5-400 Student Code of Conduct

Revision Dates

11/19/2026, 2/14/2020, 9/28/2018 (effective 8/23/2018), 6/15/2018 (effective 4/6/2018), 2/8/2018, 6/5/2015, 11/21/2014, 9/26/2014, 6/15/2012, 4/8/2011, 9/25/2009, 8/14/2008, 9/1/2000, 6/1/1990 (adopted)

D. STUDENT CODE OF CONDUCT

A. Jurisdiction and Authority

1. Under Arizona law, the Arizona Board of Regents is responsible for the control and supervision of the state universities and their properties and activities. The Board is authorized to enact ordinances for the governance of the universities and the maintenance of public order upon all property under its jurisdiction. The Board has promulgated this Student Code of Conduct in order to meet its responsibilities under Arizona law. Enforcement of this Student Code of Conduct is subject to applicable law, including constitutional protections for speech, association and the press.

2. The presidents are authorized to enforce the Student Code of Conduct. University presidents are also authorized to limit the application of this policy with respect to University Property leased by the university to third parties, as set forth below.

3. Actions taken under the Student Code of Conduct are administrative and not criminal in nature. Therefore, a student can be found responsible under the Student Code of Conduct even if the underlying conduct would not also constitute a criminal offense, and even if a prosecutor has determined not to prosecute as a criminal matter or the student has been found not guilty in a criminal proceeding.

4. For purposes of interpreting words and phrases not otherwise defined in the Student Code of Conduct, everyday and common usages and understanding shall apply, and external sources may be consulted for guidance.

5. Students may be accountable to both civil and criminal authorities and to the university for acts of misconduct that constitute violations of the Student Code of Conduct. At the discretion of university officials, educational interventions or disciplinary action at the university may proceed before, during, or after other proceedings. Sanctions may be imposed for acts of misconduct that occur on university property or at any university-sponsored activity. As further prescribed in these rules, off-

campus conduct may also be subject to educational interventions or discipline. With respect to student organizations, and their members, university jurisdiction extends to premises used or controlled by the organizations on or off campus.

B. Philosophy

1. The aim of education is the intellectual, personal, social, and ethical development of the individual. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change, and respect for the rights of all individuals. Self -discipline and a respect for the rights of others in the university community are necessary for the fulfillment of such goals. The Student Code of Conduct is designed to promote this environment at each of the state universities.

2. The Student Code of Conduct sets forth the standards of conduct expected of students who choose to join the University Community.

3. A university may respond to violations of these standards with educational interventions or disciplinary sanctions.

C. Scope

1. The adoption of the Student Code of Conduct does not prohibit any university or the Board from adopting or maintaining additional rules to govern the conduct of students. Allegations of misconduct brought under the Student Code of Conduct may be combined with allegations arising under other university or board rules.

2. Each university may adopt policies and procedures for reviewing allegations of academic dishonesty.

3. The Student Code of Conduct applies to individual students and to student organizations.

4. Students and student organizations are also subject to the following rules:

   a. Rules adopted by each university to govern the control of vehicles and other modes of transportation on university property,

   b. Rules relating to student classroom conduct, academic dishonesty, and academic eligibility, performance, and evaluation,

   c. Rules governing student housing,

d. Rules governing the maintenance of public order,

e. Rules governing the conduct of student athletes,

f. Rules governing the use of university communication and computing resources, and

g. Such other rules as may be adopted by the Board, or the universities in furtherance of university and educational goals.

D. Student Organizations

1. Student organizations may be charged with violations of the Student Code of Conduct to the same extent as students.

2. Student organizations, as well as their members and other students, may also be held collectively and/or individually responsible for violations including but not limited to misconduct that occurs: (a) on University Property; (b) on premises used or controlled by the organization; (c) at university-sponsored activities; or (d) in violation of university hazing policies.

3. The officers or leaders of a student organization may be held collectively and/or individually responsible when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization's officers or leaders or if those officers or leaders knew or should have known that such violations were being or would be committed.

4. The officers or leaders of a student organization may be directed to take action designed to prevent or end such violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the Student Code of Conduct, both by the officers or leaders of the organization and by the organization.

E. Definitions: The definitions provided elsewhere in this chapter are also applicable to this policy except where otherwise indicated.

1. "Advisor" means an individual selected by the student to advise him/her. The advisor may be a faculty or staff member, student, attorney, or other representative of the student.

2. "Board" means the Arizona Board of Regents.

3. "Complainant" means any individual who initiates, or on whose behalf a third party initiates, the referral procedures set forth in the Student Code of Conduct Procedures.

4. “Consent” in the context of sexual activity means informed and freely given words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

   Consent may not be inferred from: 1) silence, passivity or lack of resistance, 2) a current or previous dating or sexual relationship, 3) acceptance or provision of gifts, meals, drinks, or other items or 4) previous consent to sexual activity.

   Consent may be withdrawn during sexual activity. Consent to one form of consensual sexual activity does not imply consent to any other form of sexual activity.

   Consent may not be obtained through physical force, violence, duress, intimidation, coercion, or an express or implied threat of injury.

   Consent may never be given by a person who is: incapacitated (by drugs, alcohol or otherwise), unconscious, asleep, or otherwise physically or mentally unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one’s responsibility to obtain consent and does not excuse conduct that violates this Student Code of Conduct.

   Consent cannot be given by someone who, by virtue of age, circumstances or other factors, is deemed by law to be incapable of giving consent.

5. "Controlled substance" means a drug or substance whose use, possession, or distribution is controlled under state or federal law.

6. "Day" means university business day, not including Saturday, Sunday, any officially recognized university employee holiday, or any day the university is closed.

7. “Dangerous Instrument” means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

8. "Dean of Students" or "Dean" means the administrative officer responsible for administration of student conduct bearing this or similar title and includes his/her designee.

9. "Distribution" means sale, exchange, transfer, delivery, or gift.

10. “Educational Response or Intervention” means non-disciplinary remedial action(s) assigned by the dean of students that may include, but are not limited to requiring a student to complete an educational program at the student’s expense, writing a paper or letter of apology, engaging in community service, or assigning other educational responses to address the student’s conduct.

11. "Endanger" means to bring into danger or peril.

12. “Explosive" refers to dynamite, nitroglycerin, black powder, or other explosive material or bomb including plastic explosives; any breakable container that contains a flammable liquid with a flash point of 150°F or less and has a wick or similar device capable of being ignited.

13. "Fabrication" means intentional or reckless falsification or creation of false data or information.

14. “Fireworks” refers to any fireworks, fire crackers, sparklers, rockets, and any propellant-activated device whose intended purpose is primarily for illumination.

15. "Gambling" shall have the same meaning as defined by Arizona law.

16. "Hazing" means either (a) any intentional, knowing or reckless act committed by a student, whether individually, or in concert with other persons, against another person, in connection with an initiation into, an affiliation with, or the maintenance of membership in any organization that is affiliated with a university that contributes to a substantial risk of potential physical injury, mental harm or degradation, or causes physical injury, mental harm or personal degradation; or (b) any act otherwise defined as hazing under applicable law. Hazing includes, but is not limited to, paddling in any form, physical or psychological shocks, late work sessions that interfere with scholastic activities, advocating or promoting alcohol or substance abuse, tests of endurance, submission of members or prospective members to potentially dangerous or hazardous circumstances or activities which have a foreseeable potential for resulting in personal injury, or any activity which by its nature may have a potential to cause mental distress, panic, human degradation, or embarrassment.

17. "Illegal drug" means any drug whose manufacturing, use, possession, or distribution is prohibited or restricted by state or federal law.

18. “Personal Safety Devices:” each university will maintain and publish a list of permitted personal safety devices to include personal alarms, chemical

repellents and other devices designed to protect personal safety from physical attacks by other people. Each university will also publish the process by which an individual may seek to have a device added to the list of permitted devices.

19. "President" means the president of the university or his/her designee.

20. "Sexual misconduct" means one or more of the following:

    a. Sexual violence and other non-consensual sexual contact – actual or attempted physical sexual acts perpetrated against a person by force or without consent; or

    b. Sexual harassment – unwelcome conduct of a sexual nature that is sufficiently severe or pervasive as to create an intimidating, hostile, or offensive environment; or

    c. Other unwanted or non-consensual sexual conduct including but not limited to indecent exposure, sexual exploitation or voyeurism, or non-consensual photographing or audio-recording or video-recording of another in a state of full or partial undress or while engaged in sexual activity, or publishing or disseminating such materials.

    d. Sexual misconduct may also constitute Tile IX Sexual Harassment as defined by federal law and regulations. When alleged conduct falls within the scope and jurisdictional requirements of Title IX, the university will apply the Title IX grievance process and definitions.

21. “Smoking” means the burning of, inhaling from, exhaling the smoke from, the possession of a lighted cigar, cigarette, pipe, hookah, water pipes or any other matter or substance that contains tobacco or any other matter that can be smoked, or inhaling or exhaling of smoke or vapor from an electronic smoking device. "Electronic smoking device” means a device that simulates smoke through inhalation of vapor or aerosol from the device, including e-cigarettes, e-cigars, e-pipes, and vape pens.

22. "Stalking" means engaging in a course of conduct that is directed toward another person if that conduct would cause a reasonable person to suffer substantial emotional distress or to fear for the person's safety or the safety of that person's immediate family member or close acquaintance, and that person in fact fears for his/her safety or the safety of that person's immediate family member or close acquaintance.

23. "Student" for purposes of this Student Code of Conduct means any person who is currently admitted or registered or who participates in a university

function, such as orientation, in anticipation of enrollment, or who was enrolled in a previous term or who is or was registered for a future term, including a faculty member or other employee so admitted, registered, or enrolled.

24. "Student organization" means an organization or group which has been registered or has received recognition according to university policies and procedures or is affiliated with a university.

25. “Title IX” means Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq.

26. “Title IX Coordinator” means the individual designated by each University to oversee compliance with the nondiscrimination and anti-harassment provisions of the Student Code of Conduct.

27. "University" means either the University of Arizona, Arizona State University, Northern Arizona University, or any other University Campus or division governed by the Board.

28. “University Campus” means all land, buildings, facilities, and other property owned, used, or controlled by the university.

29. "University Community" means all university students, employees, and guests.

30. "University Property" means all resources, including but not limited to real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board. A university president may limit the definition of “University Property” for purposes of this policy to exclude certain property owned by the university and leased to a third party. Any such limitation will be in writing, such as a lease, other agreement or university policy. If property is excluded from the definition of “University Property” pursuant to such limitation, it will be treated as off-campus property under this policy.

31. "University-Sponsored Activity" means any activity on or off campus authorized, supervised, or controlled by a university.

32. "Vice President for Student Affairs" means the administrative officer bearing such title, similar title, or his/her designee.

33. “Weapon” refers to any object or substance designed to (or which could be reasonably expected to) inflict a wound, cause injury, incapacitate, or cause death, including, without limitation, all firearms (loaded and unloaded, simulated and real), devices designed to expel a projectile

(such as bb guns, air guns, pellet guns, and potato guns), swords, knives with blades of 5 inches or longer, martial arts weapons, bows and arrows, and chemicals such as tear gas, but personal safety devices as defined above are not included in the definition of "weapon."

F. Prohibited Conduct: Attempts to engage in prohibited conduct are treated in the same manner as if a student did engage in prohibited conduct.

1. All forms of student academic dishonesty, including but not limited to cheating, fabrication, facilitating academic dishonesty, and plagiarism.

2. Endangering, threatening, or causing physical harm to any member of the University Community or to oneself, causing reasonable apprehension of such harm or engaging in conduct or communications that a reasonable person would interpret as a serious expression of intent to harm.

3. Violating the terms of any disciplinary sanction imposed for an earlier violation of the Student Code of Conduct or other board or university rules.

4. Violation of other rules that may be adopted by the Board or by the university.

5. Impersonation of another, using another person's identity, or furnishing materially false information, including manufacturing or possession of false identification.

6. Initiating, causing, or contributing to any false report, warning, or threat of fire, explosion, or other emergency.

7. Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.

8. Forgery, falsification, fabrication, unauthorized alteration, or misuse of campus documents, records, or identification, including, but not limited to, electronic software and records.

9. Unauthorized presence in or unauthorized use of University Property, resources, or facilities.

10. Unauthorized access to, disclosure of, or use of any university document, record, or identification, including but not limited to, electronic software, data, and records.

11. Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing, or emergency services.

12. Misrepresenting oneself or an organization as an agent of a university.

13. Possession of property the student knows or has reason to believe may be stolen or misappropriated.

14. Misuse, theft, misappropriation, destruction, damage, or unauthorized use, access, or reproduction of property, data, records, equipment, or services belonging to the university or belonging to another person or entity.

15. Violation of the Board or university rules or applicable laws governing alcohol, including consumption, distribution, unauthorized sale, or possession of alcoholic beverages.

16. Unauthorized use, sale, possession, or distribution of any controlled substance or illegal drug or possession of drug paraphernalia that would violate the law.

17. Off-campus conduct that a reasonable person would believe may present a risk or danger to the health, safety or security of the Board or University Community or to the safety or security of the Board or University Property.

18. Gambling as prohibited by applicable law, university policy, or associated with any university event.

19. Engaging in, supporting, promoting, or sponsoring hazing or violating the Board or university rules governing hazing.

20. Stalking or engaging in repeated or significant behavior toward another individual, whether in person, in writing, or through electronic means, after having been asked to stop, or doing so to such a degree that a reasonable person, subject to such contact, would regard the contact as unwanted.

21. Engaging in discriminatory activities, including harassment and retaliation, as prohibited by applicable law or university policy.

22. Interfering with any university review, investigative or disciplinary process, including but not limited to tampering with physical evidence or inducing a witness to provide false information or to withhold information.

23. Sexual misconduct.

24. Use, possession, display, or storage of any weapon, dangerous instrument, explosive material or device, torch, device with open flames, fireworks, bomb-making materials, or dangerous chemical on University Property, at a university sponsored activity or in violation of law or university policy, is not permitted unless one of the following exceptions apply:

    a. Subject to A.R.S. §12-781 and other applicable law, a person may lawfully transport or lawfully store a firearm that is both 1) in the person's locked and privately owned motor vehicle or in a locked compartment on the person's privately owned motorcycle, and 2) not visible from the outside of the motor vehicle or motorcycle, although the Board or a university may require that vehicles transporting or storing firearms be parked in alternative parking as described in A.R.S. §12-781, or

    b. Use, possession, display or storage is specifically authorized by an Arizona or federal statute governing law enforcement officers or in writing by university officials with the authority to grant such permission, or

    c. Universities may permit students to possess certain potentially dangerous instruments, and limited quantities of chemicals or other dangerous materials if they are used for academic and other legitimate purposes, if the presence of these items does not present an undue risk to the campus or community, and if the proposed use, possession, display or storage of these items has been expressly approved in writing by an authorized university representative.

    d. The possession or use for self-defense of personal safety devices are not prohibited by this section.

25. Photographing, videotaping, filming, digitally recording, or by any other means secretly viewing, with or without a device, another person without that person’s consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security or surveillance filming or recording that is authorized by law enforcement or authorized university officials.

26. Commission of any offense prohibited by state or federal law or local ordinance.

27. Smoking, the use of and the sale of tobacco products, and the use of and the sale of smokeless tobacco products, including all electronic smoking

devices, in or on all University Property unless an express exception is provided by the university president for certain leased property or pursuant to university policy. In addition, universities may provide exceptions for smoking cessation products, controlled research, educational programs, traditional, cultural or religious purposes or other uses permitted by the university if approved in advance by designated university personnel or pursuant to university policy.

Any attempt to commit or conceal an act of misconduct prohibited by these rules is subject to sanctions to the same extent as completed acts.

G. University Responses to Alleged Code Violations

1. In addition to, or in place of, an educational response or intervention, the dean of students may impose one or more of the following disciplinary sanctions (e.g., expulsion, suspension, or degree revocation) or take administrative action (e.g., probation, warning, administrative hold, interim action) for any violation of the Student Code of Conduct:

   a. Expulsion: Permanent separation of the student from the university. An indication of expulsion may appear on the student's transcript. The expelled student will not participate in any university-sponsored activity and will be barred from University Property. An expelled student will be ineligible to attend Arizona State University, Northern Arizona University, or the University of Arizona or any other University Campus or division governed by the Board unless approved according to paragraph G(2) (a) and (b).

   b. Suspension: Temporary separation of the student from the university for a specified period of time, or until specific conditions, if imposed, have been met. An indication of suspension may appear on the student's transcript. Except where prior approval has been granted by the Dean of Students, a suspended student will not participate in any university-sponsored activity and will be barred from the University Campus. A suspended student will be ineligible to attend Arizona State University, Northern Arizona University, or the University of Arizona or any other University Campus or division governed by the Board until the conditions of suspension have been met.

   c. Degree Revocation: A university may revoke a degree, certificate or other academic recognition previously awarded by that university to a student. Notice of any degree revocation will appear on the student’s transcript. If the university previously communicated the award of a degree, certificate, or other academic recognition to a third party, it may provide notice to that entity of the revocation.

d. Probation: Removal of the student from good conduct standing. Additional restrictions or conditions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of these rules, the conditions of probation, or other university rules committed during the probationary period will subject the student to further discipline, including suspension or expulsion.

e. Warning: A written statement advising the student that a violation of the Student Code of Conduct has been committed and that further misconduct may result in more severe disciplinary action.

f. Administrative Hold: A status documented in the registrar's official file which may preclude the student from registering, from receiving transcripts, or from graduating until clearance has been received from the Dean of Students in accordance with university rules.

g. Restricted Access to University Property: A student's access to University Property, including but not limited to research, communication, and computing resources, may be restricted for a specified period of time or until certain conditions are met.

h. Organizational Sanctions: Sanctions for organizational misconduct may include revocation of the use of University Property or privileges for a period of time, revocation or denial of recognition or registration, or suspension of social or intramural activities or events, as well as other appropriate sanctions permitted under the Student Code of Conduct or other rules of the university.

i. Interim Action: The dean of students may impose restrictions on a student or suspend a student for an interim period prior to resolution of the Student Code of Conduct proceeding.

j. Academic Conduct: Each university may adopt procedures regarding student conduct that takes place while participating in academic activities. These procedures may outline sanctions including but not limited to lower-level warnings, administrative drop from a particular class, or other sanctions as appropriate.

k. Restitution: Payment to the university or to other persons, groups, or organizations for damage to property or costs incurred as a result of the violation of this Student Code of Conduct.

l. Notation on Transcript.

m. Other sanctions permissible under existing university rules.

2. A student who has been suspended or expelled from one university will be ineligible for admission, enrollment, re-enrollment or re-admission to Arizona State University, Northern Arizona University, or the University of Arizona or any other University Campus or division governed by the Board except as follows:

a. Each university may adopt rules and procedures to consider a request for readmission from a student who has been previously suspended or expelled, which shall include criteria to be used in evaluating a request for readmission, and shall provide that a decision to readmit must be approved by the Vice President for Student Affairs at the admitting university.

b. Except as set forth in Section G(2)(a), a student who has been suspended or expelled at one university will not be eligible for admission or re-enrollment at another university governed by the Board until the student has met the conditions for reinstatement at the university which imposed the suspension or expulsion. The conditions for reinstatement may be waived in whole or in part at the discretion of the Vice President for Student Affairs at the admitting university.

H. Determining What Sanction to Impose

1. Mitigating and aggravating factors may be considered. Factors to be considered in mitigation or aggravation include the individual's prior conduct record, the nature of the offense, the severity of any damage, injury, or harm resulting from the violation, the payment of restitution to the university or to any victims, or any other factors deemed appropriate under the circumstances, including but not limited to the individual’s participation in an approved counseling program.

2. Repeated violations of the Student Code of Conduct may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.

I. Enforcement

1. Student sanctions shall be enforced through use of procedures adopted by each university that are consistent with board policies and applicable laws and regulations

2. Sanctions for organizational misconduct shall be enforced through the use of the procedures adopted by each university, consistent with board

policies and applicable laws and regulations

J. Procedures

1. The purpose of these procedures is to guide the review of allegations of violations of the Student Code of Conduct.

2. These procedures are designed to allow for fact-finding and decision-making in the context of an educational community, and to encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and the legitimate interests of the university.

3. The universities may use mediation, conciliation, or any alternative dispute resolution procedures in addition to or in place of these procedures in accordance with policies and procedures adopted by each university and as permitted by law.

4. Student records generated during the information gathering/decision-making process associated with these procedures are subject to the Family Educational Rights and Privacy Act (FERPA).

5. Each university shall adopt Student Code of Conduct Procedures that are consistent with ABOR Policy and applicable laws and regulations. If the sanction imposed includes expulsion, suspension, or revocation of a degree, then the student is entitled to a hearing according to procedures adopted by each university.

6. Each university may adopt policies and procedures for reviewing allegations of academic dishonesty. If the sanction imposed includes expulsion, suspension, or revocation of a degree, then the student is entitled to a hearing according to procedures adopted by each university.

7. Each university will provide procedural protections for disciplinary procedures as required by A.R.S. § 15-1866.

K. Miscellaneous Provisions

1. The description of prohibited conduct shall be interpreted as broadly as consistent with applicable law.

2. The presidents are authorized by the Board to take other actions or to adopt other rules to protect University Property and the safety and well-being of members of the University Community and the public.

3. Nothing in this Student Code of Conduct shall be interpreted or applied in a manner that infringes upon rights protected by the First Amendment to the United States Constitution, applicable state law, and ABOR Policy 1-124 “Free Expression”. Universities shall administer and enforce this Code consistent with applicable law governing freedom of expression.

Policy History

6/1/1990	Approved by the Board on second reading.
9/1/2000	Policy revision approved by the Board on second reading.
8/14/2008	Policy revision approved by the Board on second reading.
9/25/2009	Policy revision approved by the Board on first reading with immediate implementation.
4/8/2011	Policy revision approved by the Board on second reading.
6/15/2012	Policy revision approved by the Board on second reading.
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2/8/2018	Policy revision approved by the Board on first reading with immediate implementation.
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8/23/2018	Policy revision approved by the Board on first reading with immediate implementation.
9/28/2018	Policy revision approved by the Board on second reading.
2/14/2020	Policy revision approved by the Board on second reading.
11/19/2026	Policy revision, including renumbering, approved by the Board on second reading.

Related Information