging or misappropriating university property or the property of others on the university campus or at a university-sponsored activity.
14. Failure to comply with the directions of university officials, including campus police officers, acting in good faith and in the performance of their duties.
15. Failure to comply with other published rules and regulations of conduct that may from time to time be adopted by the Board or the university, including, without limitation, restrictions on the sale or possession of alcoholic beverage on the university campus or at university-sponsored activities.
16. Unauthorized presence in or use of the university campus, facilities or property.

Policy Number: 5-304	Policy Name: Sanctions
Policy Revision Dates: 9/83, 5/83,	Page 1

5-304 Sanctions

- A. In addition to any other interim or final action which may be taken to enforce this Code of Conduct, any person, whether a member of the university community or not, may be ordered to leave the university campus when the president, or such other officer or employee designated by the president to maintain order on the university campus, has reasonable grounds to believe the person is committing any act which interferes with or disrupts the lawful use of university property by others or has reasonable grounds to believe any person has entered upon the university campus for the purpose of committing such an act.
- B. One or more of the following sanctions may be imposed for violation of the disciplinary regulations set forth in ABOR Policy 5-303 (Prohibited Conduct):
1. **EXPULSION:** Permanent separation of the person from the university. As applied to faculty and other university employees, expulsion may involve dismissal and termination of employment or nonrenewal of an employment contract. An indication of expulsion will appear on the student's transcript or be maintained in the permanent file of the university employee. The person will also be barred from the university campus.
 2. **SUSPENSION:** Separation of the person from the university for a specified period of time. Permanent notification may appear on the student's transcript or in the file of the university employee. Except where any administrative decision under this Code of Conduct indicates otherwise, a person suspended under this Code of Conduct shall not participate in any university-sponsored activity, may be barred from the university campus, and where such person is a faculty member or other university employee, any suspension shall be without pay or other benefits incidental to the person's employment position.
 3. **PROBATION:** This sanction shall be applicable to students only and may include forfeiture of campus privileges for a definite period of time. Additional restrictions or conditions may also be imposed. Appropriate university officials shall be notified of the imposition of such sanctions.

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Policy Revision Dates: 9/83, 5/83,	Page 2

4. FORFEITURE: This sanction shall only be applicable to faculty members or other university employees, and shall include forfeiture of the right or expectation to an increase in pay, sabbatical leave, or summer employment for a definite period of time.
5. WARNING: The person is warned that further misconduct may result in more severe disciplinary action.
6. RESTITUTION: Payment to the university or to other persons, groups, or organizations for damages incurred as a result of the violation of this Code of Conduct.

C. Imposition of any sanctions shall take into account the following:

1. Sanctions shall be imposed pursuant to the administrative procedures referred to in ABOR Policy 5-306 (Enforcement of the Code).
2. Mitigating factors may be considered. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the individual charged with a Code of Conduct violation, as well as the nature of the offense and the severity of any damage, injury or harm resulting from it.
3. Repeated violations or an aggravated violation of any section of this Code of Conduct may result in the imposition of a more severe sanction.
4. Attempts to commit acts prohibited by this Code of Conduct shall be subject to sanctions of the Code of Conduct to the same extent as completed violations.

Policy Number: 5-305	Policy Name: Groups and Organizations
Policy Revision Dates: 9/83, 5/83	Page 1

5-305 Groups and Organizations

- A. Student, faculty and employee groups or organizations may be charged with violations of this Code of Conduct.
- B. Such a group or organization and its officers may be held collectively or individually responsible when violations of this Code of Conduct by those associated with the group or organization have received the tacit or overt consent or encouragement of the group or the organization or its leaders, officers or spokespersons.
- C. The officers or leaders or any identifiable spokesperson for such a group or an organization may be directed by the president of the university to take appropriate action designed to prevent or end violations of this Code by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting on its behalf. Failure to make reasonable efforts to comply with such a directive shall be considered a violation of ABOR Policy 5-303.14 (Prohibited Conduct) of this Code of Conduct, both by the officers, leaders or spokesperson for the group or the organization and by the group or organization itself.
- D. Sanctions for group or organization misconduct may include revocation of the use of university facilities for a definite period of time or denial of recognition or registration, as well as other appropriate sanctions, permitted under this Code of Conduct.

Policy Number: 5-306	Policy Name: Enforcement of the Code of Conduct
Policy Revision Dates: 9/83, 5/83	Page 1

5-306 Enforcement of the Code of Conduct

- A. The provisions of this Code of Conduct shall be enforced through use of the following administrative procedures:
1. Faculty shall be subject to those procedures set forth in ABOR Policy 6-201.L (Conditions of Faculty Service, Hearing Procedures for Faculty).
 2. Administrators shall be subject to those procedures set forth in ABOR Policy 6-101.H (Conditions of Administrative Service, Termination and Release).
 3. All other university employees shall be subject to the applicable grievance procedures existing at the university.
 4. Students shall be subject to ABOR Policy 5-401, et seq. (Student Disciplinary Procedures) adopted by the Board.
- B. For purpose of enforcement of this Code of Conduct, a group or organization shall be subject to the same procedures as the majority of its members would be subject to if charged on an individual basis with a violation of this Code of Conduct.

Policy Number: 5-307	Policy Name: Miscellaneous Provisions
Policy Revision Dates: 9/83, 5/83	Page 1

5-307 Miscellaneous Provisions

- A. The several sections and provisions of this Code of Conduct are hereby declared to be independent and severable and if any section, subdivision, word, sentence or clause be held void or non-enforceable such holding shall not affect the validity or enforceability of any other part or parts of this Code of Conduct which can be given effect without the invalid or non-enforceable portion.
- B. The list of prohibited misconduct set forth in ABOR Policy 5-303 (Prohibited Conduct) shall be interpreted broadly and is not designed to define misconduct in exhaustive terms.
- C. The Board reserves the right to take necessary and appropriate action to protect the safety and well-being of the university community.
- D. Any prior existing Code of Conduct is repealed except that any pending action or proceeding shall not be affected by this Code of Conduct and will be subject to the Code of Conduct provisions in effect at the time the action or proceeding was originally brought.

Policy Number: 5-308	Policy Name: Student Code of Conduct
Policy Revision Dates: 6/00	Page 1

5-308 Student Code of Conduct

A. Jurisdiction and Authority

1. Under Arizona law, the Arizona Board of Regents is responsible for the control and supervision of the state universities and their properties and activities. The Board is authorized to enact ordinances for the governance of the universities and the maintenance of public order upon all property under its jurisdiction. The Board has promulgated this Student Code of Conduct in order to meet its responsibilities under Arizona law.
2. The Presidents are authorized to enforce the Student Code of Conduct.
3. Violators may be accountable to both civil and criminal authorities and to the university for acts of misconduct that constitute violations of the Student Code of Conduct. At the discretion of university officials, disciplinary action at the university may proceed during the pendency of other proceedings. Sanctions may be imposed for acts of misconduct that occur on university property or at any university sponsored activity. As further prescribed in these rules, off-campus conduct may also be subject to discipline. With respect to student organizations, and their members, university jurisdiction extends to premises used or controlled by the organizations.

B. Philosophy

1. The aim of education is the intellectual, personal, social, and ethical development of the individual. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change and respect for the rights of all individuals. Self discipline and a respect for the rights of others in the university community are necessary for the fulfillment of such goals. The Student Code of Conduct is designed to promote this environment at each of the state universities.
2. The Student Code of Conduct sets forth the standards of conduct expected of students who choose to join the university community.

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3. Students who violate these standards will be subject to disciplinary sanctions in order to promote their own personal development, to protect the university community, and to maintain order and stability on campus.

C. Scope

1. The adoption of the Student Code of Conduct does not prohibit any university or the Board of Regents from adopting or maintaining additional rules to govern the conduct of students. Allegations of misconduct brought under the Student Code of Conduct may be combined with allegations arising under other university or Board rules.
2. The Student Code of Conduct applies to individual students and to student organizations.
3. Students and student organizations are also subject to the following rules:
 - a. Rules adopted by each university to govern the control of vehicles and other modes of transportation on university property
 - b. Rules relating to student classroom conduct, academic dishonesty, academic eligibility, performance and evaluation
 - c. Rules governing student housing
 - d. Rules governing the maintenance of public order
 - e. Rules governing the conduct of student athletes
 - f. Rules governing the use of university communication and computing resources, and
 - g. Such other rules as may be adopted by the Board or universities in furtherance of university and educational goals.

D. Student Organizations

1. Student organizations may be charged with violations of the Student Code of Conduct.

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2. Student organizations, as well as their members, may be held collectively and/or individually responsible for violations if the misconduct occurs: (a) on university property; (b) on premises used or controlled by the organization; or (c) at university-sponsored activities.
3. The officers or leaders of a student organization may be held collectively and/or individually responsible when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization's officers or leaders or if those officers or leaders knew that such violations were being or would be committed.
4. The officers or leaders of a student organization may be directed to take action designed to prevent or end such violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the Student Code of Conduct, both by the officers or leaders of the organization and by the organization.

E. Definitions

Definitions provided elsewhere in this chapter are applicable to this Student Code of Conduct. Terms not expressly defined in the Student Code of Conduct will be interpreted in accordance with state and federal law. In the Student Code of Conduct, unless the context otherwise provides or requires:

1. "Board" means the Arizona Board of Regents.
2. "Controlled substance" means a drug or substance whose use, possession, or distribution is controlled under state or federal law.
3. "Dean of Students" means the administrative officer bearing this or similar title and includes his/her designee.
4. "Distribution" means sale, exchange, transfer, delivery, or gift.
5. "Endanger" means to bring into danger or peril.

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6. "Fabrication" means falsification or invention of any information or citation.
7. "Gambling" means any illegal betting, including but not limited to: wagering on or selling pools on any athletic or other event; possessing on one's person or premises (e.g., room, residence unit, car), or in a computer account or electronic format, any card, book or other device for registering bets; knowingly using or permitting the use of one's premises or one's telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel or electronic or telephonic communication related to 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.
8. "Hazing" means any activity undertaken or situation created, by any individual, group of individuals or organization, in which individuals are voluntarily or involuntarily subjected to activities that have the potential to harass, intimidate, impart pain, humiliate, invite ridicule or cause undue mental or physical fatigue or distress, or to cause mutilation, laceration, or bodily injury. Hazing includes, but is not limited to, paddling in any form, physical or psychological shocks, late work sessions that interfere with scholastic activities, advocating or promoting alcohol or substance abuse, tests of endurance, submission of members or prospective members to potentially dangerous or hazardous circumstances or activities which have a foreseeable potential for resulting in personal injury, or any activity which by its nature may have a potential to cause mental distress, panic, human degradation, or embarrassment.
9. "Illegal drug" means any drug whose use, possession, or distribution is prohibited or restricted by state or federal law.
10. "Plagiarism" means representing the words or ideas of another as one's own.
11. "President" means the president of the university or his/her designee.

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12. "Stalking" means engaging in a course of conduct that is directed toward another person if that conduct would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member or close acquaintance, and that person in fact fears for their safety or the safety of that person's immediate family member or close acquaintance.
13. "Student" means any person who is currently registered or enrolled in one or more classes at the university or in any university-sponsored program or who was enrolled the previous term or who is or was registered for a future term, including a faculty member or other employee so registered or enrolled.
14. "Student organization" means an organization composed primarily of students that has been registered or has received recognition according to university policies and procedures or is affiliated with a university department.
15. "University" means either the University of Arizona, Arizona State University, Northern Arizona University, or any other university campus or division governed by the Arizona Board of Regents.
16. "University community" means all university students, employees, and guests.
17. "University property" means all resources, including but not limited to real and personal property, money, and intellectual property owned, operated, controlled or in the possession of the university or the Arizona Board of Regents.
18. "University-sponsored activity" means any activity on or off campus initiated, approved, or supervised by the university.

F. Prohibited conduct

1. All forms of student academic dishonesty, including but not limited to, cheating, fabrication, facilitating academic dishonesty and plagiarism.

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2. Endangering, threatening, or causing physical harm to any member of the university community or to oneself or causing reasonable apprehension of such harm.
3. Violating the terms of any disciplinary sanction imposed for an earlier violation of the Student Code of Conduct or other Board or university rules.
4. Violation of, or attempt to violate, other published rules that may be adopted by the board or by the university.
5. Furnishing false information, including false identification, or failure to provide information to the university or to any university employee or agent, including campus law enforcement or security officers or other agents, acting in good faith.
6. Initiating, causing or contributing to any false report, warning or threat of fire, explosion or other emergency.
7. Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in good faith and in the performance of their duties.
8. Forgery, falsification, unauthorized alteration, or misuse of campus documents, records, or identification, including, but not limited to, electronic software and records.
9. Unauthorized presence in or unauthorized use of university property, resources, or facilities.
10. Unauthorized access to, disclosure of, or use of any university document, record, or identification, including but not limited to, electronic software, data, and records.
11. Interfering with university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.

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12. Misrepresenting oneself or an organization as an agent of a university.
13. Possession of property the student knows or has reason to believe may be stolen or misappropriated.
14. Misuse, theft, misappropriation, destruction, damage, or unauthorized use, access, or reproduction of property, data, records, equipment or services belonging to the university or belonging to another person or entity.
15. Violation of Board or university rules governing alcohol, including consumption, distribution, unauthorized sale or possession of alcoholic beverages.
16. Unauthorized use, sale, possession or distribution of any controlled substance or illegal drug or possession of drug paraphernalia that would violate the law.
17. Off-campus conduct involving sale or distribution of illegal drugs or controlled substances, or violence that may present a danger to the safety of the university community.
18. Off-campus conduct related to gambling associated with any university event or activity.
19. Gambling as prohibited by law or applicable policy.
20. Engaging in, supporting, promoting, or sponsoring hazing or violating university rules governing hazing.
21. Engaging in harassment or repeated unwanted contact, including, but not limited to, stalking.
22. Engaging in discriminatory activities, whether unlawful or whether prohibited by university policy, on the basis of age, ethnicity, gender, disability, color, national origin, race, religion, sexual orientation, or veteran status.

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23. Interfering with any university disciplinary process, including but not limited to tampering with physical evidence or inducing a witness to provide false information or to withhold information.
24. Engaging in any sexual offense, including but not limited to, sexual assault, public sexual indecency or indecent exposure.
25. Use, possession, display or storage of any weapon, dangerous instrument, explosive device, fireworks, or dangerous chemical unless specifically authorized by university officials.
26. Commission of any offense prohibited by state or federal law.

Any attempt to commit or conceal an act of misconduct prohibited by these rules is subject to sanctions to the same extent as completed acts.

G. Sanctions

1. The Dean of Students may impose one or more of the following sanctions for any violation of the Student Code of Conduct:
 - a. Expulsion: Permanent separation of the student from the university. An indication of expulsion may appear on the student's transcript. The expelled student will not participate in any university-sponsored activity and will be barred from university property.
 - b. Suspension: Temporary separation of the student from the university for a specified period of time or until specific conditions, if imposed, have been met. An indication of suspension may appear on the student's transcript. Except where prior approval has been granted by the Dean of Students, a suspended student will not participate in any university-sponsored activity and will be barred from the university campus.
 - c. Probation: Removal of the student from good disciplinary standing. Additional restrictions or conditions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any

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violation of these rules, the conditions of probation or other university rules committed during the probationary period will subject the student to further discipline, including suspension or expulsion.

- d. Warning: A written statement advising the student that a violation of the Student Code of Conduct has been committed and that further misconduct may result in more severe disciplinary action.
- e. Administrative hold: A status documented in the registrar's official file which precludes the student from registering, from receiving transcripts, or from graduating until clearance has been received from the Dean of Students in accordance with university rules.
- f. Restricted access to university property: A student's access to university property, including but not limited to research, communication and computing resources, may be restricted for a specified period of time or until certain conditions are met.
- g. Organizational sanctions: Sanctions for organizational misconduct may include revocation of the use of university property or privileges for a definite period of time, revocation or denial of recognition or registration, or suspension of social or intramural activities or events, as well as other appropriate sanctions permitted under the Student Code of Conduct or other rules of the university.
- h. Program/support: A student may be required to complete an educational program.
- i. Interim action: Suspension of a student for an interim period prior to resolution of the disciplinary proceeding.
- j. Classroom conduct: Each university may adopt procedures regarding student conduct that takes place while participating in academic activities. These procedures may outline sanctions including, but not limited to, lower-level

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warnings, administrative drop from a particular class, or other sanctions as appropriate.

k. Other sanctions permissible under existing university rules.

2. A student who has been suspended or expelled from one university will be ineligible for re-enrollment or re-admission to any university except as follows:

a. A student who has been suspended at one university will not generally be eligible for admission or re-enrollment at another university until the student has met the conditions for reinstatement at the university that imposed the suspension. The conditions for reinstatement may be waived in whole or in part at the discretion of the Vice President for Student Affairs at the admitting university.

b. Each university may adopt rules and procedures to consider a request for readmission from a student who has been previously expelled, which shall include criteria to be used in evaluating a request for readmission, and shall provide that a decision to readmit must be approved by the Vice President for Student Affairs at the admitting university.

H. Determining What Sanction to Impose

1. Mitigating and aggravating factors may be considered. Factors to be considered in mitigation or aggravation may include the individual's prior disciplinary record, the nature of the offense, the severity of any damage, injury or harm resulting from the violation, the payment of restitution to the university or to any victims, or any other factors deemed appropriate under the circumstances, including but not limited to the individual's participation in an approved counseling program.

2. Repeated violations of the Student Code of Conduct may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.

Policy Number: 5-308	Policy Name: Student Code of Conduct
Policy Revision Dates: 6/00	Page 11

I. Enforcement

1. Student sanctions shall be enforced through use of the student disciplinary procedures adopted by the Board (ABOR policy 5-401 et seq.).
2. Sanctions for organizational misconduct shall be enforced through the use of the Student Disciplinary Procedures adopted by the Board (ABOR policy 5-401, et seq.) or through other procedures established by each university.

J. Miscellaneous provisions

1. The description of prohibited conduct shall be interpreted as broadly as consistent with applicable law.
2. The Presidents are authorized by the Board to take other actions or to adopt other rules to protect university property and the safety and well-being of members of the university community and the public.
3. The prior Student Code of Conduct no longer governs conduct by students, except that any pending action or proceeding shall not be affected by this Student Code of Conduct and will be subject to the code provisions in effect at the time the action or proceeding was brought.
4. The Code of Conduct (ABOR Policy 5-301 through 5-307), remains in effect with regards to students to the extent it is not inconsistent with this policy. If both the Code of Conduct and the Student Code of Conduct address an issue regarding a student, the Student Code of Conduct will govern that issue.

Policy Number: 5-401	Policy Name: Student Disciplinary Procedures - General
Policy Revision Dates: 9/00, 9/89	Page 1

D. STUDENT DISCIPLINARY PROCEDURES

5-401 General

- A. The purpose of this policy is to establish disciplinary procedures to guide the enforcement of the Student Code of Conduct. These procedures are applicable to any student or student organization that is charged with a violation of the Student Code of Conduct.
- B. These disciplinary procedures are designed to allow for fact-finding and decision-making in the context of an educational community, and to encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and the legitimate interests of the university.
- C. The universities may use mediation or conciliation procedures in addition to these disciplinary procedures in accordance with policies and procedures adopted by each university.
- D. Student records that, in accordance with the Family Educational Rights and Privacy Act (FERPA), are generated during the information gathering/decision-making process associated with these procedures are confidential.

Policy Number: 5-402	Policy Name: Definitions
Policy Revision Dates: 9/00, 9/89	Page 1

5-402 Definitions

- A. The definitions provided elsewhere in this chapter are also applicable to this policy except where otherwise indicated.
- B. The following additional definitions are included in this policy:
 - 1. "Adviser" means an individual selected by the student to advise him/her. The adviser may be a faculty or staff member, student, attorney, or other representative of the student.
 - 2. "Complainant" means any individual who initiates the referral procedures set forth in the policy.
 - 3. "Day" means normal university business day, not including Saturday, Sunday, any officially recognized university employee holiday, or any day the university is closed.
 - 4. "Vice President for Student Affairs" means the administrative officer bearing such title, related title, or his/her designee.

Policy Number: 5-403	Policy Name: Disciplinary Procedures
Policy Revision Dates: 9/00, 9/89	Page 1

5-403 Disciplinary Procedures

A. Initiation of Charges

1. Disciplinary charges will be initiated by submitting a written referral to the Dean of Students.
2. The referral must state sufficient facts, including specific names(s), date(s), locations and descriptions of the alleged act(s) of misconduct to enable the Dean of Students to decide whether further fact-finding is necessary. The referral must be signed by the complainant.
3. Where the alleged misconduct is related to discrimination or harassment, the Dean of Students will consult with the Affirmative Action Office to determine whether an affirmative action investigation is warranted. A determination by the Dean of Students will be made following consultation with the Affirmative Action Office.
4. If the alleged misconduct is related to academic dishonesty, the charges will be investigated and sanctions, if any, imposed by the appropriate academic unit according to established university procedures. If the sanction imposed is either expulsion or suspension, then the student is entitled to a hearing according to the procedures set forth in ABOR Policy 5-403D., (Disciplinary Procedures, Review by University Hearing Board). Each university may develop procedures to define academic dishonesty, informal resolution of allegations, the composition of an academic integrity hearing board and the identify of the ultimate decision-maker.

B. Interim Action.

1. At any time following the submission of a written referral, the Dean of Students may suspend a student for an interim period prior to resolution of the disciplinary proceeding if the Dean believes that the information that supports the allegations of misconduct is reliable, and determines that the continued presence of the student on the university campus poses a threat to any individual, property or university function.

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2. The decision to suspend a student for an interim period will be communicated in writing to the student, and will become effective immediately as of the date of the written decision.
3. The interim suspension will remain in effect until a final decision has been made on the pending charges or until the Dean determines that the reasons for imposing the interim suspension no longer exist.
4. A student who is suspended for an interim period will be provided an opportunity to respond to the allegations of misconduct no later than five (5) days following the effective date of the interim suspension.
5. The Dean of Students may impose other forms of interim action, such as immediate removal from university housing or exclusion from one or more classes or other locations.

C. Review and Decision by Dean of Students

1. The Dean of Students will make an initial determination as to whether there is a sufficient basis to believe that a violation of the Student Code of Conduct may have occurred. The Dean may decide to interview the complainant and/or other witnesses or to request additional information from the complainant.
2. If the Dean determines that there is a sufficient basis to believe that a violation of the Student Code of Conduct may have occurred, then the Dean of Students will promptly notify the student in writing of the alleged violation and will gather further information, if needed, by interviewing witnesses and reviewing documents. Members of the university community will be expected to comply with any request or directive issued by the Dean in connection with a disciplinary proceeding, unless compliance would result in significant personal hardship or substantial interference with normal university functions.
3. A student who is charged in a Student Code of Conduct referral will be provided an opportunity to meet with the Dean of Students. A

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student who fails to attend the meeting with the Dean will forfeit his/her right to respond on his/her behalf regarding the alleged violation, unless the student can demonstrate that an extraordinary circumstance prevented his/her appearance. If the student fails to attend the meeting, the Dean may proceed as described in ABOR Policy 5-403C.6. (Disciplinary Procedures, Review and Decision by Dean of Students).

4. At the meeting the student will be provided with the following:
 - a. An explanation of the charges that have been made;
 - b. A summary of the information gathered;
 - c. A reasonable opportunity for the student to reflect upon and respond on his/her own behalf to the charges; and
 - d. An explanation of the applicable disciplinary procedures, including the student's right to request a hearing before a University Hearing Board if a serious disciplinary sanction (expulsion or suspension) is imposed.
5. If necessary any further information gathered will be presented to the student and an additional opportunity to respond will be provided.
6. The Dean of Students will determine whether it is more likely than not that a violation of the Student Code of Conduct has occurred and, if so, the appropriate disciplinary sanction to apply. In determining the sanction, the Dean will consider any mitigating factors, including any prior violations of the Student Code of Conduct.
7. The Dean of Students will inform the student of the decision, in writing, within seven (7) days of the student's last opportunity to respond. When feasible, this information will also be communicated in a face-to-face meeting.
8. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any. This

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decision is final, unless the student requests a hearing to review a decision to suspend or expel. The effective date of a suspension (except for interim suspension) or expulsion may be no sooner than twenty (20) days following the date on which the notice was posted or personal delivery of the written decision.

9. If the sanction imposed includes either expulsion or suspension, the student will be informed of his/her right to request a hearing before a University Hearing Board by filing a written request with the Dean of Students no later than twenty (20) days following the date on which the notice was posted or personal delivery of the written decision.
10. The filing of a timely written request for a hearing will suspend the imposition of the disciplinary sanction, except for interim suspension, pending the outcome of the hearing. If the sanction is suspension or expulsion, and the student requests a hearing, the student will not be permitted to graduate until the hearing process has been concluded. If the student elects not to request a review of the Dean's decision and signs a statement to that effect, then that decision is a final decision that becomes effective immediately.

D. Review by University Hearing Board

1. Purpose of the Hearing Board

The Hearing Board is the body that reviews appeals submitted to the Dean regarding student suspension/expulsions. The purpose of the Hearing Board is to formulate a recommendation to the Vice President for Student Affairs as to whether a violation of the Student Code of Conduct was more likely than not to have been committed by the student, and if so, the appropriate sanction to be imposed.

2. Composition of the Board

- a. Student disciplinary hearings will be conducted by a Hearing Board composed of five (5) members, including two (2) students, two (2) faculty members, and one (1) non-faculty

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employee. One member, designated the chairperson, will serve as the presiding officer.

- b. Each university will establish its own rules to govern the selection process for Hearing Board members.
- c. The university will provide orientation for Hearing Board members.

3. Pre-Hearing Procedures

- a. The Hearing Board members will be notified in writing of their selection.
- b. The chairperson will convene the Board no later than twenty (20) days following receipt of the student's written request for a hearing.
- c. The chairperson, who may be assisted by the Dean of Students, will prepare and send a written notice to the student no less than ten (10) days prior to the date set for the hearing. The notice will be delivered personally or by mail directed to the address furnished by the student on his/her hearing request. The notice will include:
 - (1) A statement of the date, time, location and nature of the hearing;
 - (2) A written statement of the charges that specifies the allegations of misconduct in sufficient detail to enable the student to respond;
 - (3) Notice of right to legal representation;
 - (4) A copy of the Student Code of Conduct and these Student Disciplinary Procedures; and
 - (5) A list of the names of all Hearing Board members, and the university address of the chairperson.

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- d. If the student cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, he/she must notify the hearing board chairperson in writing. The chairperson will determine whether to approve or deny the request to reschedule the hearing.
- e. No later than five (5) days prior to the hearing, the parties will exchange the following information in writing:
 - (1) A list of the names and addresses of the witnesses who may be called to speak at the hearing;
 - (2) A concise summary of the anticipated statements of each witness;
 - (3) Copies of all documents or notarized statements to be presented at the hearing; and
 - (4) The name and title of the person who will present the evidence on behalf of the university, and the name of the adviser, if any, who will be present to assist or represent the student.
- f. A student may challenge the participation of any member of the Hearing Board on the grounds of personal bias by submitting a written statement to the chairperson setting forth the basis for the challenge no later than seven (7) days prior to the hearing. The chairperson will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the Hearing Board. If a challenge is filed against the chairperson, the President will rule on the challenge.
- g. Members of the university community will be expected to comply with any request or directive issued by the chairperson in connection with a disciplinary proceeding, unless compliance would result in significant personal hardship or substantial interference with normal university functions.

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4. Conduct of the Hearing

- a. In order to preserve the confidential nature of the disciplinary process, and to protect the privacy interests of the student who is charged with the violation and the witnesses who may be called to testify, the hearing conducted by the Hearing Board will be closed.
- b. The chairperson will preside at the hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although objections to the introduction of specific statements or documents may be considered by the chairperson. Irrelevant, immaterial, privileged or unduly repetitious information will be excluded. Information regarding prior misconduct will not be admissible until the supplemental proceeding described in ABOR Policy 5-403D.4.c. (Disciplinary Procedures, Review by University Hearing Board, Conduct of the Hearing). The chair may establish reasonable limits upon the time allotted to the student and the Dean of Students for oral presentation and examination of witnesses.
- c. The Dean of Students will present the information that supports the charges, and will have the burden of showing that a violation of the Student Code of Conduct was more likely than not to have been committed by the student.
- d. The student who has requested the hearing will present statements or written information on his/her own behalf. A student who fails to appear at the hearing will be deemed to have abandoned his/her request, unless the student can demonstrate that an extraordinary circumstance prevented his/her appearance.
- e. The student who is charged with the misconduct may be assisted throughout the proceeding by an adviser. If the student is represented by an attorney, the Dean of Students may also be assisted by an attorney.

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- f. The hearing will be recorded manually or by a recording device and will be transcribed in whole or in part on request of the student charged with the misconduct. The cost of such transcript will be paid by the student unless assessment of the cost is waived by the Vice President for Student Affairs.
- g. Witnesses may be excluded from the hearing except during their own testimony, except that a complaining witness (complainant) who is the alleged injured party may be permitted to attend the hearing following his or her testimony.
- h. The order of presentation will be as follows:
 - (1) The Dean of Students will present an opening statement, which summarizes what the information that has been gathered is expected to show.
 - (2) The student or his/her legal representative may present an opening statement, or may reserve it until the presentation of his/her case.
 - (3) The Dean of Students will call witnesses to provide statements under oath. Witnesses will be questioned by means of direct examination with no leading questions permitted. A leading question is one that suggests the desired response.
 - (4) At the conclusion of each witness's statements, he or she may be questioned by the student or his/her legal representative, at which time leading questions are permitted.
 - (5) Following the questioning by the student or his/her legal representative, the Dean of Students and the members of the Hearing Board may ask further questions of each witness.

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- (6) Following the testimony of all witnesses called by the Dean of Students, the student then presents his/her case.
- (7) Each witness for the student is called to testify. The pattern remains the same as described above.
- (8) Following the close of the student's presentation, the Dean of Students may call witnesses to refute statements made by the student or the student's witnesses. If such witnesses are called, they will be subject to the same procedure outlined above.
- (9) Throughout the proceeding, the parties may introduce written documents. All such documents that are admitted will be marked as exhibits, for example, "Dean's Exhibit #1" or "Student's Exhibit #1," and may be considered by the Hearing Board in reaching its decision.
- (10) Following the presentation of witnesses, the parties will be allowed to present closing statements that summarize the information that has been presented. The Dean of Students presents his/her closing statement first, followed by the student.

E. Hearing Board Deliberations and Recommendation

1. Following the presentation of information and closing statements, the members of the Hearing Board will discuss the information that has been presented and the reasonable inferences to be drawn from this information prior to reaching their decision. Only the members of the hearing board and its legal adviser, if any, may be present during the deliberations.
2. Based solely upon the information presented during the hearing, the Hearing Board will formulate a recommendation to the Vice President for Student Affairs and others permitted to receive this information consistent with applicable law or policy, as to whether a violation of the Student Code of Conduct was more likely than not

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to have been committed by the student. At least three votes are necessary to make any recommendation.

3. If the recommendation of the Hearing Board is that there was more likely than not a violation of the Student Code of Conduct then the Board will conduct a supplemental proceeding to determine a recommended sanction. This supplemental proceeding will be guided by the considerations set out in ABOR Policy 5-304.C (Code of Conduct, Sanctions). The supplemental proceeding will not generally require additional fact-finding, but will include a review of a written summary of any prior misconduct prepared by the Dean of Students. The student and the Dean will be provided the opportunity to present their positions on the appropriate sanction.
4. The Hearing Board will render its recommendation following the hearing, and will communicate the recommendation to the student, the Dean of Students and to the Vice President for Student Affairs in writing no later than two (2) days following the conclusion of the hearing. The written recommendation will include findings of fact and a statement of the reasons for the recommendation, and will be signed by the chairperson.

F. Review and Decision by Vice President for Student Affairs

Following a review of the Hearing Board's recommendation, the Vice President for Student Affairs will render a decision that either affirms, denies or modifies the recommendation of the Hearing Board. The Vice President will not be bound by the recommended findings of fact. The Vice President will issue a written decision no later than ten (10) days following receipt of the Hearing Board's recommendation, except when it becomes necessary to conduct further investigation or to remand the matter to the Hearing Board, in which case the written decision will be transmitted no later than ten (10) days following completion of the investigation or the subsequent recommendation of the Hearing Board. Copies of the written decision will be promptly transmitted to the parties and to all members of the Hearing Board.

G. Request for Review or Rehearing

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1. A student who is dissatisfied with the decision reached by the Vice President for Student Affairs may request a rehearing or review by filing a written request with the Vice President no later than fifteen (15) days following the date of delivery of the written decision. The request shall be based on one or more of the following grounds:
 - a. Irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the Hearing Board or by the Dean, which has deprived the student of a fair and impartial disciplinary process;
 - b. Newly discovered material evidence which could not have been presented during the fact-finding or hearing process;
 - c. Excessive severity of the sanction; or
 - d. That the decision is not justified by the evidence or is contrary to law.
2. Following receipt of the student's request for review, the Vice President for Student Affairs will make whatever review is deemed necessary to resolve the issues that have been raised.
3. The Vice President for Student Affairs will respond in writing to the student's request for review or rehearing within ten (10) days of receipt of the request. The Vice President may uphold or modify the previous decision, or grant a rehearing on the issues raised by the request. The decision of the Vice President is final.

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5-404 Disciplinary Files and Records

A. Holds on Records

The Dean of Students' office may place a hold on a student's academic and other institutional records should the student refuse to respond to, or comply with, the procedures or sanctions imposed in accordance with these rules.

B. Student Disciplinary Records

1. Disciplinary records of students found to have violated the Student Code of Conduct shall be retained for five (5) years from the semester of the determination or until graduation, whichever occurs first.
2. Disciplinary records may be retained for a longer period, or permanently, if so specified in the sanctions applied. Disciplinary records designated as permanent shall not be voided without unusual and compelling justification.