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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.

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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.