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# CODE OF CONDUCT

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*Adopted by the Arizona Board of Regents Effective August 10, 1983*

## 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 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, 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**

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 campus or participation in any university sponsored activity.
2. It is intended that the sanctions listed in this Code 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 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 and which address matters not covered by this Code. Charges brought pursuant to this Code may be combined with charges brought pursuant to other conditions, rules or regulations, provided administrative procedures for enforcement of the Code are used to resolve the charges.
2. Among the matters specifically excluded from coverage under this Code are the following:
  - a. Rules and regulations which 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.
3. The Code is not intended to interfere with the internal corporate affairs or organizations such as the Associated Students, sororities, fraternities, honor societies, and similar organizations, but such organizations are otherwise subject to this Code.

## E. Violations of Law and Code Regulations

Members of the university community may be accountable to both civil authorities (city, state or federal) and to the university for acts which constitute violations of law and of this Code. 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.

### 5-302 (R7-4-101) 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 and information of 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.
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 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.

20. "Weapon" means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, without limitation, all firearms, pellet guns, switch-blade 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.

## **5-303 (R7-4-102) 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 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.
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, record, or instrument of identification.
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; knowing 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 beverages on the university campus or at university-sponsored activities.
16. Unauthorized presence in or use of the university campus, facilities or property.

## **5-304(R7-4-103) Sanctions**

**A.** In addition to any other interim or final action which may be taken to enforce this Code, 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 Section 5-303(R7-4-102):

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 non-renewal 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 indicates otherwise, a person suspended under this Code 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.
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.

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

1. Sanctions shall be imposed pursuant to the administrative procedures referred to in Section 5-306(R7-4-105).
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 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 may result in the imposition of a more severe sanction.

4. Attempts to commit acts prohibited by this Code shall be subject to sanctions of the Code to the same extent as completed violations.

## **5-305(R7-4-104) Groups and Organizations**

**A.** Student, faculty and employee groups or organizations may be charged with violations of this Code.

**B.** Such a group or organization and its officers may be held collectively or individually responsible when violations of this Code 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 presidency 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 Paragraph 14, of Section 5-303(R7-4-102) of this Code, both by the officers, leaders or spokesperson of 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.

## **5-306(R7-4-105) Enforcement of the Code**

**A.** The provisions of this Code shall be enforced through use of the following administrative procedures:

1. Faculty shall be subject to those procedures set forth in Article X.C. of

the Conditions of Faculty Service.(ABOR Policy No. 6-201 K.3.)

2. Administrators shall be subject to those procedures set forth in Article VII of the Conditions of Administrative Service. (ABOR Policy No. 6-101 H.1.)
3. All other university employees shall be subject to the applicable grievance procedures existing at the university.
4. Students shall be subject to the Student Disciplinary Procedures adopted by the Board.

**B.** For purpose of enforcement of this Code, 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.

## 5-307 Miscellaneous Provisions

**A.** The several sections and provisions of this Code 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 which can be given effect without the invalid or non-enforceable portion.

**B.** The list of prohibited misconduct set forth in Section 5-303 (R7-4-102) 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 and will be subject to the Code provisions in effect at the time the action or proceeding was originally brought.

**All policies found in the Policy Manual are subject to change from time to time as approved by the Arizona Board of Regents. The central office disseminates hard copies of additions/revisions not more than 3 times each year. The web copy, located at <http://www.abor.asu.edu>, is updated every 1-2 months, as needed. Prior to acting in reliance upon a specific board policy as it appears in any copy of the policy manual, please check to make**

**sure that the board has not recently approved any additions/revisions to that specific policy.**

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