

## **Code of Student Conduct**

This code of student conduct applies to all student conduct matters other than those involving allegations of sexual misconduct. For sexual misconduct matters, please see the Sexual Misconduct Policy and Complaint Resolution Procedures on page 74.

### **Student Rights and Responsibilities**

The University of South Alabama is a community of scholars in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. The University is committed to supporting the exercise of any right guaranteed to individuals by the Constitution and the Code of Alabama and to educating students relative to their responsibilities.

#### **1. COVERAGE**

The Code of Student Conduct is the University's policy regarding non-academic discipline of students. Academic discipline is covered under the section of the Lowdown called "Student Academic Conduct Policy."

#### **2. RATIONALE**

The primary purpose of the Code of Student Conduct is to protect and preserve a civil and safe educational environment. The University is not designed or equipped to rehabilitate students who will not abide by this code. The disciplinary actions prescribed are meant to protect and preserve a quality educational environment, and if students, by their behavior, threaten that environment, it may be necessary to remove them from the community as provided in this code.

#### **3. INTERPRETATION OF CODE**

The University's Code of Student Conduct is set forth in writing in order to give students a general notice of non-academic prohibited conduct. The Code should be read broadly and is not designed to define non-academic misconduct in exhaustive terms.

#### **4. INHERENT AUTHORITY**

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and the students' physical and emotional safety and well-being; therefore, the University does reserve the right to suspend students on an interim basis pending an investigation pursuant to this Code of Student Conduct.

Revocation of conferred degrees may be recommended to the Board of Trustees in instances where conferral of the degree preceded the determination of significant misconduct or academic fraud.

#### **5. VIOLATION OF LAW AND OF THIS CODE**

Students may be accountable to federal, state, or local authorities and to the University for acts that constitute violations of federal, state, or local laws or ordinances and of this Code. Those accused of violations are subject to the University disciplinary proceedings outlined in the Code even though similar proceedings of a criminal nature are pending, have been terminated, or not yet adjudicated in municipal, state or federal court. Such fact of other proceedings or pendency of same will not be an appropriate challenge to the disciplinary proceedings outlined in this Code.

Registration for subsequent terms, the conferral of academic degrees, the release of transcripts, as well as other actions on a student account may be withheld pending the resolution of allegations of student misconduct.

## 6. STUDENTS

The term “student” means any person taking courses at USA, either full-time or part-time, pursuing undergraduate, graduate, or professional/extension studies. A person who is not officially enrolled for a particular term, but who has a continuing relationship with the University, is considered a “student.” This includes persons newly admitted to USA, those who are on semester break, and those who are sitting out one or more semesters.

Individuals participating in USA’s Personal Enrichment, Professional Development, and Conference Services activities offered through the School of Continuing Education and Special Programs are considered visitors. Visitors are expected to conduct themselves in accordance with the general rules and regulations of the University. Violations may result in the summary suspension of the privilege of visiting the campus. Student process/apellate procedures are not applicable to visitors.

## 7. PROHIBITED CONDUCT

University jurisdiction and discipline attaches to conduct that occurs on University premises or conduct that adversely affects or is detrimental to the University community and the pursuit of the objectives of the University, which can occur on or off campus. A student will be subject to the Code of Student Conduct for any action in violation of this Code that either occurs on University premises, or that, in the University’s sole discretion, occurs off campus and has an effect on or is detrimental to the University community and/or pursuit of University objectives.

The term “jurisdiction” for an individual student shall mean that individual is subject to the University Judicial System if he or she is alleged to have violated a University conduct regulation:

- 1.) While attending any University orientation program;
- 2.) Following admission of a student to USA but prior to the first day of class;
- 3.) During any semester for which the individual is or has been registered as a student at the University, including, but not limited to those who fail to complete the semester and those who are co-op students; or
- 4.) During an interval between semesters of registration.

The term “University premises” means any and all land, buildings, facilities, and/or other property in the possession of, owned, used, leased, rented or controlled by the University, including adjacent or pertinent streets or sidewalks.

The following non-academic misconduct is subject to disciplinary action:

- A. Intentionally or recklessly causing physical harm to any person The term “intentionally” means a conscious objective to engage in the described conduct; intoxication is not a defense to a charge of intentional misconduct. The term “recklessly” means conduct that could reasonably be expected to create a substantial risk of harm to a person(s).

### B. Harassment

The term “harassment” means conduct that, in the aggregate, is sufficiently pervasive, persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that interferes with his

or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource. It may consist of written, electronic, verbal, and/or physical acts. It is also defined as using abusive language, including electronic communication, tending to incite an immediate breach of the peace to any person, persistent following or stalking of a person, or engaging in a course of conduct or repeatedly committing acts that cause mental or physical harm to another person.

“Stalking” means a course of conduct directed at a specific person that is so pervasive, persistent or severe that it would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress.

#### C. Discriminatory Harassment

The term “discriminatory harassment” refers to intentional behavior, including but not limited to written, electronic, verbal, or physical acts that denigrate or show hostility toward an individual on the basis of race, color, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, religion, age, genetic information, disability, protected veteran status or any other applicable legally protected basis.

Such behavior must be unwelcome and sufficiently pervasive, persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct, in the aggregate, would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

#### D. Violation of the Sexual Misconduct Policy

The term “sexual harassment” includes, but is not limited to, verbal or non-verbal conduct that a reasonable person would find intimidating, demeaning, hostile, or offensive with an inappropriate focus on sex, sexual history, individual gender- based characteristics, or sexual orientation; unwelcome verbal or physical advances; attempts to subject a person to unwanted sexual attention or to coerce a person into sexual relations; and/or retaliation for a refusal to comply with sexual demands. Said conduct must be unwelcome and must be so severe and pervasive that it has the purpose or effect of interfering with an individual’s educational experience or creating an intimidating, hostile, or offensive learning environment. Sexual harassment is a form of sex discrimination. See page 68 for the Sexual Misconduct Policy.

#### E. Engaging in activities that threaten the safety of the campus community

The phrase “threaten the safety of” means engaging in activities including but not limited to intentionally or recklessly misusing or damaging fire or other safety equipment; use or possession of fireworks or incendiary, dangerous, or noxious devices or materials which have not been authorized by University officials; use, possession, or storage of any weapon which has not been authorized by University officials; or intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergency. The term “weapon” means any object or substance designed to inflict a wound, cause injury or incapacitate including, but not limited to, all firearms, pellet guns, BB guns, switchblade or gravity knives, clubs, blackjacks, brass knuckles, or ice picks.

#### F. Conduct which is disorderly or indecent

“Disorderly conduct” occurs when an individual acts with intent to cause public