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Jacksonville State University Code of Student Conduct

2023-2024

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For the most up to date Student Code of Conduct, please visit our website at
<http://www.jsu.edu/community-standards/index.html>

I. Purpose

The Office of Community Standards and Title IX supports the Jacksonville State University mission through remaining student centered and educational in its disciplinary procedures. The Code of Student Conduct is a way for the university to publicly expect all students (undergraduate, graduate, and non-degree seeking on campus or off campus) to maintain standards and respect for the university community. The process outlined below is designed to support students who may engage in misconduct through an educational and restorative method. The Office of Community Standards and Title IX upholds the general mission and goals of the institution while recognizing and respecting the rights, privileges, and responsibilities of all JSU students.

Students who have completed the process of violating and being held accountable to the Code of Student Conduct should end the process with a larger understanding of the impact of their decisions and how to grow and be a more mindful community member.

II. Philosophy

The philosophy of the Office of Community Standards and Title IX is educational and attempts to have the Respondent reconcile with any potential victims and the greater community at large. This restorative justice philosophy is best achieved through cooperation between the offender and the administrator that is holding them accountable. The hopeful benefit of this philosophy is transformational learning of everyone involved.

III. Statement of Values

Professional Responsibility: Balance developmental and educational needs of the student with the obligation of Jacksonville State University to protect the safety and welfare of the academic community. In situations where the behavior of a student poses a risk to self or others, Jacksonville State University staff must take action consistent with applicable laws and regulations.

Nondiscrimination: Protect human rights and promote appreciation of diversity and multicultural practice at Jacksonville State University.

Equal & Consistent Treatment: Treat all students with impartiality and accept all students as individuals with rights and responsibilities. Seek to create and maintain a campus climate in which learning and personal growth and development take place. Follow procedural guidelines when enforcing the Code of Student Conduct as outlined by Jacksonville State University's Code of Student Conduct.

Confidentiality: Confidentiality is maintained with respect to all privileged communications and to educational and professional records considered confidential. Information is only shared in accordance with institutional policies and relevant statutes, where given informed consent, or when required to prevent personal harm to themselves or others.

Respect: Opportunity for every student and university employee to be treated with respect and dignity, with the freedom of speech and open exchange of ideas.

IV. Statement of Freedom of Expression

All members of the Jacksonville State University community can enjoy the right to freedom of speech and expression. The right to free speech and expression does not include unlawful acts or activity that endangers or threatens to endanger the safety and/or well-being of any member of the JSU community. In addition, it does not include any activity that materially and substantially disrupts the education or well-being of other students or the mission of Jacksonville State University.

Members of the university community are encouraged to engage in opportunities of free speech and expression to be intellectually and culturally challenged and therefore better prepared to deal with the issues

they encounter in a changing and diverse society. These encounters can occur with activities and discussions that embody courtesy, mutual respect, and clarity.

In addition, members of the university community are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to assemble, speak, and distribute literature spontaneously and contemporaneously. Spontaneous and contemporaneous speech should not materially and substantially disrupt educational and business functions of the University, normal or scheduled uses of university space, or the public health, safety, and/or welfare of the campus community.

The following procedures have been established to safeguard students' rights while also providing safety and protection for members of the university community. To ensure that multiple demonstrations or assemblies do not conflict or lead to major university disturbances:

1. The Office of the Dean of Students should be notified of any planned or scheduled demonstrations or peaceful assemblies in advance. Standard space reservation procedures must be followed for the use of any university space.
2. Factors those students should consider for any demonstrations or peaceful assemblies are:
 - a. Blocking or impeding vehicular or pedestrian traffic is prohibited.
 - b. Blocking access to or from campus buildings or offices is prohibited.
 - c. Activity that promotes violence against person or property is prohibited.
 - d. Observers may not interfere with participants of the demonstration or assembly in any way, unless requested by the participants of the demonstration.
 - e. Activities of participants or observers that disrupt or disturb classes, meetings, or any other normal functions of the university are prohibited.
 - f. All individuals participating in or observing a demonstration or peaceful assembly must comply with any reasonable request of university officials of the Department of Public Safety.

Demonstrations or Peaceful Assemblies: Demonstrations or peaceful assemblies are generally defined as any public manifestation of welcome approval, disapproval, protest, or conscience by a student or group of students.

Material and Substantial Disruption: A material and substantial disruption occurs when the activity a.) significantly hinders the protected expressive activity of another person or group, prevents the communication of a message of another person or group, or prevents the transaction of the business of a lawful meeting, gathering, or procession by engaging in fighting, violence, threats of violence, or other unlawful behavior; or b.) physically blocks, uses threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in a protected expressive activity.

For additional guidance please refer to the University's Campus Use and Protection of Free Speech Policy.

V. Scope of Authority

Jacksonville State University's conduct system has authority in all non-academic disciplinary matters. The university reserves the right to discipline students and recognize student organizations for acts of misconduct wherever they occur.

The university, at its discretion, may pursue disciplinary action against a student while the student is also subject to criminal proceedings. The university reserves this right, even if criminal charges are pending, reduced, or dismissed. The university disciplinary procedures are administrative proceedings, not criminal or civil in nature. Therefore, formal rules of evidence and procedures akin to civil or criminal trials are not applicable.

As a Jacksonville State University community member, students are expected to uphold and abide by all local, state, federal, and international laws. Referrals received from any university or police authority, regardless of location, are subject to possible code of student conduct proceedings for the accused.

Students being held accountable to the Code of Student Conduct includes behavior that may have occurred before, during and/or after an academic term. Additionally, violations of the Code of Student Conduct during the academic year, between academic terms, during times of non-enrollment, or during periods of suspension or dismissal will be addressed.

All policies, processes, and procedures outlined in the Code shall also apply to a student's conduct, even if the student withdraws (or graduates) from school while a disciplinary matter is pending.

The Code of Student Conduct and all applicable processes apply to recognized student organizations. Student organizations shall be responsible for the conduct of members in relation to the organization from the time of application for recognition until such time as they are no longer recognized by the university. Violations of the Code of Student Conduct during the academic year, between academic terms or during periods of suspension or dismissal will be addressed.

The Code shall apply to an organization, even if the organization disbands while a disciplinary matter is pending. The reasonable observer standard is utilized when determining individual conduct vs. recognized student organization conduct.

VI. Definitions

Accused Individual: A student accused of an alleged violation of the Code of Student Conduct.

Administrative Hearing: A process in which the facts of an alleged violation of the Code of Student Conduct are presented to an administrative Hearing Officer to determine if a violation(s) took place and if sanction(s) are appropriate.

Advisor: A person who attends a hearing to support a student during the conduct process. Advisors may only confer with the student they are advising and cannot speak on a student's behalf. An Advisor can be any person of the student's choosing, at the student's expense. Students may only have one advisor during a conduct hearing. Advisors cannot serve as witnesses. If a student needs assistance finding an advisor, the Office of Community Standards and Title IX will provide this information upon request. An individual who is charged in same fact pattern related to the complaint may not serve as an advisor.

The "potted plant" rule applies to Advisors throughout the investigation and disciplinary process. While a FERPA release may allow university officials to answer general questions about a matter, university officials will not meet with Advisors separately or discuss particulars of the investigation with them. Any inquiries should come directly from the Complainant or Respondent. Further, Advisors may not speak on their party's behalf or otherwise interfere with meetings or proceedings. Advisors must be accompanied by their respective parties when viewing any evidence.

Where either the Title IX Coordinator or the Hearing Officer determines that an Advisor's conduct undermines the integrity of this policy or interferes with meetings or proceedings, an Advisor may be prohibited from continuing to serve in their role. Where there are unreasonable delays due to an Advisor, the Title IX Coordinator or Hearing Officer may elect to hold meetings or proceedings absent their presence. The affected party will be permitted to obtain a substitute Advisor.

Where employees are involved in an investigation, the selection and availability of an advisor may be impacted by applicable collective bargaining agreements, contract requirements, legal requirements, and university policy.

Administrative Hearing Officer or Conduct Officer: Also referred to as the Hearing Officer. University staff, faculty or graduate students designated by the Director of Community Standards and Title IX (or designee) and trained to adjudicate violations of the Code of Student Conduct.

Affirmative Consent: Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or

actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender, gender expression or gender identity.

The following are principles that apply to the above definition of affirmative consent:

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. When consent is withdrawn or can no longer be given, sexual activity must stop.
5. A person is incapable of affirmative consent when they are:
 - a. Less than sixteen years of age.
 - b. Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct).
 - c. Incapacitated.
6. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
 - a. A person is incapacitated when they are unconscious, passed out, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent.
 - b. Capacity exists along a continuum ranging from sober, impairment, intoxication, incapacitation, to overdose/ alcohol poisoning. Impairment “under the influence” occurs with the ingestion of any drugs or alcohol, whereas intoxication “drunkenness” is similar to the drunk driving limit. Some signs of intoxication include but are not limited to mild impairment of speech, vision, coordination, reaction time, slurred speech, stumbling while walking, exaggerated motions and excited language. A person *may* be able to give consent if they have been drinking or using drugs depending on their capacity to make informed decisions free from pressure, coercion, and incapacitation.
 - c. Depending on the degree of intoxication, a person who is under the influence of alcohol, drugs, or other intoxicants may become incapacitated and therefore unable to consent. Incapacitation is a state beyond impairment “under the influence” or intoxication “drunkenness.” Alcohol and other drugs impact individuals differently and determining whether an individual is incapacitated requires an individualized determination-based on the totality of the circumstances.
 - d. A person may be incapacitated if they were unaware of where they were at a relevant time, how they got there or why or how they became engaged in a sexual interaction. Incapacitation is the point at which an individual lacks the ability to appreciate the fact that the situation is sexual, or they cannot appreciate the nature/extent of the situation. Some signs of incapacitation may include the following: lack of control over physical movements, inability to walk or stand up without assistance, slurred or incomprehensible speech, confusion on basic facts, unsteady gait, bloodshot eyes, vomiting, black outs, incontinence, and/or disorientation. A person who is incapacitated may also be experiencing alcohol/drug overdose if they are puking while passed out, if they are unresponsive to pinching or shaking, and/or if their breathing is irregular, shallow, or has stopped, or if their skin is blue, cold, or clammy.
 - e. Affirmative consent cannot be gained by taking advantage of the incapacitation of another. In evaluating responsibility in cases of alleged incapacitation, the fact finder asks two questions: (1) did the Respondent know that the Complainant was incapacitated? If not, (2) should a sober, reasonable person in the Respondent’s situation have known that the Complainant was incapacitated? If the answer to either of these questions is “yes,” affirmative consent was absent.
 - d. If the fact finder determines based on a preponderance of information that both parties were incapacitated, the person who initiated the sexual activity alleged to be nonconsensual due to incapacity is at fault.
7. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - a. Examples of coercion and intimidation include using physically or emotionally manipulative conduct against the Complainant or expressly or implicitly threatening the Complainant or a third party with negative actions that would compel or induce a reasonable person in the Complainant’s situation to engage in the sexual activity at issue. Examples of sexual coercion include statements such as “I will ruin your reputation,” or “I will tell everyone,” or “Or “your

- career (or education) at Jacksonville State University will be over” or “I will post an image of you naked.”
- b. Examples of force or a threat of harm include using physical force or a threat, express or implied, that would place a reasonable person in the Complainant’s situation in fear of physical harm to, or kidnapping of, themselves or another person.

Appeals Coordinator: Title IX Coordinator or VP of Student Affairs (or designee) will function as the appeals Coordinator and ensure that the Appeals Panel is appropriately trained and equipped with relevant information to adjudicate the received appeal.

Appeals Panel: The Appeals Panel will be comprised of three (3) university officials (university staff or faculty) who have been trained to adjudicate violations of the Code of Student Conduct.

Appeal Process: A process designed to review and ensure the integrity of the process and decisions of a university hearing board or the decisions of an administrative Hearing Officer. Additional information on the appeals process, including grounds for appeal, can be reviewed in Section XV of the Code of Student Conduct.

Bystander: A person who observes a crime, impending crime, conflict, or unacceptable behavior.

Bystander Intervention: A bystander’s safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

Code: Refers to the Code of Student Conduct

Complainant: A person who makes a referral to the Office of Community Standards and Title IX alleging that a violation of the Code of Student Conduct has occurred. Under certain circumstances, a university official may file a complaint on behalf of someone who experienced prohibited conduct but who cannot or will not themselves take a formal role of a Complainant. Generally, the university may bring a complaint where there is evidence that this policy has been violated.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual or as otherwise permitted or required by law. Jacksonville State University is committed to protecting the confidentiality of Reporting Individuals and will work closely with Reporting Individuals to obtain confidential assistance regarding any incident of prohibited conduct as outlined in these policies.

During any portion of the complaint procedures, the parties shall not record, either by audio or video, the meetings, interviews, interrogations, or any portion of the process. However, parties will be granted access to the Incident Report, Investigative Report and any accompanying evidence and materials by making an in-person appointment during normal business hours.

Faculty member: A person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

FERPA: Family Education Rights and Privacy Act- protects all Jacksonville State University students’ records. Information allowed to be released is called directory information and is defined in the catalog under Student Regulations/Information-General Information (<https://catalog.jsu.edu/undergraduate/student-regulations-information>).

Gender: A socially constructed collection of traits, behaviors, and meanings that have been historically attributed to biological differences. The distinction between gender and sex reflects the usage of these terms: Sex usually refers to the biological aspects of maleness or femaleness, whereas gender implies the psychological, behavioral, social, and cultural aspects of being male or female (i.e., masculinity or femininity.) The term gender as used throughout this policy includes gender identity and gender expression.

Gender Expression: Outward behavior and appearances (e.g., hair, clothing, voice, body language) by which people manifest their gender identity.

Gender Identity: A person's deeply felt, inherent sense of being a boy, a man, or male; a girl, a woman, or female; or an alternative gender (e.g., genderqueer, gender nonconforming, gender neutral) that may or may not correspond to a person's sex assigned at birth or to a person's primary or secondary sex characteristics. Since gender identity is internal, a person's gender identity is not necessarily visible to others. When one's gender identity and biological sex are not congruent, the individual may identify along the transgender spectrum.

Hearing Board: A group of trained students and faculty/staff who determine if a student(s) is responsible for a violation(s) of the Code of Student Conduct (excluding cases of sexual misconduct). A chairperson will be responsible for facilitating and managing the adjudication process. The Director of the Office of Community Standards and Title IX (or designee) will advise the hearing board as the Hearing Officer and may sit in on the adjudications of the board to ensure proper procedures are followed.

Hold: A temporary or permanent status of a student's educational records that prevents a student from being able to register for classes, make registration changes, access enrollment and other services. Holds will be placed on student records and kept in the University Registrar's Office. A full description of record holds is available in Section XVI of the Code of Student Conduct.

Informal Resolution: A process, other than a formal disciplinary proceeding, by which the Director of Community Standards and Title IX or designee and the Respondent may voluntarily and mutually agree upon terms and conditions to address a violation of the Code of Student Conduct.

International House Conduct Advisory Board: A dynamic group of staff and students to determine International House specific sanctions if a student of the International House programs is found responsible for violations by the Office of Community Standards & Title IX. Students may be notified of those sanctions immediately following retrieval of their Administrative Decision Letter and is typically communicated from someone on the International House & Programs staff.

Interim Measures: Interim measures include support or accommodations, protective measures, and/or restrictive directives intended to protect the safety and well-being of the parties and the university community and to promote an accessible educational environment.

Investigator: A person(s) who has been identified and trained to gather information in cases which involve alleged violations of the Code of Student Conduct. The investigator shall be a member of the university community and not an individual who is suspended or expelled or under any other conduct outcome. An individual who is charged in same fact pattern related to the complaint may not serve as an investigator.

Mediation: Mediation is a process in which two individuals or groups meet to resolve a conflict with the facilitation and help of a neutral third party. Mediation sessions are generally one hour long and are conducted confidentially by Office of Community Standards and Title IX staff or affiliates.

No Contact Order: A written directive prohibiting contact with a protected individual, either directly or through a third party. If the accused or Respondent and a protected person observe each other in a public place, it is the responsibility of the accused or Respondent to leave the area immediately and without directly contacting the protected person.

Persona Non Grata: An individual is no longer permitted to be present on the university's owned, -leased, -operated, or – controlled property. Such individual may be issued an administrative trespass warning by university official or a criminal trespass by UPD.

Pre-Hearing conference (or meeting): A meeting with a professional staff member where a student can learn more about the conduct process, as well as ask any questions related to the actual hearing. Pre-Hearing meetings are to discuss processes and procedures only, and do not review the facts or substantive nature of a conduct referral.

Preponderance of Information: A standard of proof that indicates that the information provided leads an administrative Hearing Officer or hearing board to decide that “more likely than not” a violation did or did not occur. This is the standard of proof for all alleged violations of the Code of Student Conduct. The preponderance standard is lower than the standard of “beyond a reasonable doubt,” which is used in criminal court cases. If the evidence presented meets this preponderance standard, then the accused should be found responsible.

Privacy: Information related to a report of prohibited conduct will only be shared with those university employees who “need to know” in order to assist in the active review, investigation, or resolution of the report, including the issuance of interim measures. The university will determine which employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly. Jacksonville State University will limit the disclosure as much as possible, even if the university determines that the request for confidentiality cannot be honored. Even university officials and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible.

Jacksonville State University may notify the parents or guardians of any dependent students who are Respondents regarding conduct charges or sanctions, particularly disciplinary probation, loss of housing, suspension, and dismissal.

Privileged or Confidential Resources: Individuals that, with very few exceptions, are confidential resources to those wishing to disclose alleged violations of the Code of Student Conduct, including but not limited to sexual misconduct. Such resources include licensed medical professionals, licensed mental health counselors, and clergy.

Prohibited Conduct: Alleged conduct or acts of misconduct, as defined in these policies, which may give rise to an investigation and a judicial or disciplinary proceeding.

Reporting Individual: Encompass the terms victim, survivor, Complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of an alleged violation of the Code of Student Conduct.

Respondent: A person who is alleged to have violated the Code of Student Conduct. Encompass the term Accused Individual and any other term used to reference an individual who is responding to a report of a violation and the subject of an investigation or a judicial or disciplinary proceeding. Includes the person accused of a violation who has entered the university's judicial or conduct process.

Retaliation: Adverse action against another person for reporting a violation. Retaliation includes harassment and intimidation, including but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Rights and Responsibilities: While the policies are outlined in the Student Handbook and can be referred to at any time, students have a responsibility to know the policies and abide by them in order to avoid violating a policy. In addition, students have a responsibility to Jacksonville State University to report any known violations of the Code of Student Conduct to maintain proper order and respect in the university community. With an allegation of violating the Code of Student Conduct, all students have rights as listed herein and are afforded to any accused student upon first notification of an allegation.

Sanction: An outcome imposed for the violation of the Code of Student Conduct. Generally, sanctions are educational in nature and intended to modify the student's behavior as well as build an awareness of personal responsibility and community standards. Sanctions may also be given to protect the JSU community and preserve a safe educational environment for all members. More information on sanctions can be found in Section XIV of the Code of Student Conduct.

Sanctioning Officer: The Director of Community Standards and or designee retains the sanctioning authority for both Administrative Hearings and Panel Hearings.

Sex (sex assigned at birth): Sex is typically assigned at birth based on the appearance of external genitalia. When the external genitalia are ambiguous other indicators (e.g., internal genitalia, chromosomal and hormonal sex) are considered to assign a sex with the aim of assigning a sex that is most likely to be congruent with the child's gender identity. For most people, gender identity is congruent with sex assigned at birth; for TGNC individuals, gender identity differs in varying degrees from sex assigned at birth.

Sex Discrimination: Includes all forms of sexual misconduct by employees, students, or third parties against employees, students, or third parties. Students, university employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the university campus and whether or not the incidents occur during working hours.

Sexual Orientation: A component of identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction. A person may be attracted to men, women, both, neither, nor to people who have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, among others. Sexual orientation does not always appear in such definable categories and instead occurs on a continuum.

Special University Program: Any academic, student service-related, student life, athletic, or other university program where a student voluntarily submits to and can be held accountable for violation(s) of additional rules of conduct or program rules.

Student: Any individual who has applied to the university and/or is taking courses at Jacksonville State University on a full-time, part-time, or non-degree seeking basis. Included in this definition are those enrolled at all campuses and remote locations (i.e., online, study abroad, etc.). Student status lasts until conferral of a degree or certificate or is permanently separated from the university for academic or non-academic reasons. Also included are those individuals who are not officially enrolled for a particular semester, but who have a continuing relationship with the university.

Student Organization: Any number of persons who have complied with the formal requirements for Jacksonville State University student organization recognition and registration.

Transgender: An umbrella term used to describe the full range of people whose gender identity and/or gender role do not conform to what is typically associated with their sex assigned at birth. While the term "transgender" is commonly accepted, not all TGNC people self-identify as transgender.

Witness: A person present at the time of an incident who attends a hearing to share information about a particular incident. Character witnesses are not allowed and are not taken into consideration when determining responsibility or sanction(s). The relevancy of witness information will be evaluated by the Hearing Officer or chairperson of a board hearing. Witness statements can be accepted in lieu of attending the hearing but must be emailed directly to the Hearing Officer from the witness using only official JSU email accounts. Witnesses cannot serve as advisors.

University Official: Any individual who is employed, contracted with, or appointed and performing administrative or professional responsibilities within the scope of the person's authority by the university.

University Premises: The premises of Jacksonville State University, including all land, buildings, facilities, and other property in the possession of, owned, leased, licensed, managed, or controlled by the university (including adjacent streets and sidewalks, online networks, and domains).

VII. Prohibited Conduct

Acts of misconduct or prohibited conduct are defined as any behavior that is inconsistent with university policy or as outlined in the Student Handbook or other university publication. Acts of misconduct are subject to the terms, conditions, and processes described herein. Acts of misconduct apply to anywhere the student may be when engaging in that conduct (on university owned property, not on university owned property, outside the state, country, etc.). Please refer to JSU's Sex-Based Harassment and Misconduct Policy for misconduct subject to that policy.

Abuse of the Judicial System. Abuse of the Judicial System include but are not limited to:

- Failure to obey the official correspondence by a Hearing Officer or university official.
- Falsification, distortion, or misrepresentation of information or testimony before a university official, staff member, and/or judicial body.
- Disruption or interference with the orderly conduct of a judicial proceeding.
- Institution of a judicial proceeding knowingly without cause by filing a false report or statement.
- Attempting to discourage an individual's proper participation in, or use of, the judicial system through intimidation or any other means.
- Attempting to influence the impartiality of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- Harassment (verbal or physical) and/or intimidation of the Hearing Officer, a member of a judicial body, or other university official prior to, during, and/or after a judicial proceeding.
- Influencing or attempting to influence another person to commit an abuse of the judicial system.

Alcohol.

- (1) **Alcohol Distribution.** Distribution, manufacture, or sale of alcohol in violation of university policy or law, or other violations of the University Alcohol Policy.
- (2) **Alcohol Use.** Possession or use of alcohol in violation of university policy or law, or other violations of the University Alcohol Policy.

Cases where injury, referral to a hospital, vandalism, use of a vehicle while under the influence, police involvement, or actions bringing discredit to the university will be referred to the conduct process. Also, impairment which can be attributed to the use of alcohol, possession of alcohol beverage(s) in designated "dry areas", including hallways and common areas, or other violations of JSU's Alcohol and Other Drug Policy.

It should be noted that the presence of empty alcoholic beverage containers in or about residence rooms, halls and/or university grounds is prima facie evidence of use, consumption, and/or transportation. Empty alcoholic beverage containers shall not be considered appropriate décor for residential facilities. Open containers of alcoholic beverages are generally not permitted in common areas and other public areas unless approval is granted by the Dean of Students.

Residents of University Housing are subject to all local and state laws concerning the use, possession, sale, and transportation of alcoholic beverages. Residents above the age of 21 years old, living in university housing, shall not possess bulk quantities of alcohol (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event). Please refer to section VIII of the Code of Student Conduct, JSU's Alcohol and Other Drug Policy, and the University's Housing policy for additional guidance regarding use of alcohol in residential facilities.

Any student found responsible for violating this policy may be subject to a \$300 fine, educational sanctions, and additional sanctions. Aggravating factors, such as the presence of a weapon, threats, or a fight, may result in a \$300 fine and suspension from the university.

Students who are complicit may be subject to a \$150 fine, housing probation, and/or additional disciplinary action from the university.

University Housing. Any student found responsible for violating this policy, regardless of where the incident occurred, while living in university housing, may be subject to a \$300 fine, deferred housing suspension and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be suspended from university housing.

Special University Programs. Students found responsible for violating this policy may be subject to additional scrutiny if they are enrolled in a university program with a stricter alcohol use policy. The Director of Community Standards and Title IX may notify the head of the department or program of a finding of responsibility. For these purposes, it is understood that students participating in the Fast Start Academy, the International House program, the education program, the nursing program, the social work program, and ROTC have agreed to oblige by additional program policies.

Please refer to the Jacksonville State University (JSU) Alcohol and Other Drug Policy for additional guidance.

Arson. Arson is the willful or malicious burning of property (such as a building) especially with criminal or fraudulent intent. Arson includes but is not limited to:

- Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.
- Causing a fire or explosion, or unauthorized use of any potential incendiary device or equipment.

Assault. A threat of bodily harm coupled with an apparent, present ability to cause harm. Examples of violations regarding Assault include but are not limited to:

- Inflicting bodily harm upon any person.
- Taking any action for the purpose of inflicting harm upon any person.
- Threatened use of force upon any person.
- Subjecting another person to unwanted physical contact.
- Slapping, kicking, shoving, or otherwise striking another person.

Any student found responsible for violating this policy may be subject to a \$300 fine, educational sanctions, and additional sanctions. Aggravating factors, such as the presence of a weapon, drugs, or alcohol or injuries resulting in a hospitalization, may result in a \$300 fine and suspension from the university.

Students who are complicit may be subject to a \$150 fine, housing probation, and/or additional disciplinary action from the university.

Attempt. Attempting to engage in conduct, which, if completed, would result in the violation of any rule or policy applicable to the university. A student may be charged with and found responsible for the prohibited conduct, which, if completed, would have been a violation of the Code of Student Conduct.

Biased Incident. Bias related incidents including but are not limited to any violation of the Code of Student Conduct motivated in whole or in part by a consideration of race, sex (including gender identity), color, religion, ancestry, national origin, age, disability, veteran status, or sexual orientation may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation.

Hate Crime. An act in which criminal offense is committed against persons, property, or community that is motivated in whole or in part, by the offender's bias against group or individual's race, religion, ethnic/national origin, sex, gender identity, gender expression, age, political beliefs, disability, or sexual orientation. Biased incidents are those actions by an individual or group that is motivated by bias but does not rise to the level of a criminal offense.

The fact that the offender was biased against an individual's race, religion, ethnic/national origin, gender, age, political beliefs, disability, or sexual orientation does not automatically mean that a hate crime was committed. The act must have been motivated, in whole or in part, by a bias. Upon referral to judicial proceedings, the incident may be classified as a hate crime, a crime, prohibited conduct or violation under these policies and/or the Code of Conduct, a biased incident, or an act of free speech.

Any student found responsible for violating this policy may be subject to a \$300 fine, educational sanctions, and additional sanctions. Aggravating factors, such as the presence of a weapon, drugs, or alcohol or injuries resulting in a hospitalization, may result in a \$300 fine and suspension from the university.

Students who are complicit may be subject to a \$150 fine, housing probation, and/or additional disciplinary action from the university.

Bicycles/Motorized Scooters. No bicycle or motorized scooter may be kept or ridden anywhere inside residential, academic, or administrative buildings.

Bribery. The offer or acceptance of anything of value in exchange for favorable treatment by a university official, UPD, or other official. Forms of bribes may include gifts or payments of money, property, various goods, privileges, services and favors.

Bullying. Bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more individuals. It is further defined as unwanted purposeful written, verbal, non-verbal or physical behavior including, but not limited to, any threatening, insulting, or dehumanizing gesture by a student that has the potential to create an intimidating, hostile, or offensive educational/living environment or causes long-term damage, discomfort or humiliation; or to unreasonably interfere with another individual's school performance or participation; is carried out repeatedly; and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:

- Unwanted teasing
- Threatening
- Intimidating
- Stalking
- Cyber-stalking
- Cyber-bullying
- Physical violence
- Theft
- Sexual, religious, or racial harassment
- Public humiliation
- Destruction of school or personal property
- Social exclusion, including incitement and/or coercion
- Rumors or spreading of falsehoods

Camping or Shelter Construction. Constructing shelters, camping, or sleeping out on university owned properties is prohibited at all times.

Complicity. Aiding, helping, or otherwise assisting another in violating any rule applicable to the university. Complicity in any prohibited act(s) of the Code of Student Conduct, including the failure to remove oneself from incriminating situations and/or report the incident to proper authorities. One who is complicit may be referred to as an accomplice. A complicit student may be charged with and found responsible for the violation committed by another. Students are also responsible for the actions and behaviors of their guests.

Computers. Misuse, abuse, and unauthorized use of computers and/or technology, and/or use of technology for unauthorized purposes.

Damage to Property. Any action that causes damage or which would tend to cause damage to the property of the university or property of a member of the university community or other personal or public property.

Any student found responsible for violating this policy may be subject to a \$100 fine, restitution of the fair market value of the damaged property, educational sanctions, and additional sanctions.

Dangerous Instrument and Firearms. No one may possess, store, display, or carry any dangerous instrument or firearm on all university property except by authorized law enforcement officers and other persons specifically authorized by the President of the University.

Possession or keeping of a dangerous instrument on campus or in University Housing or use of any object with intent to harm another is generally prohibited. A lawfully possessed firearm may be maintained in an individual's privately owned vehicle. Objects may not be improperly displayed to intimidate, harass, threaten, or otherwise breach the peace. They may not be used in a commission of prohibited conduct.

"Dangerous instrument" includes, but is not limited to,

- any device that shoots or delivers a bullet, BB, pellet, arrow, dart, flare, electrical charge, or other projectile, whether loaded or unloaded, including those devices powered by air, gas, explosion, or mechanical means.
- any explosive device, including fireworks.
- any instrument/device designed to be a weapon to injure or threaten another individual, including brass knuckles.
- Any item potentially hazardous.
- Nonculinary knives with a blade greater than three (3) inches, including hatchets, machetes, swords, daggers, or other edged weapons.
 - Exception: common pocketknife or legitimate tools appropriately used in authorized work on campus are generally permitted.

"Firearm" includes a pistol, handgun, rifle, or shotgun and any ammunition.

Realistic facsimiles of dangerous instruments or firearms are also specifically not allowed. Paintball guns and paintball markers are generally prohibited. They may only be used on the property of the university in connection with authorized university activities and only at approved locations.

Any student found responsible for violating this policy may be subject to a \$300 fine, deferred housing suspension, educational sanctions, criminal prosecution and/or disciplinary action from the university. Aggravating factors, such as the presence of drugs or alcohol, threats, or a fight, may result in a \$300 fine and suspension from the university.

Students who are complicit may be subject to a \$150 fine, housing probation, and/or additional disciplinary action from the university. Students who are aware of an unauthorized weapon on-campus are strongly encouraged to notify the University Police and Dean of Students immediately.

University Housing. Students found responsible for violating the Dangerous Instrument and Firearms policy may be subject to a \$300 fine and deferred housing suspension. Upon a second offense, an individual may be subject to a housing suspension without a refund for a period of at least one (1) year.

Please review JSU's Dangerous Weapons and Firearms policy for additional guidance.

Discrimination. Any distinction, preference, advantage for or detriment to a person or group based on race, color, national origin, gender, gender identity, marital status, pregnancy status, sexual orientation, age, religion, disability, predisposing genetic characteristics, military status, and domestic violence victim status.

Dishonesty. Knowingly furnishing false information to any person, including university officials. Acts of dishonesty include, but are not limited to, acts of manipulation, misrepresenting the facts or failing to disclose relevant information, impersonating a university official or designee, or engaging in other deceitful behavior. Conflicting or inconsistent statements and evidence may be considered evidence of dishonesty.

JSU recognizes the impact of trauma on a student's ability and willingness to be forthcoming and to recall information. The Director of Community Standards and Title IX will consider the totality of the circumstances and consult other university officials when necessary.

Any student found responsible for violating this policy may be subject to a \$100 fine, educational sanctions, and additional sanctions.

Disruptive Behavior. Obstructing or disrupting university activities, including but not limited to, teaching, research, administration, disciplinary procedures, or other authorized activities including public service functions. It can include participation in campus demonstrations which substantially and materially disrupt the normal operations of the university and infringes on the rights of other members of the university community by leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

- Disruption or obstruction of teaching, research, administration, or other university activities, including its public-service functions on or off campus, or other authorized non-university activities.
- Leading or inciting others to disrupt activities associated with the operations of the university.
- Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
- Material and substantial disruption of the protected expressive activity

Disorderly Conduct. Conduct which is disruptive, lewd, or indecent, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, which breaches the peace of the community. Disorderly conduct may include any of the following:

- Engages in fighting or in violent tumultuous or threatening behavior.
- Makes unreasonable noise.
- In a public place, uses abusive or obscene language or makes an obscene gesture.
- Without lawful authority, disturbs any lawful assembly or meeting of persons.
- Obstructs vehicular or pedestrian traffic, or a transportation facility.
- Congregates with other person in a public place and refuses to comply with a lawful order of law enforcement to disperse.

Drugs.

- (1) **Drug Distribution.** Distribution, manufacture, or sale of drugs, narcotics, chemicals and/or drug paraphernalia in violation of university policy or law, or other violations of the University Drug Policy.
- (2) **Drug Use.** Possession or use of drugs, narcotics, chemicals and/or drug paraphernalia in violation of university policy or law, or other violations of the University Drug Policy.

“**Drugs**” are considered to be any mind-altering substances, regardless of legality, including but not limited to opiates, barbiturates, amphetamines, marijuana, hallucinogens, “designer drugs,” and illegal steroids, except for legally authorized doses for medical purposes. Banned substances include but are not limited to, the following:

- Controlled substances, as defined by state law, requiring a prescription, but are obtained without a physician's order, such as methedrine (speed), amphetamines (Ritalin, Adderall, etc.), antidepressants (Prozac, etc.), sedatives and barbiturates, tranquilizers, and pain killers (Valium, Vicodin, etc.).
- Narcotics, such as morphine, heroine, codeine, ketamine, and cocaine in any form.
- Chemical substances and organic matter, such as LSD (Acid), marijuana, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, psilocybin or psychedelic mushrooms, etc.

- Designer drugs, including but not limited to synthetic marijuana (K2, Spice, herbal potpourri).

Unauthorized (without prescription) use or possession of any of the above is an illegal act. Use, possession, or sale of these substances may also result in legal action. The university will remain cognizant of its responsibility to civil matters.

Any student who is involved with drugs is encouraged to consult the Health Services for help. Information given to a university health care provider or Counselor is privileged, and the provider cannot voluntarily disclose it to anyone and cannot be forced to testify to it in court or elsewhere. Other members of the staff or other students may also help with drug problems; however, students should realize they are not necessarily bound by confidentiality.

Action taken by the university in all cases of drug violation will be guided by a concern both for the emotional and physical welfare of the student involved and for the maintenance of a suitable educational environment for all members of the university community.

Drug violations include but are not limited to:

- Possession, sale, consumption, distribution or being knowingly in the presence of narcotics or other controlled substances is prohibited except as expressly permitted by law.
- Further, any items that can be utilized for or are designed for the use of drugs (i.e., bowls, bong, hookahs, etc.) are not allowed on campus property.

It should be noted that the presence of empty containers with drug residue, roaches, buds/stems, paraphernalia, or items designed for the use of drugs, in or about residence rooms, halls and/or university grounds is prima facie evidence of use, consumption, and/or transportation of drugs.

Any student found responsible for violating this policy may be subject to a \$300 fine, educational sanctions, and additional sanctions. Aggravating factors, such as the presence of a weapon, threats, or a fight, may result in a \$300 fine and suspension from the University.

Students who are complicit may be subject to a \$150 fine, housing probation, and/or additional disciplinary action from the University.

University Housing. Any student found responsible for violating this policy, regardless of where the incident occurred, while living in university housing may be subject to deferred housing suspension, a \$300 fine, and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be suspended without a refund from university housing for a period of at least one (1) year and subject to an additional \$300 fine.

Where a student has received an official warning regarding *suspected drug use*, including but not limited to reported marijuana odor in or around their residence, a student may be found responsible for violating the university's drug use policy and subject to additional sanctions, including room change without a refund. Upon a second report of suspected drug use, a student may be subject to a \$150 fine, housing probation, and/or additional disciplinary action.

If drugs or drug paraphernalia is found in a common space, the rebuttable presumption will be that all student tenants are responsible for possession and/or use of illegal drugs.

****Please note that students found responsible for smoking, drug use, and/or tampering with fire safety equipment may be subject to separate fines associated with each individual charge originating from the same documented incident.**

Special University Programs. Students found responsible for violating this policy may be subject to additional scrutiny if they are enrolled in a university program with strict drug use policy. The Director of Community Standards and Title IX may notify the head of the department or program of a finding. For these purposes, it is understood that students participating in the Fast Start Academy, the International House

program, the education program, the nursing program, the social work program, and ROTC have agreed to oblige by additional code of conduct.

Dumping/ Littering. No one shall intentionally dispose of trash of any kind anywhere except a designated trash receptacle. Dumping or littering may include but is not limited to the act of dropping and leaving objects such as aluminum cans, cardboard boxes or plastic bottles on the ground and leaving them there indefinitely or for others to dispose of as opposed to disposing of them properly. Dumping and littering violations include but are not limited to:

- Depositing, dumping, littering, or otherwise disposing of any refuse on university property, except in duty designated refuse depositories.
- Leaving trash outside the residence door or on a balcony.

Failure to Comply. Failure to comply with the direction of, and/or present identification to any university official when that official has been identified and is acting expressly within their authority to uphold a university policy. University officials include faculty and staff of the university. Also included are student employees who are carrying out assigned work responsibilities. Failure to comply with a verbal or written directive given by a university official, including obligations associated with any disciplinary sanction(s). Interfering with the normal operation of the teaching/learning environment. Violations of Failure to Comply/Abide include but are not limited to:

- Failure to comply with reasonable and lawful requests or directives of university officials or law enforcement officers acting in the performance of their duties and/or interference with faculty, staff, or student-staff acting in the performance of their official duties.
- Attempting to, or successfully evading, avoiding, or delaying questioning by a university official or employee or UPD officer.
- Failure to show proper student identification or other identification to any faculty, staff, or student-staff in the performance of her/his official duties.
- Violation of federal, state, and/or local laws.
- Violation of published university policies, rules, and regulations (i.e., Code of Conduct, Academic Policies, etc....)
- Failure to provide student identification to UPD upon request.
- Aiding, abetting, or procuring another person to violate a university policy.

Failure to Comply- Interim Protective/Restrictive Measure. Per the Code of Conduct, failing to comply with the directions of an authorized university official, faculty, or staff member may be construed as “failure to comply/abide.” In these policies, a person violates an interim protective/restrictive measure if they (1) have notice and (2) intentionally or unintentionally failed to comply with restrictions articulated in the written directive (e.g., “No Contact Order”, “Interim Suspension.”) issued by a university official, faculty, or staff member. A person who violated an interim protective/restrictive measure *may* be charged with “failure to comply/abide” and may be subject to additional interim measures (e.g., Interim Suspension) as detailed in the written directive.

Notice: For these purposes, notice is generally given upon delivery of the written directive via email or in-person delivery.

Failure to Comply- Public Health / Emergency Management Directives. Students are required to comply with public health and emergency management directives communicated by university, local, state, and federal officials and entities.

Failure to Comply- Self Reporting Policy. Students are required to self-report reportable offenses, including but not limited to, any felony offense, or any misdemeanor offense or statutory infraction involving danger to another, moral turpitude, or an offense involving the illegal possession / use / distribution of drugs. Please review JSU’s Student Self-Reporting policy for additional guidance.

Fire Alarm. The instigation of false fire/explosion, or emergency alarms, bomb threats. Knowingly disregarding a fire alarm, bomb threat, or refusing to evacuate a building or a section of a building where a fire alarm is sounding or an order to evacuate has been given in addition to entering a building while a fire

alarm is sounding. This includes entering or exiting from a fire escape unless during a fire drill or in the case of an actual fire.

Any student found responsible for tampering with a fire alarm may be subject to a \$300 fine and additional sanctions.

Fire Safety Equipment. Tampering/misusing or damaging fire extinguishers, alarms, or other safety equipment. Tampering with smoke detectors includes removing the batteries, covering the smoke detectors, removing the smoke detectors, or otherwise disabling the smoke detectors.

Students are not permitted to tamper with a smoke detector in any way regardless of its sensitivity. It is recommended to use your oven fan or open a window when using high heat on the stove or oven.

Any student found responsible for tampering with fire safety equipment, including smoke detectors, may be subject to a \$300 fine per tampered equipment and additional sanctions.

University Housing. Any student found responsible of tampering with fire safety equipment, including smoke detectors, while living in university housing, may be subject to deferred housing suspension, a \$300 fine per tampered equipment, and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be subject to an additional \$300 fine and immediately suspended without a refund from university housing for a period of at least one (1) year.

Where the tampered equipment is in a common living space, the rebuttable presumption will be that all student tenants are responsible, and all student tenants may be subject to an individual fine of \$300 per tampered equipment.

****Please note that students found responsible for smoking, drug use, and/or tampering with fire safety equipment may be subject to separate fines associated with each individual charge originating from the same documented incident.**

Fraud. Furnishing false information to the university or others with intent to deceive is a personal abrogation of such responsibility, which is contrary to the well-being of a university community. Fraud includes, but is not limited to:

- Forging alteration, or misuse of university property, including library material, private property on the campus, auto decals, identification cards, grade reports, or other personal identification instruments requested by an official.
- This includes using another student's ID card to get meals at the dining center.
- Using another student's ID card to access a residence hall.
- Alteration, or misuse of university documents, identification and keys or access cards.
- Tampering with or illegally influencing voting or vote counting procedures or regulations as set forth by the Student Government Association for any campus election.

Gambling. Gambling, including, but not limited to, contests of chance, illegal lottery and policy for money or something of value, promoting or advancing gambling, gambling using university computing/network facilities, possessing gambling devices or gambling records is prohibited at the university.

Gambling on university property or at university-sponsored or supervised functions for money or stakes is prohibited.

Harassment. Any form of harassment and/or any form of harassment based on perceived or actual identities; In addition to harassment on the basis of legally protected status, Jacksonville State University prohibits harassment of students on any basis, which the university defines to include, persistent, severe, pervasive, unwelcome, and inappropriate conduct that actually or potentially interferes with a student's ability to work or learn.

The university reserves the right to take disciplinary action based on such conduct whether or not it meets with the legal standards of discrimination or harassment. Harassment violations include but are not limited to:

- Action(s) which recklessly and/or intentionally endanger(s) the mental or physical health of any individual and/or results in a cessation of normal activities and operations of the university.
- Persistent, severe, pervasive, unwelcome, and inappropriate conduct that actually or potentially interferes with a student's ability to work or learn.

Hazing. All forms of hazing are prohibited. Any intentional, knowing, or reckless act committed for the purpose of joining or retaining membership in an organization that causes an individual or group of individuals to violate the law or JSU policy or where there is a substantial risk of emotional, mental, or physical harm. For a full definition of hazing, please refer to section XI. A. Risk Management Policy of the Code of Student Conduct.

Intimate Partner Violence: (relationship violence, domestic violence, or dating violence) A pattern of coercive behaviors that serve to exercise control and power in an intimate relationship, as defined below. The coercive and abusive behaviors can be physical, sexual, economic, psychological, verbal and/or emotional in nature. This includes any behaviors that intimidate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married. Intimate partner violence includes dating violence and domestic violence, both of which are defined below.

Dating Violence: Any act of violence, including but not limited to physical, sexual, psychological, and verbal violence, sexual or physical abuse or threat of such abuse, which occurs between individuals who are or have been in a social relationship of a romantic or intimate nature. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship, as defined below. In determining the existence of such a relationship, consideration will be given to the length and the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence.

Domestic violence: Any violent felony, non-violent felony, or misdemeanor crime or threatened act of violence against the Complainant committed by (1) a current or former spouse or intimate partner; (2) a person with whom the Complainant shares a child; or (3) a person co-habituating with the Complainant as a spouse or intimate partner. Domestic violence also includes behavior that seeks to establish power and control over the Complainant by causing the Complainant to fear violence to themselves or another person. Such behavior may take the form of harassment, property damage, intimidation, and violence or a threat of violence to oneself (i.e., the Respondent) or a third party. It may involve one act or an ongoing pattern of behavior.

Intimate Relationship (intimate partner): The existence of an intimate relationship shall be determined based on the individual's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. This relationship may be characterized by some or all of the following: emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identity as a couple, and familiarity and knowledge about each other's lives. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.

Invasion of privacy. All forms of invasion of privacy including, but not limited to the recording, filming, photographing, viewing, transmitting, or producing the image or voice of another person without the person's knowledge and expressed consent while in an environment that is considered private. In such circumstances, the use of undisclosed and/or hidden recording devices is prohibited, as is the storing, transmission and/or distribution of any such recordings. This policy pertains to areas on campus that are considered private or

where there is an expectation of privacy, including but not limited to a residence, restroom, shower, office, locker room, or gym.

Physical Harm. Infliction of, or threat of physical harm to any person(s) or thing or their property (when disruptive or detrimental to the community).

Any student found responsible for violating this policy may be subject to a \$100 fine, restitution, educational sanctions, and additional sanctions.

Pet Policy. No one shall bring any pet except for service animals or emotional support animals, belonging to them or under their control, into any university owned or operated building or chain a pet outside any building. Exceptions to the pet policy may exist in some student housing buildings and students should seek that exemption through housing. Students accompanied by service animals must comply with local laws and public health requirements concerning vaccinations, licensing, and registration that applies to all animals of that species. Students with service animals are encouraged to voluntarily register their service animals with Disability Resources to assist with the identification of the service animal in the event of an emergency. Emotional Support Animals (ESAs) must be registered and be granted an accommodation of access through Disability Resources and subsequently with University Housing for those students living in university provided housing.

Disability: “Disability” is defined as a physical, mental, or medical condition or impairment that limits one or more of a person’s major life activities or is demonstrable by medically accepted clinical or laboratory diagnostic techniques. These limitations may include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.

Owner: The “owner” is the student or individual who has made the requested accommodation and has received approval for an Emotional Support Animal.

Service Animal: A “service animal” as defined in Title II of the Americans with Disabilities Act (ADA) is any animal (most often a dog) that is individually trained to work or perform tasks for the benefit of an individual with a disability including physical, psychiatric, intellectual, sensory, or other mental disabilities. The tasks a service animal provides is directly related to the functional limitations of the individual’s disability and include but are not limited to guiding individuals with visual impairments; alerting persons with hearing loss to intruders or sound; providing minimal (non-violent) protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; or fetching dropped items. A service animal may be present in-residence halls as well as academic buildings and other campus facilities unless the animal presents an unreasonable threat to health or safety. Animals younger than 4 months of age are not considered service animals. A pet or other animal, whether the animal is trained or untrained, whose sole function is to provide companionship, comfort, or emotional support, does not qualify as a service animal.

Emotional Support Animal: An “emotional support animal” (“ESA”) is an animal that provides comfort to an individual with a disability upon the recommendation of a qualified healthcare or mental health professional. An emotional support animal does not assist persons with a disability with activities of daily living but rather its role is to live with a student and alleviate the symptoms of an individual’s disability to provide equal opportunities to use and enjoy residential life at the university. An ESA is primarily limited to residence halls and designated outdoor areas on campus and is not permitted in academic buildings and other campus facilities. Animals younger than 4 months of age are not considered emotional support animals. An emotional support animal is not a service animal. Emotional Support Animals are governed through Housing and Urban Development’s Section 504 regulation and the Fair Housing Act.

Pet: A pet is an animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a service animal or an emotional support animal, and therefore, is not covered by this policy. Individuals are not allowed to have pets on university property.

Ownership Responsibility. Owners are expected to care for and protect their permitted animals. Animals are dependent on people for more than just food, water, and shelter. They also need their owners to protect them from harm. Animal cruelty includes abandonment, starvation, torture, and dog fighting.

- Owners must always keep animals on leash.
- Owners are expected to clean up after their pets. Feces must be placed in a plastic bag tightly and securely tied and sealed. The plastic bag must be deposited in an appropriate building garbage receptacle.
- Owners are expected to be responsible owners who appropriately vaccinate their animals and render appropriate medical and behavioral care.
- Owners are expected to appropriately vaccinate their animals and provide them with appropriate medical attention.
- Owners are expected to provide their animals with the necessary care and attention, including but not limited to regular exercise, as to ensure the animal's medical and behavioral health.
- Owners are expected to provide the animals with the necessary training and obedience instruction to reinforce positive behaviors. Obedience training may include positive reinforcement training, clicker training, and relationship-based training.
- Owners are liable for the actions of their pets (bites, scratches, etc.). Personal renter's insurance including liability insurance should be obtained to cover the cost of liability should the animal harm a person.
- Owners should ensure that their animal is not a nuisance (odor, excessive noise, or other disturbance created by the animal). In general, wild animals, animals not typically kept as pets or for service, and ones that are likely to be too big, too noisy, too fierce, too temperamental, or which are trained for protection will not be allowed.
- Owners are expected to comply with any additional university rules and regulations, including those outlined in the University Housing's Animal Policy and Memorandums of Understanding for Service Animals and Emotional Support Animals.

In the event that an animal causes harm, or threatens to cause harm to an individual, i.e.: physically threatening or harming an individual, the animal must be removed from campus immediately and permanently. There will be no written warning. The university reserves the right to require the removal of an animal or obedience training at any time whether or not prior warnings have occurred.

University Housing. Students who may have a pet in their residence, per University Housing policy, must have an approved pet application for an approved unit. The approved pet application cannot be transferred to another unit without prior notice to and approval from the building manager. Students are expected to clean up after their pets and to be responsible pet owners.

Students who fail to appropriately submit a pet application or otherwise violates the university's pet policy may be subject to a \$100 fine and housing probation. Students will generally be given an opportunity to remedy the situation within three (3) calendar days by either submitting a pet application with the pet fee or by removing the pet. In limited circumstances where there is a legitimate safety concern, the university may require students to remedy the situation within 24 hours upon notice.

Upon a second offense, a student may be subject to an additional \$100 fine, housing probation, and loss of privileges, including the inability to submit a pet application. Upon a third violation, a student may be subject to an additional \$100 fine and suspension from university housing for a period of at least one (1) year without a refund.

Students who continue to violate the university's pet policy may be subject to an interim housing suspension without refund until they cure the situation. Where a pet has caused harm or threatened to cause harm to an individual, students must immediately remove the pet. Failure to immediately remove the pet may result in the student being subject to an interim housing suspension without refund until they cure the situation.

Students are expected to comply with the university's pet policy and with Disability Resources Service and Emotional Support Animals Policy. Students who repeatedly violate the university's pet policy may be subject to housing suspension without refund. In addition, violation of the university's pet policy may impact a student's current and future ESA eligibility.

Retaliation. Adverse action against another person for reporting a violation. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Jacksonville State University has a zero tolerance for retaliation. Students may not engage in retaliatory acts or encourage others to do so. Retaliation against another student or member of the JSU community for their participation in any portion of the referral or student conduct process which includes, but is not limited to, serving as a witness in conduct hearings, is prohibited. Students may be found responsible for violating this policy regardless of the outcome of the referral.

Sexual Assault. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly known as "date rape" and "acquaintance rape"), fondling, statutory rape, and incest. Sexual assault is (1) sexual intercourse or (2) sexual contact (3) without affirmative consent.

1. **Sexual intercourse:** Sexual intercourse means any penetration, however slight, with any object or body part, as follows: (a) penetration of the vulva by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.
2. **Sexual contact:** Sexual contact means intentional sexual touching, however slight, with any object or body part, whether directly or through clothing, as follows: (a) intentional touching of the lips, breasts, buttocks, groin, genitals, inner thigh, or anus or intentionally touching another with any of these body parts; (b) making another touch anyone or themselves with or on any of these body parts; and (c) intentional touching of another's body part for the purpose of sexual gratification, arousal, humiliation, or degradation.
3. **Affirmative consent** (as defined above)

Rape: penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent, which is 16 years old in the state of Alabama.

Sexual Exploitation. Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute sexual assault or sexual harassment. Examples of sexual exploitation include but are not limited to the following:

- Recording, photographing transmitting, viewing, or distributing intimate or sexual images or sexual information without the knowledge or consent of all parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations)
- Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved.
- Making, sharing, posting, streaming, or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded.
- Exposing one's genitals to another person without the consent of that person.
- Intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact that significantly increases the likelihood of STI contraction and/or pregnancy by the nonconsenting party.

- Exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed.
- Trafficking people to be sold for sex; and,
- Causing another person to become incapacitated with the intent of making that person vulnerable to nonconsensual sexual assault or sexual exploitation.

Sexual and Gender- Based Harassment: Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise, when the conditions outlined in (1) or (2), below, are present.

Gender-Based Harassment is harassment based on gender, sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, nonverbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) or (2), below, are present.

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of benefits or detriments to a person's employment or academic standing (including, for example, grades, recommendations, promotions, quality of assignments or compensation), or participation in any university programs or activities or is used as the basis for college decisions affecting the individual (often referred to as "quid pro quo" harassment).

2. The conduct has the purpose or effect of interfering with an individual's study and/or work performance, or creating an intimidating, hostile or offensive work and/or learning environment. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual's participating in or benefitting from the university's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

In evaluating whether a hostile environment exists, the university will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct.
- Whether the conduct was physically threatening.
- The effect of the conduct on the Complainant's mental or emotional state.
- Whether the conduct was directed at more than one person.
- Whether the conduct arose in the context of other discriminatory conduct.
- Whether there is a power differential between parties; and,
- Whether the conduct implicates concerns related to academic freedom or protected speech.

Although it is not possible to list all examples of conduct that constitutes sexual and gender-based harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual and gender-based harassment depending upon the totality of the circumstances, including the persistence and severity of the conduct and its pervasiveness:

- Sexual advances — whether they involve physical touching or not.
- Sexual epithets, jokes, references to sexual activity, comments on an individual's body, or comments about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, cartoons, or other images.
- E-mail, instant messaging, voicemail messages or postings on social networking sites or blogs containing sexual content or references.
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments of a sexual nature.
- Making sexual comments or jokes about a person's pregnancy, calling a pregnant person sexually charged names, spreading rumors about their sexual activity, and making sexual propositions or gestures.
- Attempting or threatening to subject another person to unwanted physical contact.
- Repeatedly following another person in or about a public place or places, sending unwanted text messages, letters, email and/or voicemails, or persistent pursuit of another person.
- Inquiries into one's sexual experiences; and,

- Discussion of one's sexual activities.

Sexual Misconduct. Any form of sexual harassment or sexual misconduct including, but not limited to sexual assault, stalking, dating violence, intimate partner violence, domestic violence, and sexual exploitation. Please refer to JSU's Gender-Based and Sexual Misconduct policy for misconduct subject to that policy.

Smoking. The university is primarily smoke free. Smoke free zones include all university buildings and university housing, including the UREC Center.

Smoking (cigarettes, electronic cigarettes, vaping, cigars, hookahs, and pipes) in the residential area is only permitted in the areas for that purpose.

Smoking violations include but are not limited to:

- Smoking in unauthorized areas of campus as outlined above.
- The unauthorized sale of cigarettes and other tobacco products is prohibited anywhere on university property.

It should be noted that the presence of ashes, in or about residence rooms, halls and/or university buildings creates a rebuttable presumption that a student has violated the university's smoking policy.

Any student found responsible for violating this policy may be subject to a \$300 fine, educational sanctions, and additional sanctions. Aggravating factors, such as the presence of a weapon, threats, or a fight, may result in a \$300 fine and suspension from the University.

Students who are complicit may be subject to a \$150 fine, housing probation, and/or additional disciplinary action from the University.

University Housing. Any student found responsible of smoking while living in university housing may be subject to deferred housing suspension, a \$300 fine, and additional sanctions, including a room change without a refund. Upon a second offense, an individual may be suspended without a refund from university housing for a period of at least one (1) year and subject to an additional \$300 fine.

If evidence of smoking is found in a common space, the rebuttable presumption will be that all student tenants are responsible for violating the smoking policy.

****Please note that students found responsible for smoking, drug use, and/or tampering with fire safety equipment may be subject to separate fines associated with each individual charge originating from the same documented incident.**

Soliciting. No student or non-student entity may sell, solicit, survey, or publicize on university property without the prior written approval of the Dean of Students.

Stalking. A course of conduct directed at a specific person that would cause a reasonable person to fear. Stalking involves repeated and continued harassment, which causes the targeted person to feel emotional distress, including fear and apprehension. A stalker may know the targeted person, may be a past partner, or may be a stranger. Here are some examples of stalking behaviors:

- Pursuing or following.
- Non-consensual (unwanted) communications or contact- including face-to-face, telephone calls, voice messages, electronic messages, or unwanted gifts.
- Showing up at one's home or place of work unannounced or uninvited.
- Constantly calling and hanging up.
- Trespassing.

- Surveillance and other types of observation.
- Use social networking sites and technology to track you.

Cyberstalking: Using the Internet or other electronic means to harass someone.

Student Contractual Agreement. All students or student organizations planning to conduct programs on or off the university campus requiring a contractual agreement with non-university agencies, must obtain permission of the Dean of Students.

Student Posting. Posters, banners, or any other printed material may only be displayed on bulletin boards inside authorized university operated buildings or on authorized buildings. Trash receptacles are specifically unauthorized display areas.

Theft. Theft or attempted theft. Theft is defined as the wrongful taking and carrying away of the personal goods or property of another. Theft violations include but are not limited to:

- Attempted or actual theft of university property or services or property belonging to any member of the university community.
- Misappropriation of funds or receipt of funds through fraudulent or dishonest means.
- The unauthorized possession of university property or property belonging to any member of the university community.
- Unauthorized use or abuse of computer time and/or computer systems, information, passwords, or computerized data.
- Obtaining or attempting to obtain telephone service by any devious means, including but not limited to, unauthorized charging of another person for service, utilizing fraudulent mechanical means to gain service, and/or tampering with connections, facilities, or documents.
- Any student found responsible for violating this policy may be subject to a \$100 fine, restitution of the fair market value of the stolen property, educational sanctions, and additional sanctions.

Threats or intimidation. All hostile, threatening, or intimidating behavior that, by its very nature, would be interpreted by a reasonable person to threaten or endanger the health, safety, or well- being of another.

Examples of such behavior may include, but are not limited to:

- Act(s) that alarms or seriously disrupts another person's ability to participate in any aspect of university life.
- Communicating verbally (either directly or indirectly) through another party, by telephone, or electronic mail, voice mail or any verbal, mechanical, electronic, or written communication in a manner that would restrict or deny any individual's access to educational resources, university activities, and university-related opportunities.

Trespassing. Wrongful and/or any unauthorized entry onto university property, including the residential halls, or the property of another. Students may not violate an administrative trespass issued by a university official or a criminal trespass order issued by UPD.

Unauthorized Use of JSU's Name. Non-recognized student organizations using the name of the university or attempting to use the name of the university without the express written consent of the university.

Unauthorized Activity. Non-recognized student organizations participating or attempting to participate in activities reserved for recognized student organizations. Student organizations that have been suspended or dismissed are considered organizations not recognized by the university.

Unauthorized Entry into Water Feature Areas

To ensure safety, and to protect JSU property from damage, tampering with or unauthorized entry into any campus area that has a water feature such as a fountain, pond, creek, or pool for any reason, during any season is prohibited. Individuals or groups entering the water in any way or placing any objects, substances,

or chemicals into the water is strictly prohibited. Such actions can jeopardize the safety of the individual as well as the water feature's components, systems, and the surrounding area.

Any individual found responsible for violating this policy may be subject to a \$500 fine, cost of repairs, educational sanctions, additional sanctions, as well as criminal trespass orders.

Students who are complicit may be subject to a \$500 fine and additional sanctions.

Vandalism. The willful or ignorant destruction, damage or defacement of property belonging to others has been defined as vandalism which is a detriment to the university community. This policy covers not only university-owned property, but that of others as well. Violations include but are not limited to the willful or ignorant destruction, damage, or defacement of property.

Any student found responsible for violating this policy may be subject to a \$100 fine, cost of repairs, educational sanctions, and additional sanctions.

Violation of University Policy. Violation of written university policy or regulations contained in any official publication or administrative announcement of Jacksonville State University (i.e., University Catalog, Guide to Residence Living, etc.).

Violation of the Law. Alleged or actual violation(s) of any local, state, federal or international law.

Related Policies

A. Jacksonville State University Alcohol and Other Drug Policy

Please refer to the Jacksonville State University (JSU) Alcohol and Other Drug Policy for the complete policy and additional guidance.

Alcohol Policy for Students

Jacksonville State University has established the following policy in regard to alcohol use by students.

1. Alcohol possession and consumption on campus is permitted only for students of legal age (21).
2. It is unlawful and a violation of University Policy to use or possess identification that makes an individual appear older or misrepresents an individual as someone else.
3. The consumption of alcohol stronger than 80 proof is not permitted on campus.
4. It is prohibited to serve, provide, or knowingly allow alcohol to individuals under 21.
5. It is prohibited to serve alcohol to someone who is visibly intoxicated or to pressure someone to consume alcohol.
6. It is prohibited for minors to transport, possess, consume, or serve alcohol.
7. Common source and "tap" systems are prohibited. This includes, but is not limited to, kegs, beer balls, punch bowls, and punch served out of a cooler or another unusual container.
8. Drinking games are prohibited.
9. Consumption in student rooms should neither infringe on the rights of other students to study nor negate any normal activity.
10. Persons may not transport or consume open containers of alcoholic beverages in public areas.
*Public areas include hallways, foyers, stairwells, bathrooms, lounges, or other public areas including outdoor university grounds (e.g., Residential Parking Lots, The Quad, Dillon Field etc.).
11. Full responsibility for compliance with policies and laws belongs to all students.

Drug Policy for Students

The following define the university's policies regarding drug use.

1. Jacksonville State University prohibits illegal drugs on university property and at university events.
2. Students may not be in illegal possession of any controlled substance. Possession means that such substances are on one's person, in one's living environment, automobile or known hiding location.
3. Prescription drugs are permitted on campus if accompanied by an authentic medical prescription. The use and/or distribution of legal medication outside the parameters of the medical authorization is prohibited.
4. Illegal drug paraphernalia, use, possession, sale, distribution, trafficking, and manufacturing are prohibited.

Assistance for Alcohol and/or Drug Abuse

The university offers an array of services for students who require help with alcohol and/or drug use issues. Students needing confidential assistance responding to alcohol and/or drug abuse problems are encouraged to speak with a counselor from Counseling Services, 147 Trustee Circle, 256.782.5475. Another confidential resource is the RMC Student Health Center, 256.782.5310.

Besides individual sessions, Counseling Services provides educational programming through New Pathways, a psycho-educational program that includes both individual assessment and group participation, Collegiate Recovery Community (CRC), and Alcoholics Anonymous and Narcotics Anonymous.

Student Self Reporting

Please refer to the Jacksonville State University (JSU) Student Self Reporting policy for the complete policy and additional guidance.

A student must disclose any arrest, conviction, or the preferring of charges for any of the criminal offense designated below (state, federal or municipal)—excluding minor traffic violations that do not result in an arrest, injury, or risk of injury to others—that occur after the student is first admitted to the university. Disclosure shall be made within five (5) calendar days of the subject event, unless the university is closed then in such event within two (2) business days of it reopening, whichever is longer, and should be made to the Vice President for Student Affairs or the Office of Community Standards and Title IX.

Failure to comply with this disclosure obligation, without a valid legal basis for doing so, shall itself be deemed a violation of the Student Code of Conduct.

B. Duty to Cooperate

Upon receiving notification of allegations and/or an investigation, any student or student organization shall not discuss the investigation or any related incidents with the intent of impeding the investigation. All students are expected to comply with the request of the Office of Community Standards and Title IX or Dean of Students office to attend an interview/meeting and any reasonable request for information. Willful failure to cooperate, the giving of false or misleading information, or failure to maintain confidentiality shall be deemed a violation of the Code of Student Conduct and will result in disciplinary action. For more information regarding this duty to cooperate, please refer to University Policy No: III:18 which can be located at the following link: http://www.jsu.edu/busaffairs/polprocman/pdf/III_18.pdf

C. Medical Amnesty Policy

A bystander or a reporting individual acting in good faith that seeks **immediate and appropriate medical assistance** for a person in need related to the use or consumption of alcohol, drugs, or to another medical emergency, **may not be subject** to the Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident in question.

Steps to Medical Amnesty.

- Call 911, so appropriate emergency personnel (police, fire, and ambulance) can respond.
- Remain with the individual needing treatment and cooperate with emergency officials, as long as it is safe to do so.
- Notify and meet with appropriate university officials after the incident and cooperate with any university investigation that may ensue.

The policy does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

D. Good Samaritan Amnesty

The university encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get in trouble themselves (for example, an underage student who has been drinking might hesitate to help an alleged victim of sexual misconduct). The university pursues a policy of limited immunity for students who offer help to others in need.

A bystander or a reporting individual acting in good faith that discloses any **incident of violence**, including hazing, domestic violence, dating violence, stalking, or sexual assault, to university officials or law enforcement **may not be subject** to the Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident in question.

To qualify for this amnesty, students must notify and meet with appropriate university officials after the incident and cooperate with any university investigation that may ensue.

The policy does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

E. Retaliation

Retaliation against anyone who has filed a report, discrimination, or sexual harassment complaint, or who has participated in the investigation, is prohibited, may constitute illegal conduct, and will be considered an additional violation of JSU and result in disciplinary action. Intimidation, coercion, threats, reprisals or discrimination against any student or employee for complaining about harassment or discrimination or participating in an investigation of alleged harassment or discrimination constitute prohibited retaliatory conduct.

VIII. Interim Measures: Protective/Restrictive Measures and Accommodations

Depending on the nature of the alleged misconduct, interim actions may be taken as deemed necessary for the reasonable operation of Jacksonville State University. The Director of Community Standards and Title IX or designee and other designated university officials, including the Director of Residence Life or designee, may impose interim measures. Examples include, but are not limited to, administrative trespasses from specific buildings or the entire campus, administrative no contact orders between individuals or groups, and alteration of academic or work schedules.

All accommodations or interim measures will be treated as confidential to the extent possible without impairing implementation. Parties have the right to request a prompt review of the need for certain protective and restrictive measures and accommodations. Below is a list of protective/restrictive measures and accommodations that can be authorized during and after the investigative proceedings. ***This list is not exhaustive.***

Please refer to JSU's Gender-based and Sexual Misconduct Policy for information regarding interim measures administered under that policy.

Interim Accommodations- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them.

Interim Loss of Privileges- In certain circumstances, the Director of Community Standards and Title IX or designee has the authority to restrict a student or recognized student organization from participating in certain university activities or events (on or off campus) or access to specific buildings or grounds of Jacksonville State University to protect the safety and well-being of the university community or specific individuals involved in alleged incident.

Interim Suspension- In certain circumstances, the Director of Community Standards and Title IX or designee has the authority to suspend a student or recognized student organization from the university on an interim basis, pending a disciplinary hearing. A student or organization will be suspended on an interim basis to ensure the safety and well-being of community members and/or Jacksonville State University property to ensure the student's own physical or emotional safety and well-being, or to protect the community if the student poses a threat to the normal operation of the university.

The hearing will be held according to the procedure set forth in the Code of Student Conduct. In the event the student is found responsible for the violation that student was notified, any sanction imposed shall take effect from the date of the interim suspension. The fact of interim suspension and subsequent disciplinary action shall become part of the student's disciplinary record. If the Hearing Officer or hearing board concludes that there is insufficient information to support a finding that the student committed a violation, no record of the interim suspension shall be maintained in the Office of Community Standards and Title IX.

Depending on circumstances and at the sole discretion of the Office of Community Standards and Title IX, students who are interim suspended may still be allowed to attend classes. The Office will attempt to work with students on interim suspension so that their academic career and on-campus living arrangements are uninterrupted as much as reasonably practical. However, in most cases where a student is interim suspended, the nature of the incident is usually very serious and poses a significant risk for the entire university community. Such widespread risks usually far outweigh the temporary, protective measure of an interim suspension which prohibits student from physically being present on university property.

Interim Housing Suspension- In certain circumstances, the Director of Residence Life, or designee, and/or the Director of Community Standards and Title IX, or designee, has the authority to suspend a student from all residential communities on an interim basis, pending a hearing. A student may be interim suspended from all residential communities to ensure the safety and well-being of members and/or Jacksonville State University property, to ensure the student's own physical or emotional safety, and well-being, or to protect the community.

Interim No Contact Order- No contact orders are designed so that students involved in a campus conduct process do not have any communication with each other to help minimize further altercations between those involved. Students who have no contact orders are not to contact each other using ANY means. This includes, but is not limited to comments, words, or gestures in person, through postal mail, email, social networking sites, or by having others (friends, acquaintances, family members, etc.) act on his/her behalf.

A. Notice

The Director of Community Standards and Title IX or designee and other designated university officials, including the Director of Residence Life or designee, will promptly inform the Respondent of any actions undertaken that would directly impact them. Notice is generally given upon delivery of the written directive via email or in-person delivery. Notice may occur where Respondent has actual or constructive knowledge of an interim measure. Interim Measures become effective when notice is provided.

B. Violating a Protective Measure

A person violates an interim protective/restrictive measure if they (1) have notice, as addressed above, and (2) intentionally or unintentionally failed to comply with restrictions articulated in the written directive (e.g., "No Contact Order", "Interim Suspension.") issued by a university official, faculty, or staff member. A person who violated an interim protective/restrictive measure may be charged with "failure to comply" and may be subject to additional interim measures (e.g., interim suspension) as detailed in the written directive.

C. Interim Suspension Pending Resolution

Once a formal complaint has been filed, immediate action may be necessary to protect the Reporting Individual or the university community. Where the allegation of prohibited conduct has not been adjudication on the merits, an Interim Suspension may be imposed. In determining whether an Interim Suspension is appropriate, Director of Community Standards and Title IX or the issuing university official may conduct a continuing threat and danger assessment.

In determining whether an individual poses a continuing threat to the community, the following factors may be considered:

- Whether the accused has a history of violent behavior or is a repeat offender.
- Whether the accused has failed to comply with prior interim measures, such as No Contact Order, or with court orders, such as an Order of Protection.
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking, acts of violence, or retaliation.
- The increased risk that the accused will commit additional acts of violence.
- Whether the accused used a weapon or force.
- Whether the Reporting Individual is a minor.
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

Interim Suspensions may include the withdrawal of any or all university privileges and services, including class attendance, participation in examinations, participation in athletics, and utilization of university premises and facilities. The Interim Suspensions may be issued by the Director of Community Standards and Title IX or designee and other designated university officials, including the Director of Residence Life or designee.

D. Reviewing Interim Measures

The Complainant and Respondent may submit a written petition within five (5) business days of notice of the interim measure to the Director of Community Standards and Title IX or the issuing university official for a review of the decision to impose an interim measure. The petitioning party must submit a petition explaining the reason for their request and include any supporting documentation. Petitions without a basis or without sufficient information or petitions considered to be frivolous in nature will not be reviewed. This procedure only addresses interim measures issued in the context of a disciplinary proceeding, as defined by the Code of Student Conduct.

General complaints communicated verbally or via email will not automatically be construed as a petition to review an interim measure. The petitioning party should address any questions about the process to the Director of Community Standards and Title IX or the issuing university official. The university official may inform the non-petitioning party that a petition has been filed and provide access of the petition to that party. The non-petitioning party may choose to submit a written response to the petition.

Upon receipt of a petition and accompanying responses, Director of Community Standards and Title IX or the issuing university official will review the petition and make a determination based on the totality of the circumstances. Where a student is petitioning to overturn an interim suspension, a new continuing threat and danger assessment may be conducted. An interim suspension may be lifted if there is a change in circumstance or good cause.

The issuing university official retains the right to review and modify any interim measures as they see fit and in response to changing circumstances. Please note that additional university officials may be consulted before rendering a decision on the petition. A decision regarding the petition will be communicated via email. Should an interim measure be lifted, Director of Community Standards and Title IX or the issuing university official may recommend and impose alternate reasonable and appropriate interim measures.

IX. Student General Procedural Assurances

The following is a list of procedures that are generally provided to any student participating in the university disciplinary process. Each case presents a unique set of facts and circumstances. The Director of Community Standards and Title IX may elect to consolidate multiple reports or complaints due to the underlying nature of the complaints and in an effort to increase efficiency.

Other than receiving notice and an opportunity to be heard, none of the following procedures are guaranteed. Similarly, additional procedures not listed below may apply or be available to the student. The conduct officer determines what procedures are available on a case-by-case basis.

Respondents (accused students)

1. Respondents will receive notification of the alleged violation and the date, time, and place of any meeting or hearing on the alleged violation(s).
2. In a disciplinary proceeding, students may be accompanied by an advisor (one) of the student's choosing and the student's own expense. Advisors may only consult with the respondent and are not permitted to speak on the respondent's behalf or address the hearing board or officers.
3. Students may request postponement of a disciplinary proceeding if circumstances warrant. In most cases, a postponement will only be granted for an academic or medical situation. The decision to postpone a disciplinary proceeding rest with the Hearing Officer or designee from the Office of Community Standards and Title IX. The Hearing Officer reserves the right to hear the case in absentia if the respondent refuses to show up.
4. Respondents may request access to any written information that may be used during any administrative proceeding as permitted under the Family Educational Rights and Privacy Act (FERPA). Access may be provided to materials in advance of a meeting/hearing upon written request to the Office of Community Standards and Title IX. In cases where retaliation is a legitimate safety concern, the information may be redacted or presented in such a way as to prevent identification.
5. Respondents have the opportunity to introduce documents, call witnesses, and present information during their hearing. The opportunity to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness in writing, at least two (2) business days in advance of a meeting or hearing to the Hearing Officer.
 - a) In cases where retaliation is a legitimate safety concern, the Office of Community Standards and Title IX may limit the respondent's opportunity to call or examine witnesses. In cases where retaliation is a legitimate safety concern, evidence may be redacted to protect the identity of witnesses.
 - b) The presentation of information by the respondent is not unlimited. The Hearing Officer may at any time direct the respondent to move on from irrelevant, or redundant witnesses, documents, facts, or arguments.
 - c) Both parties have the right not to have irrelevant prior sexual history or sexual character admitted as evidence in a campus hearing. In addition, moral character evidence is generally not considered relevant evidence.
6. A Respondent will not typically be compelled to be a witness against themselves. However, if a student decides not to participate in the hearing or does not provide additional information, the conduct officer or board will render a decision in the absence of this information.
7. Respondents will receive a finding of 'responsible', 'not responsible', or 'no finding' based on the preponderance of the information, and to be notified of such decision in writing. The burden of proof is a 'more likely than not' standard.
8. Respondents have the opportunity to submit (orally or in writing) an impact statement to any conduct body, should the respondent be found responsible for one or more of the alleged violations.
9. Respondents may appeal the decision of a disciplinary proceeding in accordance with University Appeal procedures, which are outlined under section XV, Appeal Procedures of the Code of Conduct.

Complainants (reporting individuals)

1. Complainants may be accompanied in a disciplinary proceeding by an advisor (one) of the student's choosing and at the student's own expense. Advisors may only consult with the complainant and are not permitted to speak on the complainant's behalf or address the hearing board or officer.
2. Complainants have the opportunity to decide whether or not to notify local law enforcement authorities and/or to file a report with the Office of Community Standards and Title IX.
3. Complainants may request information about victim advocacy, counseling, mental health, or medical services available on and off campus.
4. Complainants have the ability to report retaliation or harassment as a result of reporting acts of misconduct.

5. Complainants may request the status of proceedings throughout the process subject to federal and state privacy laws.
6. Complainant may have the opportunity to introduce documents, call witnesses, and present information during the hearing. The opportunity to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness in writing, at least two (2) business days in advance of a meeting or hearing to the Hearing Officer.
 - a) In cases where retaliation is a legitimate safety concern, the Office of Community Standards and Title IX may limit the Complainant's opportunity to call or examine witnesses. In cases where retaliation is a legitimate safety concern, evidence may be redacted to protect the identity of witnesses.
 - b) The presentation of information by the Complainant is not unlimited. The Hearing Officer may at any time direct the Complainant to move on from irrelevant, or redundant witnesses, documents, facts, or arguments.
 - c) Both parties have the right not to have irrelevant prior sexual history or sexual character admitted as evidence in a campus hearing. In addition, moral character evidence is generally not considered relevant evidence.
7. Complainants may request the opportunity to answer questions posed by the respondent outside of the physical presence of the respondent. The Director of Community Standards and Title IX or designee will determine if such a request will be granted. Other procedures may be provided on a case-by-case basis to protect the safety and well-being of the university community.
8. Complainants have the opportunity to submit (orally or in writing) an impact statement to any conduct body, should the respondent be found responsible for one or more of the alleged violations.
9. In the case of sexual misconduct violations or physical assault cases, complaining parties will receive timely notification of any decision made, including appeal results.
10. When reasonable, complainants may be granted a change in living assignment, academic arrangement, or other measures (determined on a case-by-case basis) necessary to prevent unnecessary or unwanted contact.

In Cases of Violence

Although not guaranteed or exhaustive, a Complainant who reports an alleged violation of violence, including physical harm, may be provided the following:

- The opportunity to make a request for a reasonable change in living assignment, academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact- regardless of the outcome of the hearing.
- The opportunity to be informed, in writing, of the outcome of any administrative or board hearing decision and any sanction(s) that may have been assigned, including appeal results.

In addition to these procedural assurances, complainants and respondents will be provided information on university resources available for support.

In cases where sexual misconduct is reported, please refer to JSU's Gender-Based and Sexual Misconduct Policy for additional guidance.

A. Informal Resolutions

At their discretion and based on the totality of the circumstances, the Director of Community Standards and Title IX or designee reserves the right to propose an informal resolution. Before pursuing the formal complaint process, the Director Community Standards and Title IX may meet with the Respondent and other impacted individuals to discuss the problem or grievance. The Respondent may be accompanied by an advisor of their choice at any meeting with the Director of Community Standards and Title IX.

If deemed practical and safe, the Director of Community Standards and Title IX or designee and the Respondent may voluntarily agree upon an informal resolution that constructively resolves the issues at hand. By accepting the terms of the informal resolution, the Respondent waives their right to a formal hearing and

waives their right to appeal. Should the Respondent violate the terms of the informal resolution, the formal complaint process may be initiated.

If satisfactory resolution is not reached after discussion with the Respondent or if these efforts are unsuccessful or deemed impractical, the formal complaint process may be initiated. If the university or the student believes that the conduct cannot be effectively addressed through informal means, then the formal complaint process may be initiated.

B. Administrative Hearings

Administrative hearings are coordinated and held by the Director of Community Standards and Title IX and other university administrators, who act as Hearing Officers. Hearing Officers determine whether a Respondent is responsible for violating the Code of Student Conduct. Hearing Officers make their determination based upon a preponderance of the information standard. Hearing Officers, when also acting as the Sanctioning Officer, may assign sanctions as appropriate.

An Administrative Hearing is generally conducted in the presence of the Hearing Officer. Respondents will have an opportunity to hear the evidence being offered against them and present witnesses and relevant evidence. In addition, students may be accompanied by an advisor of their choice.

During the hearing, the Hearing Officer will have an opportunity to question the Respondent and any participating witnesses. The Hearing Officer may add or amend the violation based on information uncovered during the Administrative Hearing. The Hearing Officer may also elect to refer the matter to a Panel Hearing based on uncovered information.

At the conclusion of the hearing, the Hearing Officer may make a determination and assign sanctions. Based on the totality of the circumstances, available evidence, and the preponderance of information, the Hearing Officer will either find the student Responsible for at least one of the alleged violations or Not Responsible for the alleged violations. Where the Hearing Officer has insufficient evidence to make a determination, they may elect to make “No Finding”. In those cases, the Hearing Officer retains the right to reopen the matter should new or additional evidence become available.

The Hearing Officer has the discretion to interpret, vary, and adjust procedural requirements in order to promote a fair and just decision. Where a student fails to attend an Administrative Hearing, the Hearing Officer retains the right to rule *in absentia*.

The Hearing Officer will generally provide a written decision letter to the Respondent within fifteen (15) business days. Under certain circumstances, the Hearing Officer may need additional time to review the presented evidence before making a determination. As such, the Hearing Officer may provide a response outside of this timeframe.

The Director of Community Standards and Title IX or designee retains the sanctioning authority for both Administrative Hearings and Panel Hearings. The Director of Community Standards and Title IX, at their discretion, may modify the assigned sanctions to promote fairness and to better meet the needs of the student. The Director of Community Standards and Title IX may adjust or extend any due dates associated with the assigned sanctions.

C. Panel Hearing

The Hearing Board is organized to provide the student community an opportunity to serve the university by upholding its behavioral expectations of the Code of Student Conduct (excluding sexual misconduct violations). The Office of Community Standards and Title IX, at its discretion, will refer cases that may result in suspension or dismissal to the hearing board for adjudication. A student may refuse a hearing board referral and request an administrative hearing by making this request in writing to the Office of Community Standards and Title IX.

Board hearings shall have jurisdiction over all violations of all university-wide, non-academic regulations. The board shall be composed of three members, one student and two faculty/staff members, one of whom will act as the chairperson.

Any student engaging in the conduct process can request a Panel Hearing before a Hearing Board in place of an administrative hearing; however, board hearings are based on availability and cannot be assured. Students may request a board hearing through the submission form on the Office of Community Standards & Title IX website: www.jsu.edu/community-standards. Board hearings may have a greater level of unavailability during summer sessions, final exams, or when classes are not in session. The chairperson of the hearing board will be designated by the Director of Community Standards and Title IX or designee.

Hearing Officer. The Director of Community Standards and Title IX or designee shall serve as the Hearing Officer. The Hearing Officer should attend and advise the Hearing Board at all hearings. The Hearing Officer may ask questions as appropriate.

The Hearing Officer or Hearing Board shall have discretion to interpret, vary, and adjust procedural requirements in order to promote a fair and just decision.

The primary responsibility for maintaining order lies with the Hearing Officer, Hearing Board advisor, or Hearing Board chairperson. However, all members of the Hearing Board have a duty to assure an orderly and fair proceeding. It is the duty of the Hearing Officer or Hearing Chairperson to make sure that presentations to the board are relevant and that issues raised by complaint, appeal, or petition are reasonably developed and addressed.

It is also the duty of the Hearing Officer or board advisor to manage the logistics of the hearing; to coordinate schedules, paperwork, and reports with the Director of Community Standards and Title IX; to speak for the body in all exchanges with counsel, parties, and others (except when the bodies are engaged in general conference with their advisor present); to control the proceedings and maintain order; to instruct persons before the body on the appropriate procedures of that hearing body; to declare the rulings and orders of the hearing body; to ensure proper completion and filing of all papers; and to perform other duties as necessary.

A conduct system can be effective only to the extent that the cooperation of all participants assures an orderly and fair exchange of information. All parties appearing before the various hearing bodies are expected to show consideration for one another so that the fact finding, and analysis may proceed in a reasoned and reliable way. The Hearing Chairperson or administrative Hearing Officer shall have the authority to remove any participant (including advisors and witnesses) from the hearing or to inform any disorderly and disruptive person(s), that if their behavior does not subside, such acts may result in disciplinary action against the offenders.

Findings. A simple majority vote by the Hearing Board will determine the findings. Based on the totality of the circumstances, available evidence, and the preponderance of information, the Hearing Board may find the student Responsible for at least one of the alleged violations or Not Responsible for the alleged violations. If a student is found 'Responsible' by the Hearing Board, the Director of Community Standards and Title IX will communicate to the student the Board's findings and the imposed sanction(s).

Apart for matters handled under JSU's Gender-Based and Sexual Misconduct Policy, the Director of Community Standards and Title IX or designee retains the sanctioning authority for both Administrative Hearings and Panel Hearings. They are not required to accept any recommendation offered by the Hearing Board.

Confidentiality. In cases resolved by a Hearing Board, confidence is placed in the character and judgement of the board members, and they should hear, examine, and consider all information relevant to the specific issues before the body. Members should feel free to require counsel of the board advisor, the university, the complainant, or the respondent to explain information presented. Members are expected to commit themselves diligently and in good faith to the business of the board and to disqualify themselves, if necessary.

Finally, members are reminded that all matters before the hearing board concerning identifiable individuals are strictly private and cannot be revealed.

Special Procedures for Alleged Violations of Sexual Misconduct

Referrals for alleged violations of Sexual Misconduct will be resolved by specific policies and procedures unique to other forms of resolution described in the comprehensive JSU Sex-Based Harassment and Misconduct Policy. If the Sex-Based Harassment and Misconduct Policy does not apply, by definition or alleged conduct, the procedures for all other misconduct will be followed to address the behavior.

Special Procedures for the International House Program

To facilitate the prompt adjudication of disciplinary cases, a special Hearing Committee may be appointed to hear the case upon the recommendation from the Director of Community Standards and Title IX or designee.

Special procedures exist for any student with allegations of misconduct who are also members of the International House Program. After a student undergoes the disciplinary process with the Office of Community Standards & Title IX or Hearing Officer and if a student is found responsible, they may also be given sanctions by the International House Conduct Advisory Board.

X. Recognized Student Groups and Organizations Policies

Student groups and organizations are expected to maintain appropriate standards of conduct that are commensurate with those expected of individual students. Student groups and organizations may be charged with violating the University's Code of Conduct without regard to whether members of such groups or organizations are individually charged with violations arising from the same occurrences. Noncompliance with the University Code of Conduct by a JSU student organization while participating in non-university sponsored activities off campus may be subject to the disciplinary process.

A. Risk Management Policy

Alcohol and Drugs*

In any activity or event sponsored or endorsed by the organization, including those that occur on or off organizational premises:

- A. The organization, members and guests must comply with all federal, state, provincial and local laws. No person under the legal drinking age may possess, consume, provide, or be provided alcoholic beverages.
- B. The organization, members and guests must follow the federal law regarding illegal drugs and controlled substances. No person may possess, use, provide, distribute, sell, and/or manufacture illegal drugs or other controlled substances while on organizational premises or at any activity or event sponsored or endorsed by the organization.
- C. Alcoholic beverages must either be:
 - a. Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or
 - b. Brought by individual members and guests through a bring your own beverage ("BYOB") system.

The presence of alcohol products above 15% alcohol by volume ("ABV") is prohibited on any chapter/organization premises or at any event, except when served by a licensed and insured third-party vendor.

- D. Common sources of alcohol, including bulk quantities, which are not being served by an insured and licensed third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).
- E. Alcoholic beverages must not be purchased with organizational funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.).
- F. An organization must not co-host or co-sponsor, or in any way participate in, an activity or event with another group or entity that purchases or provides alcohol.
- G. An organization must not co-host or co-sponsor an event with a bar, event promoter, or alcohol

distributor: however, a chapter/organization may rent a bar, restaurant, or other licensed and insured third-party vendor to host a chapter/organization event.

- H. Attendance by non-members at any event where alcohol is present must be by invitation only, and the organization must utilize a guest list system. Attendance at events with alcohol must not exceed local fire or building code capacity of the chapter/organizational premises or host venue.
- I. Any event or activity related to the new member joining process (e.g., recruitment, intake, rush, etc.) must be substance free. No alcohol or drugs may be present if the event or activity is related to new member activities, meetings, or initiation into an organization, including but not limited to “bid night,” “big/little” events or activities, “family” events or activities, and any ritual or ceremony.
- J. The organization, members or guests must not permit, encourage, coerce, glorify, or participate in any activities involving the rapid consumption of alcohol, such as drinking games.

Assault/Battery

In any activity or event sponsored or endorsed by an organization, including those that occurs on or off organizational premises or JSU property, no member or guest shall engage in assault and battery, as defined by state law and JSU policy.

Firearms, Explosive and Incendiary Devices and Other Weapons

The organization and its members must comply with all federal, state, provincial, local law and JSU policy as it relates to firearms, explosives, incendiary devices, or other weapons.

Firearms, explosive or incendiary devices are generally prohibited from organizational property and JSU property and at all organizational activity and events. An organization may only use otherwise prohibited items at an organizational activity or event by getting prior approval from the Dean of Students or Assistant Dean of Students and by utilizing the services of a licensed and insured business or professional (i.e., licensed, and insured gun range).

Hazing

The term “hazing” means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against any individual or group of individuals, regardless of affiliation, whether or not committed on organizational property or JSU property, for the purpose of recruiting, joining, initiating, admitting, affiliating, or for the purpose of retaining membership in an organization that causes an individual or group of individuals to do any of the following regardless of a person’s willingness to participate:

- a. Be coerced to violate federal, state, provincial, local law or JSU policy.
- b. Be coerced to consume any food, liquid, alcoholic liquid, drug, or other substance in any non-customary manner which subjects the individual or group of individuals to a substantial risk of emotional or physical harm which includes but is not limited to sickness, vomiting, intoxication, or unconsciousness.
- c. Endure brutality of a physical nature, including but not limited to, whipping, beating, paddling, branding, dangerous physical activity, or exposure to elements or endure threats of such conduct that results in mental or physical harm.
- d. Endure brutality of mental nature, including but not limited to, activity adversely affecting the mental health or dignity of an individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment or endure threats of such conduct that results in mental or physical harm.
- e. Endure any other activity which adversely affects the health and safety of an individual, including but not limited to the disruption of academic performance or class attendance, required designated driving programs, line ups, calisthenics, or personal, physical, or financial servitude.

Sexual Misconduct

The organization and its members must comply with all federal, state, provincial, local law, and JSU policy related to sexual misconduct. This includes, but is not limited to, definitions around consent, sexual misconduct, sexual harassment, domestic violence, dating violence, stalking, and sexual exploitation. Please refer the JSU’s Gender-based and Sexual Misconduct policy for additional guidance.

The employment or use of strippers, exotic dancers or similar, whether professional or amateur, at any organizational activity or event is prohibited.

Retaliation

The organization and JSU prohibits retaliation against any individual, members, and non-members, for reporting, inquiring, or cooperating with a report around a violation of organizational or JSU policy.

Retaliation is any action, statement, or behavior that is designed to punish an individual for filing a report, cooperating with an investigation, seeking guidance regarding a concern, or to deter one from taking such action.

B. Medical Amnesty Policy

A bystander or a reporting individual acting in good faith that seeks **immediate and appropriate medical assistance** for a person in need related to the use or consumption of alcohol, drugs, or to another medical emergency, **may not be subject** to the Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident in question.

Steps to Medical Amnesty.

- Call 911, so appropriate emergency personnel (police, fire, and ambulance) can respond.
- Remain with the individual needing treatment and cooperate with emergency officials, as long as it is safe to do so.
- Notify and meet with appropriate university officials after the incident and cooperate with any university investigation that may ensue.

An organization may be eligible for mitigation of charges related to organizational policies. To be eligible for this potential mitigation, the organization will be required to meet in person or by phone with university officials. An organization may benefit from this policy more than once; however, repeated use of the policy may receive stricter scrutiny. For additional guidance, please refer to your organization's crisis management plan.

The policy does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

C. Good Samaritan Amnesty Policy

A bystander or a reporting individual acting in good faith that discloses any **incident of violence**, including hazing, domestic violence, dating violence, stalking, or sexual assault, to university officials or law enforcement **may not be subject** to the Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident in question.

An organization may be eligible for mitigation of charges related to organizational policies. To be eligible for this potential mitigation, the organization will be required to meet in person or by phone with university officials. An organization may benefit from this policy more than once; however, repeated use of the policy may receive stricter scrutiny.

The policy does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

D. Social Activities Policy

Student Organizations can plan social activities throughout the calendar year as long as they are in compliance with the University's Alcohol and Drug Policy. Organizations should observe the period beginning 24 hours prior to the first final exam until the conclusion of the last final exam as "Exam Preparation Week." Organizations are prohibited from having any social activities during this time period.

E. On-Campus Social Policy for Non-Residential Facilities

Recognized student organizations may request use of on-campus non-residential facilities to host social functions. The following guidelines must be followed by each organization in order for the organization to remain in good standing with the university:

1. All on-campus social events must be non-alcoholic unless approval is granted by the Dean of Students; *.
2. Social events include any parties, mixers, or events that run into hours after 10 p.m.
3. All organizations must either have an advisor present or have obtained security through the Department of Public Safety for the duration of the event.
4. Should security be requested by the Department of Public Safety, guest lists must be utilized at the entrance door of all social events. The guest list must at least be a sign-in sheet for all attendees if there is no alcohol present*. Attendees must have identification to verify their full name.
5. The guest list must be present when the event begins and must be available for submission to the Department of Public Safety. The guest list is not required for submission to Department of Public Safety prior to the social event.
6. At least one member of the organization must supervise the entrance during the entire social event.
7. At any time, the Department of Public Safety has the authority to immediately close the social event.
8. Security through the Department of Public Safety must be requested at least 10 working days prior to the social event.

*If alcohol has been approved for the event, organizations must follow requirements of the alcohol and drug policy.

F. Student Group and Organization Procedures

Recognized Student Groups or Organizations are expected to abide by all the policies of the university and any local/state/federal/international laws. Alleged violation of university policy or law could result in disciplinary intervention to address the Student Organization behavior.

In situations where a National Organization exists to support the JSU chapter of a student group or organization, they will be contacted and may be engaged in university action, subject to National Headquarters determination. Because Student Organization misconduct is particularly unique, the Office of Community Standards & Title IX and Dean of Students Office has recognized various methods to adjudicate and/or address alleged misconduct, as listed below:

Dismissal/drop the case- this occurs when the university begins an investigation but determines the incident or alleged misconduct may be more appropriately addressed through the individual student conduct process,

Informal Resolution- this occurs when the student group or organization recognizes their responsibility in the misconduct initially and the alleged misconduct is not severe enough to warrant a group suspension or dismissal. Through this process, the University, Student Group Leadership and National Headquarters (when appropriate) will engage in a mediation to determine how the student group can correct or restore the behavior and/or harm done to the community.

University Recognized Governing Body- this occurs when the university determines the alleged misconduct may be more appropriately addressed through peer accountability. A university recognized governing council or board may have university approved internal disciplinary procedures that create an opportunity for peer accountability. In these cases, the procedures outlined by the university recognized governance will be followed as outlined in their bylaws.

Formal Hearing- this occurs when the investigation into the alleged misconduct reflects a more likely than not responsible finding that could result in student group suspension or dismissal. Another instance would permit this adjudication if the student group chose to not move forward with an informal resolution adjudication when offered to them by the Office of Community Standards and Title IX and/or Dean of Students Office. When a Formal Hearing is the determined form of adjudication for alleged student group or organization misconduct, the following procedural assurances are afforded to the student group/organization:

1. Group/Organization President will receive notification of the alleged violation and the date, time, and place of any meeting or hearing on the alleged violation(s),
2. During the formal hearing, Group/Organization President may be accompanied by an advisor (one) of the student's choosing and at the student's own expense. Advisors may only consult with the student and are not permitted to speak on the student's behalf or address the Hearing Officer(s),
3. Where the alleged student organization is part of a university-recognized governing body, the Judicial Officer will function as a liaison for the Director of Community Standards and Title IX and the responding organization. If the Judicial Officer is a member of the responding organization, another Council Officer from a different organization will act as the liaison. The Office of Community Standards and Title IX and/or Dean of Students Office, aim to increase transparency and collaboration with the university recognized governing body.
4. Group/Organization President may request access to any written information that may be used during the formal hearing as permitted under the Family Educational Rights and Privacy Act (FERPA). Access may be provided to materials in advance of a meeting/hearing upon written request to the Office of Community Standards & Title IX. Information may be redacted to protect the identities of individuals to protect the integrity of the reports made and investigation confidentiality promised.
5. Group/Organization President can introduce documents, call witnesses, and present information during their hearing. The opportunity to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness in writing, at least two business days in advance of a meeting or hearing to the Hearing Officer(s). In cases where retaliation is a legitimate safety concern, the Office of Community Standards and Title IX or Dean of Students Office may limit the President's opportunity to call or examine witnesses. The presentation of information by the President is not unlimited. The Hearing Officer may, at any time, direct the President to move on from irrelevant or redundant witnesses, documents, facts, or arguments,
6. Group/Organization President will receive a finding of "Responsible", "Not Responsible", or "No Finding" based on the preponderance of the information and to be notified of such decision in writing. The burden of proof is a 'more likely than not' standard,
7. Group/Organization President may appeal the decision of a formal hearing in accordance with University Appeal procedures, which are outlined under section XV, Appeal Procedures of the Code of Conduct.

Duty to Cooperate

After a recognized student group/organization receives notification of allegations and/or investigation, any student with any association with the identified group/organization shall not discuss the investigation or any related incidents with the intent of impeding the investigation. Any student with association with the identified group/organization is expected to comply with the request of the Office of Community Standards or Dean of Students office to attend an interview/meeting and any reasonable request for information. For more information regarding this duty to cooperate, please refer to University Policy No: III:18 which can be located at the following link: http://www.jsu.edu/busaffairs/polprocman/pdf/III_18.pdf

Special Procedures for alleged Hazing Misconduct

The following is a list of procedures that are provided to any university recognized student organization immediately following the report of alleged hazing activity, as defined by the student Code of Conduct, section XI. Any reported hazing allegations are validated prior to moving forward with these procedures.

1. Leadership of the recognized student organization will be notified of the following:
 - a. Alleged charges of hazing and any other misconduct, if applicable. These initial charges are based on the narrative of the referral received.
 - b. Investigation is being pursued and all members of the organization are expected to cooperate.

- c. Interim suspension of the recognized student organization; pending investigation of the allegations. Interim suspension generally refers to any and all organizational operations and will stand throughout the university's investigation unless otherwise notified by the Director of Community Standards & Title IX, or designees.
- d. Notice of communication shared with National Organization if a national affiliation exists.
2. Interviews with all alleged involved parties (i.e.: witnesses, victims, alleged violators, etc.) will take place and be determined based on initial incident referral. Additional alleged involved parties may be identified throughout the interview process and will, therefore, be added to the interview list. If a national affiliation exists, a representative from that National Organization may be present in all interviews.
3. At the conclusion of the investigation, leadership of the organization will be notified of the updated alleged charges based on additional information discovered through the investigation, and when the organization's hearing will be scheduled. The organization's hearing is an opportunity for the organization's representative to share any information they may have that relates to the charges and share a claim of responsibility on behalf of the organization.
4. Leadership of the organization will be notified of a decision determined by the university, based on the same threshold as all non-academic conduct cases, the preponderance of information (i.e.: more likely than not). This decision will include a comprehensive list of the alleged charges and whether the organization is found responsible or not responsible for each violation. If there are any responsible findings, sanctions will be listed and required of the organization. The organization must meet all the sanction requirements in order to continue to be recognized by the university.
5. The organization has the right to appeal the decision made by the university by following the appeal procedures outlined in section XV of the Student Code of Conduct. Appeals must be submitted through an online submission form located on the Office of Community Standards website: jsu.edu/community-standards. All appeals must be submitted within five (5) business days of the decision date.
6. A letter of good standing may be issued to the organization at the conclusion of all the completed sanctions.

This disciplinary process is designed to follow the same philosophy of all non-academic disciplinary procedures outlined in the student code of conduct, section XI, Student Group and Organization Procedures. Sanctions that accompany responsible findings are typically educationally minded and focused with the intention of those found in violation to better understand the impact of their choices and learn from any mistakes or misunderstandings that may have taken place. A more comprehensive but not exclusive list of sanctions can be found in the student code of conduct, section XIV.

Unusual Circumstances

Interim Measures

Regardless of the adjudication method, university-issued interim measures may be necessary. In recognized student group/organization alleged misconduct circumstances, where the health, safety, or well-being of any individual student, group of students, or university community in question, interim action may be issued to a student group/organization. Interim action will typically be communicated with a notice of investigation. Interim action may be revoked if the initial concern for health, safety or well-being of individuals, groups, or university community are determined to no longer be a concern. For more information regarding possible interim measures, refer to section XIX, Interim Measures, of the Code of Conduct.

Return after Suspension

If a recognized student group/organization was suspended for any period of time, the following procedures are followed for that group/organization to be permitted to return to JSU recognized status:

1. The group/organization must submit a written request to return to campus which includes their intent of returning to recognition with corrected action.
2. The group/organization may be required to meet with the Director of Community Standards and Title IX and the Dean of Students Office to discuss the submitted request and any terms and conditions associated with an approved request. The university is dedicated to transparency and collaboration in order to ensure the successful return of a student group/ organization to campus.

3. Approval or Denial of the request generally will be provided within thirty (30) days from the Dean of Students Office. If approval is granted, the group/organization may return to recognized status at the time determined in their notification of approval.

Special Adjudication Procedures

In unique or severe circumstances, there may be one investigation conducted to serve two adjudication methods and allow for student involvement parallel to university administrator involvement. Student group/organization leadership will be notified if these special adjudication procedures are being utilized.

XI. Sanctions

The Office of Community Standards and Title IX may take any action it deems necessary for the reasonable operation of Jacksonville State University. The following sanctions may be imposed upon any student or a student organization that has been found responsible for a violation(s) of the Code of Student Conduct. The Director of Community Standards and Title IX may impose additional sanctions, not listed below, as they deem fit.

1. Warning- Notice that any continuation or repetition of wrongful conduct in the indefinite future may be cause for further disciplinary action.
2. Educational Sanction- An order requiring the student or student organization to perform mandated service, or to participate in an educational program or activity, including but not limited to, an educational seminar, a treatment program for alcohol or drug use/abuse, or other program/task designed to assist the student in learning more about how their behavior impacted themselves and/or the community.
3. Sanctions outlined by the International House Programs-document that outlines the guidelines for living in the International House. These sanctions are determined and outlined by the International House Conduct Advisory Board.
4. Disciplinary Probation- A period during which a student must behave in a manner acceptable to the university. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate university officials. Conditions of probation may be set forth which restrict the student's participation in co-curricular activities. Violation of the terms of probation, or additional incident(s) of misconduct while on probation, may result in suspension or dismissal.
5. Restitution- Repayment to the university for damages resulting from a violation of the Code of Student Conduct. Restitution sanctions that involve theft, misappropriation of university funds, or damage to university property, will be charged to the student's account and may be referred to the Office of Internal Audit, Enterprise Risk Management. Any unpaid debt may result in a hold being placed on a student's account, collection procedures, and responsibility for any associated collection costs and fees.
6. Facilitated discussion- Informal facilitated conversation between the Respondent and other impacted parties to resolve conflict, to formulate an action plan, and to decide whether and how to implement change.
7. Fines- Violations of the alcohol and drug use policy, smoking policy, and tampering with fire safety equipment may result in a fine.
8. Loss of Privileges- The withdrawal of a privilege, use of a service, participation in a program or organization, event, or activity for a specific period of time. The loss of privileges may prohibit a student or student organization from participating in co-curricular activities, continuing in a degree program, being present in or using certain campus facilities or services, and/or prohibit a student from enrolling in a class or classes.

9. Termination of Recognition- An order terminating university recognition of a registered student organization for a specific or indefinite period of time.
10. No Contact Order – No contact orders are designed so that students involved in a campus conduct process do not have any communication with each other to help minimize further altercations between those involved. Students who receive no contact orders are directed to refrain from contacting an identified individual using ANY means. This includes, but not limited to, comments, words, or gestures in person, through postal mail, email, social networking sites, or by having others (friends, acquaintances, family members, etc.) act on the student’s behalf. Any order of no contact will remain in place until both parties agree in writing to cancel the order, pending final approval by the Office of Community Standards and Title IX.
11. Compliance with National Headquarters corrective action – Recognized student group/organization is required to comply with any and all corrective action outlined by their associated National Headquarters.
12. Social Probation – Typically associated with student groups/organizations; social probation is understood as the group/organization is not allowed to host any events or programs social in nature, including but not limited to, socials, mixers, bands, DJ’s, or any other activity that might seem to have the group/organization violating the guidelines or social probation.
13. Suspension- Any action which excludes the student from registration, class attendance, residence in university- owned or managed housing, and use of university facilities for a specified period of time. The privilege of this action unless specific written permission, otherwise obtained from the conduct officer. Suspension typically includes a trespass from all university property during the designated suspension timeframe. Should a student who is suspended be found on university property, further disciplinary action may be warranted.
 - i. A suspension may be deferred on the timing of the semester (i.e., end of semester). This decision is at the discretion of the Sanctioning Officer and will only be considered if the student’s presence on campus is deemed not to be a threat. Should the student be readmitted, further incident(s) of misconduct will result in additional suspension periods or dismissal from the university. Additionally, the failure to observe the terms and conditions of a suspension may cause the extension of the suspension period or further disciplinary action.
 - ii. A suspension will take place once the appeal timeframe or process is complete. In the event of a suspension, students are encouraged to consult with Student Accounts and the University Registrar regarding possible tuition and fee refunds. The Office of Community Standards and Title IX has no authority in financial matters.
 - iii. Furthermore, a notation may be placed on a student’s transcript indicating a disciplinary suspension. After a completion of the term of the suspension and any other sanctions, the suspension transcript notation will be removed. Upon completion of the period of suspension and fulfillment of all disciplinary requirements, the student must comply with all academic admission standards in effect in order to register.
14. Deferred Suspension- This sanction is a suspension that is delayed pending specified behavioral performance. A definite period of observation and review occurs during a deferred suspension. If a student is again found responsible of violating the Code of Student Conduct, the suspension will take place immediately, without appeal.
15. Dismissal- The permanent loss of the privilege of registration, class attendance, and residence in university owned or managed housing. The privilege to use university facilities or property is also permanently withdrawn by this action. A student who has been dismissed is not eligible for readmission. Any student who is dismissed will not be entitled to any refund of tuition or fees. A notation will be placed on a student’s transcript indicating disciplinary dismissal. Dismissal typically includes a trespass from all university property. Should a student who is dismissed from the university be found on university property, further disciplinary action may be warranted.

16. Additional Sanction- Any sanction deemed appropriate to rehabilitate a student or student organization.

XII. Appeal Procedures

The following appeal procedures are outlined and considered following the outcome of a case after a decision regarding responsibility is determined. The procedures outlined below are applicable for both individual students and recognized student groups/organizations. The purpose of an appeal is to ensure all parties that the original findings of fact, the reasoned integration of them, and the imposition of sanctions or other solutions are consistent with university policies and procedures.

A Respondent or Complainant may submit an appeal. Any persons desiring an appeal will submit within five (5) business days (or in the case of reason #1 below, 30 days) from the date of the decision, a written statement outlining the specific issues and rationale for the appeal. Requests for an appeal will only be considered for one or more of the following:

1. **Information not previously available.** Information not available at the hearing which, had it been available, would in all reasonable likelihood have produced a different finding(s).
2. **Procedural error.** Procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to, failure to adhere to guidelines as outlined in the Code of Student Conduct or perceived Hearing Officer bias (or bias by a board member) based on factors other than the Hearing Officer's decision and rationale for such decision.
3. **Inconsistent Finding or Sanction.** The finding and/or sanction is inconsistent with the weight of the information. The sanction is either too lenient or too severe and does not fit the violation and totality of the circumstances. Discontentment with a particular finding is not a valid reason for appeal.

All appeals must be based on the grounds for appeal as stated above. The responding party to the appeal will receive a copy of the submitted appeal and will have five (5) business days to submit their response to the Appeals Officer. The responding party to the appeal may submit one (1) request for an extension to the Appeals Office within the five (5) day period. Generally, the Appeals Panel will adjudicate the appeal within (15) business days of receipt of the complete appeal of the appealing party.

To submit an appeal, the student or student group/organization pursuing the appeal must submit an appeal submission form found on the Office of Community Standards & Title IX website: jsu.edu/community-standards. An appeal will not be considered unless this form is submitted.

If the sanction(s) imposed includes a housing suspension, or university suspension or dismissal, these sanctions will not be imposed until the appeal decision is rendered, however, depending on the nature of the violations, certain restrictions may apply, and/or some privileges may be revoked on an interim basis.

Appeals Panel

The Vice President for Student Affairs or designee of Title IX Coordinator will function as the Appeals Officer and will ensure that appropriately trained university officials are appointed to the Appeals Panel.

The Appeals Panel will be comprised of three university officials. Panel decisions shall be made by a simple majority vote. No member may abstain from voting.

The Appeals Panel will first determine if the student or student organization has grounds for appeal based on the criteria above. It is the sole responsibility of the appealing student to provide information to support the grounds for an appeal. The appeal must include a full statement of asserted information to support one or more bases of the appeal (listed above). If there is insufficient information to support one or more of the bases for the appeal, the appeal must be denied.

The Appeals Panel may review any relevant material related to the case including: (a) the record made before the hearing body; (2) all pertinent documents, including the audio recording of the hearing, witness statements, incident reports, prior violations, and sanctions against the student.

If there are grounds for an appeal, the Appeals Panel may:

1. Affirm the original finding and sanction.
2. Affirm the original finding and request that the Sanctioning Officer submit a more appropriate sanction.
3. Send the case back to the Hearing Officer to correct procedural errors or factual deficits.
4. Reverse or modify the original finding and dismiss any or all findings of responsibility. Dismissal will only occur if there is insufficient information to support a finding of responsibility.
5. Reverse the original finding and remand the case to a new hearing.

The Appeals Officer will communicate the results of the appeal to the appealing party by electronic mail. Students and organizations are only afforded one level of appeal of a determination by the Hearing Officer or Hearing Board. In addition, the process only allows for one appeal per appealing student or organization. An appealing party may not submit multiple appeals on different bases.

Students who file an appeal will typically be notified of the decision within fifteen (15) business days of the appeal review. However, the Office of Community Standards and Title IX reserves the right to extend this timeline as needed to complete the appeal. Students can submit one appeal per conduct case.

Special Procedures for Alleged Violations of Sexual Misconduct

Referrals for alleged violations of Sexual Misconduct will be resolved by specific policies and procedures, unique to other forms of resolution, described in the comprehensive JSU Sex-Based Harassment and Misconduct Policy. If the Sex-Based Harassment and Misconduct Policy does not apply, by definition or alleged conduct, the procedures for all other misconduct will be followed to address the behavior.

Special University Programs. Students found responsible for violating the Code of Student Conduct may be subject to additional scrutiny if they are enrolled in a university program with additional rules of conduct or program rules. The Director of Community Standards and Title IX may notify the head of the department or program of a finding. For these purposes, it is understood that students participating in the Fast Start Academy, the International House program, the nursing program, the social work program, and ROTC have agreed to oblige by additional code of conduct.

XIII. Holds on Student Records

An administrative hold may be placed on a student's university account for the following reasons:

- The student is accused of violations that could result in a suspension or expulsion.
- The student fails to schedule an appointment with the Hearing Officer by the date specified in correspondence sent to the respondent.
- The student fails to attend a scheduled meeting with the Hearing Officer.
- The student fails to comply with a reasonable directive by a university official and/or the Hearing Officer.
- The student fails to complete an assigned sanction(s) by the specified deadline.
- The student is sanctioned with a 'hold on student account.' This typically occurs until all sanctions are completed or a suspension or expulsion is imposed.

In cases involving students who are graduating, a hold may be placed that will delay the awarding of a diploma. This may not hinder the ability for a student to participate in commencement activities, pending approval from the Office of Community Standards and Title IX. To have the hold removed, a student should contact their Hearing Officer or the Office of Community Standards and Title IX.

XIV. Discipline Records

Jacksonville State University maintains a record of students who have been found in violation of university policies and regulations. Student conduct records are maintained separately from the student's official academic records, except in cases involving suspension or dismissal. In these cases, the Registrar's Office is notified of students' temporary or permanent dismissal.

Information about the status of a student's conduct records will be handled in compliance with the provisions of the Family Education Rights and Privacy Act (FERPA). In accordance with these provisions, no information will be released to external authorities or to others outside the conduct system, unless the student has provided written permission authorizing such release. In other circumstances, the student's records may be released to third parties, only as authorized by subpoena or court order. In most cases, the student is notified of the subpoena or court order at the last known address prior to releasing the information.

XV. Additional Resources

A. Hotlines and Online Resources for Crisis Intervention, Support, and Referrals

1. Sexual Violence & Relationship Violence

- Legal Momentum: <https://www.legalmomentum.org/>
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>
- LGBTQ Domestic Violence Project: <http://www.glbtdvp.org/>
- RAINN: <https://www.rainn.org/get-help>
- Safe Horizons: <http://www.safehorizon.org/>

Please note that these hotlines are for crisis intervention, resources, and referrals. They are not reporting mechanisms. Disclosure on a call to a hotline does not provide any information to the university.

2. Relationships

- Love is Respect: www.loveisrespect.org
- Break the Cycle: www.breakthecycle.org
- One Love Foundation: <https://www.joinonelove.org/>
- Iwannaknow: www.iwannaknow.org
- Day One: www.dayoneny.org
- TwoOfUs: www.twoofus.org
- Futures Without Violence: www.futureswithoutviolence.org

3. Men

- 1 in 6: www.1in6.org
- Male Survivor: www.malesurvivor.org
- Men Can Stop Rape: www.mencanstoprape.org/
- National Domestic Violence Hotline: 800.799.SAFE (7233)
- The Movember Foundation: <https://us.movember.com/>

4. LGBTQ

- LGBTQ National Help Center: 888.843.4564, www.glbthotline.org
- The Trevor Project: www.thetrevorproject.org
- FORGE: <http://forge-forward.org/>
- The Fenway Institute: <http://fenwayhealth.org/>
- Trans Lifeline: 877.565.8860, <https://www.translifeline.org/>

5. Mental Health

If you are having thoughts of suicide, please reach out to the National Suicide Prevention Lifeline for help. They are available 24/7 by phone at 1.800.273.8255 and by chat. Please view the additional crisis prevention resources below:

- Active Minds: <https://www.activeminds.org>
- Boys Town Crisis and Suicide Hotline: 800.448.3000
- Half of Us: www.halfofus.com

- S.A.F.E. Alternatives: 800.DONT.CUT (366.8288)
- Self-Injury Outreach and Support: www.sioutreach.org
- Substance Abuse & Mental Health Services Administration (SAMHSA): 800.662.4357, www.samhsa.gov
- National Eating Disorder Association (NEDA): 800.931.2237, www.nationaleatingdisorders.org
- Crisis Text Line (Confidential Reporting)
Text HOME to 741741 for free, 24/7 crisis support in the US

B. Alcohol and/or Substance Use

The use and/or abuse of illegal drugs, tobacco, and alcohol carries possible health risks to the individual user as well as the campus community and community at large. Substance use risk reduction strategies are an important way to keep our campus healthy and safe. Please do not hesitate to seek help if you are a victim of a crime, even if you have violated the University's Alcohol and/or Drug Policies. You will be treated with dignity and care throughout the reporting process, regardless of the circumstances of the assault.

Alcohol and Risk Reduction*

What to know

- Do the math:
 - one drink = 12 oz. of regular beer
 - one drink = 4 to 5 oz. of wine
 - one drink = 1.5 oz. of hard alcohol
- Binge- or problem-drinking is defined as consuming five or more drinks on one occasion.
- Any amount of alcohol can impair judgment—more so under certain conditions.
- Our body metabolizes approximately one alcoholic drink per hour—there is no way of speeding it up.
- Drinking while engaging in sexual behavior can increase risk for sexual assault, transmitting STIs and unplanned pregnancies.
- Alcohol is a drug—it is an addictive substance that changes our brain chemistry and can cause chemical dependency.

How to be safe

- When you go to a party, go with a group of friends. Arrive together, watch out for each other, and leave together. Make sure at least one member of the group remains sober and will look out for others.
- If you choose to drink, know your limits, and stick to them. Have one drink with alcohol and the next one without alcohol.
- If someone has passed out, do not leave them alone. Turn them on their side and call 911, do not assume they will “just sleep it off”.
- Trust your instincts about uncomfortable situations. Be aware of your surroundings at all times.
- Don't allow yourself to be isolated with someone you do not know or trust.
- State your limits clearly. Do not be afraid to say “No” and/or walk away if you are feeling pressured or coerced, or even just uncomfortable.
 - Educate yourself about Date Rape Drugs. Do not leave your beverage unattended or accept a drink from an open container. Do not drink anything with an unusual taste or appearance. If someone acts extremely drunk after only one or two drinks, they may have been drugged. Call 911 or take them to the hospital.

Plan ahead

- Eat before you drink anything
- Ask a friend to keep an eye on you
- Set a limit on how many drinks you're going to have
- Never leave your drink unattended
- Prepare to say no if you're offered drinks by others

Credited: Sindecuse Health Center, Western Michigan University. www.mwich.edu

Alcohol and/or Substance Abuse and Abusive Relationships*

If you are in an abusive relationship, drugs and alcohol can make an unhealthy situation worse. Abusive partners may get a person drunk or high to increase their vulnerability. Emotions may be stronger or change quickly, and a bad situation may escalate more quickly. It may be harder to take action to escape a bad situation (because you/your ride are unable to drive, it's difficult to remember your safety plan, etc.).

Further, abusive partners frequently do not accept responsibility for their actions and blame drugs or alcohol for their unhealthy behavior. Drugs and alcohol do affect a person's judgment and behavior, but they are not a reason for violent behavior. Watch out for these common excuses:

- "I didn't mean what I said. I was drunk."
- "I would never hit you sober."
- "Drinking turns me into a different person. That's not who I really am." It's important to remember that when a person is intoxicated or under the influence of drugs, their actions still reflect their personality. If someone is violent when they are drunk or high, it's probably just a matter of time until they are abusive when they're sober.

Credited: Love is Respect. www.loveisrespect.org.

Addiction*

Addiction is another very serious health risk associated with the use of alcohol or other substances. Addiction is a primary, progressive, chronic, and potentially fatal disease. Some people think addiction is about a lack of willpower — that someone with a drug or alcohol problem simply doesn't want to get better and could easily quit if they really tried. That couldn't be further from the truth. Addiction is far more complex and less forgiving than many people realize.

Signs and symptoms of addiction may include:

- Drinking or using substances for the relief of withdrawal symptoms
- Increased tolerance or reverse tolerance (drug sensitization)
- Feeling guilt, shame, or remorse (as a result of behavior while under the influence of alcohol or other drugs)
- Anxiety, depression, or other mental health diagnosis
- Concern from family and/or friends about drinking or drug use
- Decline in work performance or loss of interest in hobbies and daily activities
- Inability to remember what happened when drinking (blackouts)
- Financial difficulties including making sacrifices for the purchase of drugs
- Having problems with the law through increasingly risky behaviors and impaired judgment
- Denial or not being aware that a problem exists
- Much time dedicated to the use of a substance (obsession)
- Use that continues despite known health problems that have developed from use

Credited: Start Your Recovery. <https://startyourrecovery.org/26>.

Resources & Hotlines

Below are some on- and off-campus resources.

- Title IX Coordinator (Jasmin Nunez)
301 Angle Hall
256.782.5769
- Counseling Services (Confidential Reporting)
147 Trustee Circle
256.782.5475
- JSU Health Center (Confidential Reporting)
1701 Pelham Road South, Jacksonville, AL 36265
256.782.5310
- Department of Public Safety
Salls Hall
Forney Avenue, NW
256.782.5050

- The Gordie Center. <https://gordie.studenthealth.virginia.edu>
- Start Your Recovery, www.StartYourRecovery.org
- CAGE Questionnaire, A Screening Test for Alcohol Dependence, <https://counsellingresource.com/quizzes/drug-testing/alcohol-cage/>
- College Drinking- Changing the Culture, <https://www.collegedrinkingprevention.gov/>
- National Institute on Alcohol Abuse and Alcoholism, <https://www.niaaa.nih.gov/alcohol-health>
- National Helpline for Substance Abuse Referral Services 1.866.684.6303
- National Clearinghouse for Alcohol and Drug Info 1.800.SAY.NO.TO (729.6686)
- Referral Services 1.877.726.4727
- Poison Control Info 1.800.336.6997

C. Harassment

Tips:

- **Speak up at the time.** You want the harasser to know you find their behavior offensive or unwelcome. State clearly that you don't like what was said or done and you want that behavior to stop.
- **Tell someone about it.** Even if you are not sure you will report the incident, tell someone what happened. Discuss it openly with others. Find out if others have been harassed by the same person.
- **Keep records.** Keep a diary or log of what is happening to you. Include dates, places, direct quotes, and names of other people that were present. Save any letters, cards, or notes sent to you. Let someone read your records. Keep everything in a safe place.
- **Get a witness.** Ask someone to watch you when the harasser is around. Most advances are made when the harasser thinks no one is watching.
- **Seek advice or counseling.** Students often feel powerless, angry, guilty, or fearful when they are subjected to harassment. There are often concerns about personal safety, loss of privacy and the threat of possible retaliation if the situation is reported.

Harassment undermines the self-confidence, well-being and peace of mind of the individual who is offended, and it damages the spirit of trust and collegiality that is central to our university community. No matter when or where the harassment occurred, support and referral resources are available at the university.

Additional Resources

- Title IX Coordinator (Jasmin Nunez)
301 Angle Hall
256.782.5769
- Counseling Services (Confidential Reporting)
147 Trustee Circle
256.782.5475
- Department of Public Safety
Salls Hall
Forney Avenue, NW
256.782.5050
- “Fighting Harassment at School and Work.” AC Online,
<https://www.affordablecollegesonline.org/college-resource-center/workplace-campus-harassment/>

D. Sexual Assault Reduction

Sexual violence risk reduction is an important part of the university’s efforts to eliminate sex and gender-based misconduct. Often, however, attempts to educate students by discussing risk-reduction tips can be perceived as taking on a victim-blaming tone. With no intention to set such a tone, and with affirmative recognition that those who commit acts of sexual violence are and should be held responsible for their actions, these tips are offered in an effort to help students reduce their risk of experiencing non-consensual sexual contact or activity.

1. Make your limits known as early as possible.
2. If you find yourself in a position where another is exceeding your permissible limits by being sexually aggressive, tell the aggressor “NO” clearly and firmly.
3. Try to remove yourself from the physical presence of any sexual aggressor.
4. Call for help or find someone nearby and ask for help.
5. Take affirmative control of your alcohol intake or drug use. Drugs and alcohol lower your normal inhibitions and may make you vulnerable to one who views you as drunk or high and gives that person and opportunity to take advantage of the situation.
6. Friends take care of friends! Take care of your friends and ask that they take care of you. A friend will challenge you if you are about to make a mistake, just as you should challenge them in a reverse situation. You should respect each other when they do.

If you are the initiator of sexual behavior, you owe respect to your potential partner. These suggestions may help reduce the risk of you being accused of sexual misconduct.

1. Clearly communicate your intentions to your prospective sexual partner and give them a chance to relate their intentions and expectations to you.
2. Understand and respect all personal boundaries.
3. Do not make assumptions about consent, about one’s sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically or mentally capable of giving consent. If there are questions, if you are uncertain, or if there is ambiguity, you do not have consent.
4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline or boundaries for sexual behaviors with which they are comfortable.
5. Do not take advantage of someone’s drunkenness or drugged state, even if they did it to themselves. Intoxication, even if voluntary, can negate the effectiveness of consent and cause a sexual encounter to be without consent and potentially illegal.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Consent obtained through coercion is not deemed effective and may cause any contact to be considered non-consensual and potentially illegal. Do not abuse that power.

7. Understand that consent has limits and consent to some forms of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
8. Prior sexual relations with someone should not be assumed that the individual has or will consent to current or future sexual activity.
9. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Additional Resources

The most important thing a victim of sexual assault or domestic violence can do is tell someone whether that be the police, a friend, a rape crisis center, a counselor, a family member, or a staff member. Do not isolate yourself, don't feel guilty, don't blame yourself and don't just ignore it. Sexual assault, whether by a stranger or by someone you know, is a violation of your body and your trust. The organizations and departments listed below can provide or arrange for immediate support and response including assistance with personal safety concerns.

- Title IX Coordinator (Jasmin Nunez)
301 Angle Hall
256.782.5769
- Counseling Services (Confidential Reporting)
147 Trustee Circle
256.782.5475
- RMC/JSU Health Center (Confidential Reporting)
JSU South Complex
1701 Pelham Road South, Jacksonville, AL 36265
256.782.5310
- Department of Public Safety
Salls Hall
Forney Avenue, NW
256.782.5050
- Jacksonville Police Department
911 Public Safety Drive SW
Jacksonville, AL 36265
256.435.1075 or 911
- Calhoun County Sheriff's Office
400 West 8th Street
Anniston, AL 36201
256.236.6600 or 911
- Rape Response (Emergency/Trauma) (Confidential Reporting)
Sexual Assault Nurse Examiner facility offers exams 24 hours a day, 7 days a week
Birmingham, AL
205.323.7273
- Northeast Alabama Regional Medical Center (Emergency/Trauma) (Confidential Reporting)
400 East 10th Street (south on Highway 21/Quintard Avenue; one block east on 10th Street)
Anniston, AL 36207
256.235.5121
- 2nd Chance, Inc. (Confidential Reporting)
Shelter and Support
Crisis Line: 256.236.7233 Office: 256.236.7381
- Alabama Coalition Against Domestic Violence (Confidential Reporting)
Hotline: 1.800.650.6522
- One Love Foundation (Confidential Reporting)
- https://www.joinonlove.org/learn/help_a_friend/
Text LOVEIS to 22522 to text with a peer advocate regarding unhealthy relationships
- Crisis Text Line (Confidential Reporting)
Text HOME to 741741 for free, 24/7 crisis support in the US
- National Sexual Violence Crisis Hotline (Confidential Reporting)
1.800.656.HOPE (4673)

E. Stalking

Stalkers can be unpredictable and dangerous. Whether through in-person or through the use of technology, stalkers use a variety of strategies to invade the lives of their victims. Most stalkers use multiple tactics and can escalate their behavior(s) at any time. You have no control over the stalker's behavior and are not responsible for what they do. However, it can be useful to think of steps you might take to keep yourself and loved ones safe. This process is called safety planning.

Though victims can make safety plans on their own, it is often helpful to work with a trained professional such as an advocate, victim assistance provider, or even a law enforcement officer. You can find these people in local domestic violence and rape crisis programs, victim assistance programs within state and county prosecutors' offices, and in police departments. For help locating someone trained in safety planning in your area, contact Victim Connect (855.4.VICTIM/855.484.2846). The guidance below is intended for general informational purposes only and is not designed to replace a personalized safety plan created with the assistance of a professional. The suggestions below are also not exhaustive. You are the expert on your own life, and you know best what options might be possible or feasible.

Safety Planning: Basic Considerations

- Trust your instincts. Many victims of stalking feel pressured by friends or families to simply ignore the stalker's behavior or "just tell them off." Stalkers are dangerous and your fear is justified.
- Your safety plan should evolve, change, and adapt as the stalking situation changes.
- As much as possible, don't only plan around what has already happened – also think about what might happen next (for example, "if X happens, I will do Y")
- Consider or try to anticipate how the stalker may react to any changes you may make, so you can further plan for your safety. Stalkers often escalate their behavior when the victim reacts (for example, if you block them on social media, they might start showing up at your home).
- Victims must balance their need to live normal lives with their concerns over safety. Only you can decide what tradeoffs are realistic and appropriate for you.

General Safety Strategies – Consider:

- Working with a local domestic violence shelter or victim services program to develop a safety plan.
- Notifying the police, especially if you feel you are in any immediate danger. You can explain to the police why some actions that might seem harmless (like the stalker driving by your house or leaving you a gift) are causing you fear.
 - Ceasing any further communication with the stalker. Many stalkers perceive any contact, even negative contact, to be a reinforcement (more information on this below).
- Keeping a log of every stalking incident

Credited. SPARC. <https://www.stalkingawareness.org/>

Additional Resources.

- Community Standards and Student Ethics (Jasmin Nunez)
301 Angle Hall
256.782.5769
- Counseling Services (Confidential Reporting)
147 Trustee Circle
256.782.5475
- Department of Public Safety
Salls Hall
Forney Avenue, NW
256.782.5050
- Stalking and Harassment Assessment and Risk Profile (SHARP).
- Stalking Prevention Awareness & Resource Center (SPARC) <https://www.stalkingawareness.org/>
- Victim Connect. victim.connect.org (855.4.VICTIM/855.484.2846).

F. Risk Assessment and Risk Reduction

While you can never completely protect yourself from crime, there are some things you can do to help reduce your risk of harm.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Make sure your cell phone is with you and charged and that you have taxi money.
- Do not allow yourself to be isolated with someone you do not trust or someone you don't know.
- Lock doors, including car doors, and when in the vicinity of your car, have your key ready in your hand.
- Before entering an Uber, Lyft, or taxi make sure the child safety lock is off.
- When you go out, have a plan, including transportation home. Go with others, arrive together, check in with each other and leave together.
- Drink Responsibly. Try not to leave any beverages unattended or accept drinks from someone you do not know or trust. If you are drinking alcohol, know your limits and how much you can consume without losing control or awareness of what's going on around you.
- Have a buddy system. Do not be afraid to let a friend know if something is making you uncomfortable or if you are worried about you or your friend's safety.
- Previous consent does not imply current consent - No means no.
- Do not prop outside or suite doors open. Always lock your room door.
- Report lost I.D. cards immediately to your Residence Advisor (RA) and Department of Public Safety.
- Do not open the door if you do not know the person. Report any suspicious persons or activities to the RA or University Police immediately.
- Think twice about what you put on Facebook. When you use social media to share where you are or where you are going, friends can find you, but others may be able to track you as well. Use common sense and ask yourself -- would you give this information to a stranger? If not, then don't share it online.
- Your safety takes priority over someone else's hurt feelings.
- Get yourself to a safe place. Call 911 or local Police. University Police 256.782.5050

XVI. Revisions to the Code of Student Conduct

This Code shall take effect May 15, 2023. It is the general duty of all persons affiliated with the University Conduct System to advise the Director of Community Standards and Title IX of modifications that should be considered in order to improve the fairness and effectiveness of the system. The Director of Community Standards and Title IX, in consultation with university administration will bear the responsibility for identifying and considering any proposed revisions to the Code of Student Conduct.

Jacksonville State University reserves the right to make changes to the Code of Student Conduct as deemed appropriate.

Student Self Reporting

Purpose

Jacksonville State University is committed to maintaining a safe campus. The timely identification of persons that pose a potential risk to other members of the JSU community is essential in that effort.

Policy

A student must disclose any arrest, charge, or conviction for any of the criminal offenses designated below (state, federal or municipal)—excluding minor traffic violations that do not result in an arrest, injury, or risk of injury to others—that occur after the student is first admitted to the university. Disclosure shall be made within five (5) business days of the subject event and should be made to the Director of Community Standards and Title IX, Suite # 301A, Angle Hall, 256.782.5769, on a form to be promulgated by that office. This disclosure obligation applies whether the subject event occurred inside or outside the State of Alabama and regardless of whether the university is in session at the time. Reportable offenses shall include any felony offense or any misdemeanor offense involving danger to another, moral turpitude, or the illegal possession / use / distribution of illegal drugs or prescription medication. Reportable offenses include but are not limited to the following:

- Murder
- Burglary
- Criminal Solicitation
- Robbery
- Conspiracy
- Theft
- Assault
- Receiving Stolen Property
- Reckless Endangering
- Forgery
- Vehicular Assault
- Issuing a bad check (negotiating a worthless check)
- Unlawful Imprisonment
- Unlawful use of a credit card
- Kidnapping
- Endangering the welfare of a child
- Interference with custody
- Hate Crime
- Arson
- Illegal carrying of a concealed deadly weapon
- Any offense in which the main component deals with a sexual offense, including any offense involving child pornography
- Illegal Possession of a deadly weapon instrument
- Illegal use of a deadly weapon or dangerous
- Domestic violence
- Any offense dealing with the illegal possession, use, sale, distribution or trafficking of controlled substances, illegal drugs, or prescription medication
- Violation of a protection from abuse order
- Making a terrorist threat
- Driving a vehicle or operating a watercraft under the influence of alcohol or drugs
- Leaving the scene of an accident
- Resisting arrest or attempting to elude a law enforcement official
- Stalking

Failure to comply with this disclosure obligation may be deemed a violation of the Student Code of Conduct.

The Director of Community Standards and Title IX is responsible for this policy.

