Board of Regents P09.02 Policy Revision Justifications
Presented by the UA Student Conduct Administrators from UAA, UAF and UAS
March 2016

Introduction

On February 17, 2016, President Johnsen issued a charge to the Statewide Title IX Committee to revise UA BOR Policies and Regulation in 04.02, 04.07, 04.08, and 09.02 to meet federal compliance.

On February 25-26, 2016 representatives from campuses across the UA system met in Fairbanks, AK to evaluate and provide suggestions for policy revision to meet federal compliance. The best course of action recommended was to expand P01.02.020 to one policy governing all response to discrimination, discriminatory harassment, and sexual misconduct. This course of action requires edits to BOR P09.02. Those edits and their corresponding justifications are outlined below.

Proposed Revisions

The committee proposes several revisions to the Code that help to clarify policies. Justification and Rationale for recommendations are listed below:

1. **Student Code of Conduct P09.02.010**
   In section C we recommend adding: Additionally, students are responsible for compliance with Board of Regents Policy and University Regulations.

2. **Student Code of Conduct P09.02.020**
   Add a section B that states: The Code does not cover gender based misconduct, discrimination and sexual misconduct.

   Rationale: These violations are addressed BOR Policy and University Regulation 01.02.

3. **Student Code of Conduct P09.02.020**
   In section B, we recommend removing (6) Discrimination, and (9) Gender-based or sexual misconduct.

   Rationale: These violations are addressed BOR Policy and University Regulation 01.02.

4. **Scope of University Authority for Violations of the Student Code of Conduct P09.02.030**
   Currently the code states: “For purposes of determining what conduct is covered, the university considers an individual to be subject to student conduct proceedings for conduct that occurs while the individual is in anyway affiliated with the university”.

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New proposed text: For purposes of determining what conduct is covered, the university considers an individual to be subject to student conduct proceedings for conduct that occurs while the individual has a continuing educational interest.

Rationale: The current policy is very broad and the scope of authority needs to be more narrow as it relates to how and who 09.02 should be applied to regarding behavior.

Proposed Edits to BOR P09.02 Student Code of Conduct
Proposed by the UA Student Conduct Administrators from UAA, UAF & UAS
March 2016 – All Feedback due March 28, 2016

REGENTS' POLICY
PART IX – STUDENT AFFAIRS
Chapter 09.02 - Student Rights and Responsibilities

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

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

B. Students will have the right:

1. to pursue an education free from illegal discrimination and to be judged on the basis of relevant abilities, qualifications, and performance;

2. to fair and impartial academic evaluation and a means of recourse through orderly procedures to challenge action contrary to such standard;

3. to free inquiry and expression;

4. to access their own personnel and education records and to have the university maintain and protect the confidential status of such records, as required by appropriate legal authority;

5. through student representatives, to participate in formulating and evaluating institutional policies;

6. to organize and join associations to promote their common and lawful interests;

7. to be able to protest on university premises in a manner which does not obstruct or disrupt teaching, research, administration, or other activities authorized by the university;

8. to an academic environment conducive to intellectual freedom;

9. to a fundamentally fair and orderly disciplinary process; and

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

11.

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

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

(06-05-15)

P09.02.020. Student Code of Conduct.

A. As with all members of the university community, the university requires students to conduct themselves honestly and responsibly and to respect the rights of others. Students may not engage in behavior that disrupts the learning environment, violates the rights of others or otherwise violates the Student Code of Conduct (Code), university rules, regulations, or procedures. Students and student organizations will be responsible for ensuring that they and their guests comply with the Code while on property owned or controlled by the university or at activities authorized or sponsored by the university.

~~A.~~B. The Code does not cover gender based misconduct, discrimination and sexual misconduct. These violations are addressed in BOR Policy and University Regulation 01.02.020.

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

1. cheating, plagiarism, or other forms of academic dishonesty;

2. forgery, falsification, alteration, or misuse of documents, funds, property or electronic records;

3. damage or destruction of property;

4. theft of property or services;

5. harassment;

~~6. discrimination; (have a reference to the NEW umbrella Discrimination Policy)~~

~~7.~~6. hazing;

~~8.~~7. endangerment, assault, or infliction of physical harm;

~~9.~~8. ~~gender-based or sexual misconduct; have a reference to the NEW umbrella Discrimination Policy)~~

~~10.~~9. disruptive or obstructive actions;

~~11.~~10. mistreatment of animals;

~~12.~~11. misuse of firearms, explosives, weapons, dangerous devices, or dangerous chemicals;

~~13.~~12. failure to comply with university directives;

~~14.~~13. misuse of alcohol;

~~15.~~14. misuse of drugs or other intoxicants;

~~16.~~15. violation of regents' policy, university regulation, rules, or procedures; or

~~17.~~16. any other actions that result in unreasonable interference with the learning environment or the rights of others.

~~C.~~D. Examples of actions that constitute these prohibitions will be described in the university regulation and MAU rules and procedures.

~~D.~~E. This policy and university regulation and MAU rules and procedures are not intended to define prohibited conduct in exhaustive terms, but rather to set forth examples to serve as guidelines for acceptable and unacceptable behavior.

(06-05-15)

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

A. The Student Code of Conduct and student conduct process apply to the conduct of individual students and all university affiliated student organizations. For purposes of determining what conduct is covered, the university considers an individual to be subject to student conduct proceedings for conduct that occurs while the individual has a continued

educational interest. ~~is in any way affiliated with the university.~~ Proceedings may be initiated at any time regardless of subsequent affiliation or graduation status. In all cases, conduct matters that have been initiated will be pursued to conclusion or resolution, even when students leave the university or choose not to participate in the process. As such, if a student leaves the university voluntarily or involuntarily, the university may still proceed with the conduct process in the student's absence. A student who has been alleged to have violated the Code may be prohibited from re-enrolling in the university until the allegations are resolved regardless of whether the student participates in the student conduct process.

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

C. There is no time limit on reporting violations of the Student Code of Conduct. Individuals are encouraged to report violations of the Student Code of Conduct in a timely manner.

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

(12-11-15)

P09.02.040. University Student Conduct Procedures.

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

(06-05-15)

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

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

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

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

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

E. An interim restriction is an immediate and temporary limitation on a student's access to the university or university services or functions, including conferral of a degree, pending the outcome of the university student conduct investigatory process. An interim restriction may be imposed on a student prior to a student conduct review if the chancellor or designee reasonably determines that the student poses a threat to the student's safety or to the safety of other members of the university community, or is obstructing or disrupting teaching, research, administration, or other activities authorized by the university.

(06-05-15)

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

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

(06-05-15)

P09.02.070. Records and Confidentiality Regarding Conduct Violations.

The management of student records pertaining to the violation of the Code, and the confidentiality accorded these records, will be set forth in regents' policy, university regulation, and MAU rules and procedures regarding education records.

(11-20-98)

P09.02.080. Final University Decision.

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

(09-19-14)