

## **Frequently Asked Questions for Students**

**Although this guide is designed to assist individuals through the University Codes of Conduct, all students are required to read and know the Student Code of Conduct ([https://www.tuskegee.edu/Content/Uploads/Tuskegee/files/Student%20Affairs/TU-Student-Handbook-2017-2018\(Revised\).pdf](https://www.tuskegee.edu/Content/Uploads/Tuskegee/files/Student%20Affairs/TU-Student-Handbook-2017-2018(Revised).pdf)) for complete details of the process as well as your rights and responsibilities and assurances of fundamental fairness.**

### **WHAT IS THE UNIVERSITY CODES OF CONDUCT?**

Tuskegee University is a private educational institution that has a vested interest in maintaining community standards, educating students about their behavior, and providing a safe and educationally sound environment for all community members. The University Codes of Conduct are the rules and processes put in place by Tuskegee University to achieve these goals.

### **WHAT ARE THE MAJOR DIFFERENCES BETWEEN THE UNIVERSITY CODES OF CONDUCT AND CRIMINAL JUSTICE SYSTEMS?**

The University Codes of Conduct is focused on educating the student with emphasis on student development and accountability, while the goal of the criminal justice system is primarily focused on punishment and rehabilitation. Therefore, the University works with students who have been accused of violating the rules and regulations of Tuskegee University (found primarily in the Student Handbook under the Codes of Conduct) and finding a meaningful resolution of those accusations.

### **WHY DOES TUSKEGEE UNIVERSITY GET INVOLVED WITH MY BEHAVIOR OFF CAMPUS?**

As a Tuskegee University Student, certain rules and regulations apply to your behavior. Tuskegee has stated that, "Jurisdiction of the Tuskegee University Codes of Conduct shall not be limited to conduct that occurs on Tuskegee University premises. It will be applicable to any conduct which affects the Tuskegee University community as a whole, its individual members, or the pursuit of its objectives." In other words, your behavior reflects on your Alma Mater, therefore the University will consider taking internal action when that behavior reflects on Tuskegee in a negative manner.

### **WHY IS THE UNIVERSITY CHARGING ME WITH A POLICY VIOLATION IF I AM GOING THROUGH THE LOCAL/STATE/FEDERAL COURTS? ISN'T THAT DOUBLE JEOPARDY?**

Students may be accountable to both civil authorities and to the University for acts that violate local, state, or federal laws. (Students are encouraged to seek advice of legal counsel when they face criminal charges.) Disciplinary action through University processes concurrent with criminal action does not subject a student to "double jeopardy" as this is a legal term referring to criminal court actions. Tuskegee University is not a state or federal agency and operates under completely different policies, procedures, and standards to ensure compliance with community standards.

### **I HAVE BEEN "WRITTEN UP" BY A TUPD OFFICER; OR I HAVE BEEN CITED BY THE POLICE IN REGARDS TO MY BEHAVIOR, WHO DO I HAVE TO MEET WITH?**

When a report of an alleged violation of the Tuskegee University Code of Conduct is reported to the Office of the Dean of Students and Judicial Affairs the case is assigned to a member of the staff for resolution. You will be notified via our secure electronic system of the accusations and how to schedule a meeting with the Judicial Affairs Officer for your case. You should contact the Judicial Affairs Officer or the Office of the Dean of Students and Judicial Affairs immediately upon receipt of the email to make an appointment. Failure to do so may limit your options in resolving the case

It is equally important that if you were also cited by the Tuskegee University Police or another local police department that you respond to that citation in the time frame indicated on the citation. The criminal process is separate from the University Conduct System and it is important that you meet your obligations in regards to both systems.

**I RECEIVED A LETTER INDICATING THAT I HAVE BEEN CHARGED WITH A VIOLATION OF THE STUDENT CODE OF CONDUCT. DOESN'T THIS "CHARGE" MEAN THAT YOU'VE ALREADY FOUND ME GUILTY?**

No. The notification refers to the incident as an alleged violation of the Student Code of Conduct. The purpose of the University Codes of Conduct is to provide a fundamentally fair process for resolving alleged violations.

**WHAT IS THE DIFFERENCE BETWEEN "RESPONSIBLE" / "NOT RESPONSIBLE" AND "GUILTY" / "NOT GUILTY"?**

The Tuskegee University Student Conduct Process is not a criminal or civil court. It is an administrative process for handling alleged violations of the Tuskegee University Code of Conduct. The “burden of proof” or the standard we use to determine whether or not students have violated the Code of Conduct is “a preponderance of evidence.” This means that when all of the information and evidence is examined, if it is more likely that the student acted in a manner that violates the code, they will be held accountable for that violation.

**I DIDN'T KNOW I WAS DOING ANYTHING IN VIOLATION OF THE STUDENT CODE OF CONDUCT, HOW CAN YOU CHARGE ME FOR THAT?**

All students are required to review and understand the Tuskegee University Student Code of Conduct. The official and most updated version of the Student Handbook, which contains the Tuskegee University Student Code of Conduct can be found online at: <http://Tuskegee.edu/go/codeofconduct>.

**HOW LONG DOES THE JUDICIAL PROCESS TAKE?**

Tuskegee University treats every incident on a case by case basis. Due to the varying nature of investigations, scheduling and other circumstances, the process can take anywhere from several days to several weeks.

**WHAT IS THE PROCESS THAT MY CASE WILL FOLLOW?**

The process used for resolving allegations of violations of the Student Code of Conduct can be found in their entirety in the Tuskegee University Student handbook; specifically, Student Codes of Conduct. In brief, the process is below:

After an initial report is received by the Office of the Dean of Students and Judicial Affairs and reviewed, any students who have allegedly violated the Code of Conduct, will be

contacted by the Office of the Dean of Students and Judicial Affairs via our secure electronic system and asked to set up an appointment with a the Judicial Affairs Officer.

At that initial meeting, a student may, at the discretion of the Judicial Affairs Officer be given an opportunity to resolve the charges by taking responsibility for the charges, if a student does this, sanctions will be assigned by the Judicial Affairs Officer and the matter will be concluded.

If a student does not accept responsibility for the charges, or is not given an opportunity to do so, the case will be resolved via a disciplinary conference or a disciplinary hearing. A disciplinary conference is an informal process in which a Judicial Affairs Officer reviews the evidence in question, talks with the accused student (and in some cases witnesses), and makes a decision as to both the student's responsibility and if applicable, sanctions that are to be imposed. A disciplinary hearing is a formal process before the University Judicial Hearing Board in which a panel reviews all relevant information and makes a determination regarding responsibility and sanctions

#### **WHAT HAPPENS IF I CHOSE NOT TO SET UP A MEETING WITH THE OFFICE OF THE DEAN OF STUDENTS AND JUDICIAL AFFAIRS?**

If you fail to set up an appointment when asked to do so, you will likely be charged with additional violations of the Tuskegee University Code of Conduct (specifically: Failure to comply with the reasonable requests of a University Official) and the matter will be referred to either a disciplinary conference or a disciplinary hearing for resolution.

#### **WHAT HAPPENS IF I CHOSE NOT TO ATTEND A DISCIPLINARY CONFERENCE OR DISCIPLINARY HEARING?**

You are not required to attend a disciplinary conference or a disciplinary hearing. Even if you choose to attend, you are not required to participate in any way except for identifying yourself for a recording device. If, however, you choose not to attend or to attend and not participate, the Judicial Affairs Officer, or Hearing Panel will make their decisions on both responsibility and sanctions based on the information that is available to them. If you have an academically related issue with the scheduled hearing time, please contact the Office of the Dean of Students and Judicial Affairs to discuss the situation.

#### **WHAT IS THE UNIVERSITY JUDICIAL HEARING BOARD?**

The University Judicial Hearing Board is the University's primary hearing organization. It is made up of faculty members, staff, and students. This organization is charged with reviewing and deciding conduct cases that are brought before it by the Office of the Dean of Students and Judicial Affairs. The students are selected in the spring of each year through an application and interview process.

#### **CAN SOMEONE ATTEND MY MEETINGS WITH ME LIKE A PARENT OR LAWYER?**

Accused students are entitled to advisory assistance by any member of the university community (current students, faculty, and staff, provided he/she is not an attorney). The advisor's role is to assist, support, and advise students at any stage of the conduct process. The advisor may not, however, ask or answer questions for students or make summation statements on their behalf. This person is an observer and will not be a participant in the hearing. Generally, legal counsel shall not be permitted to attend the

hearing to represent the student. However, in cases where there are pending criminal charges, the accused student may have legal counsel present as an advisor. If the case involves sexual misconduct, either party may have an advisor of their choosing, which could be an attorney. If present, the counsel may not participate in the hearing in any way except in advising the accused student. In these cases, the Conduct Officer may request that university counsel be present in a non-participatory role. Parents are not permitted to attend hearings.

#### **WHAT SHOULD I WEAR?**

There is no formal dress requirement for meeting with the Conduct Officer or hearing panels. Everyday clothes are acceptable attire, however it is advisable to consider the impression you may give when deciding what to wear to meetings/hearings.

#### **MY CASE HAS BEEN REFERRED TO AN ADJUDICATION HEARING, WHAT SHOULD I DO?**

You will be notified via our electronic system of the time, date, and location of your hearing. You will also receive a packet of materials. You will at that time be asked to schedule a pre-hearing interview with a member of the staff. At that meeting the process as well as your rights and responsibilities will be explained in detail.

#### **WHAT SHOULD I DO IF I DO NOT AGREE THAT THE SANCTIONS ASSIGNED ARE APPROPRIATE OR IF I BELIEVE THAT THE PROCESS WAS UNFAIR?**

These kinds of issues are addressed through the appeals process. The appeals process is a chance for an independent group to review decisions made by the University Judicial Hearing Board (UJHB). An appeal may be filed for any or all of the following reasons:

##### **1. Substantive Error**

An appeal request will be granted when there was an error in identifying or interpreting the controlling and relevant University policy or standard of conduct and this substantially affected the hearing and resulted in the Accused being denied a fair hearing outcome.

##### **2. Procedural Error**

An appeal request will be granted when an important procedure leading up to or during the original hearing was ignored or so flawed that the hearing was not fair and impartial.

##### **3. New Evidence**

An appeal request will be granted when relevant new evidence has surfaced that could materially affect the decision or finding of the Hearing Panel/Hearing Officer. This evidence must be produced and substantiated or documented and it is required that proof be provided that this information was not available at the time of the hearing.

##### **4. Disproportionate Sanction**

An appeal request will be granted when the sanction levied against the Responsible party is manifestly unjust because it is overtly disproportionate to the offense.

All requests for appeals must be submitted to the VPSAEM in writing within five (5) business days of the initial hearing. The Judicial Appeals Board (JAB) normally will act on a request for an appeal within 120

hours (five days) of receiving the appeal from the Vice President of Student Affairs and Enrollment Management. The form should be typewritten, with an attached statement of no more than five double-spaced pages in length. The statement must clearly specify the grounds on which the appeal request is being submitted and it must be accompanied by any relevant supporting documentation. Each case may be appealed only once.

Upon receipt of the *Appeal of Disciplinary Action* form and all supporting documentation, the Judicial Affairs Officer will forward the appeal request to the Vice President of Student Affairs and Enrollment Management or his/her designee. The Vice President of Student Affairs and Enrollment Management or his/her designee shall have the authority to determine if the appeal could reasonably be expected to meet at least one of the four stated criteria. If the Vice President of Student Affairs and Enrollment Management or his/her designee so rules, he/she will set up an appeal hearing and notify the parties of its date, time, and location.

Appeal hearings will be limited to a presentation of evidence by the appellant that directly addresses the grounds for the appeal. No witnesses may be called. Appeal hearings will follow a standardized format. After reviewing all material relevant to the appeal case, the JAB may choose one of the following two options:

1. Recommend to the Dean of Students that:

- a. The decision of the initial hearing board should be upheld, and the sanctions should be implemented as recommended.
- b. The decision of the initial hearing board should be upheld, but the severity of the sanctions should be decreased.
- c. The decision of the initial hearing board should be over-turned.
- d. The case be reheard by the University Judicial Hearing Board. The recommendation is submitted to the Dean of Students with a full explanation for the decision.

2. The JAB can decide to hear the case itself. If this option is followed, the same format will be used as in hearings with the UJHB. In this option, the decision of the UJHB is final.

In reviewing any appeals, the JAB can recommend a sanction more severe than the sanction recommended by the initial hearing board.

## WHAT KINDS OF PUNISHMENT CAN I EXPECT IF FOUND RESPONSIBLE?

Generally speaking, Tuskegee University's goal is to educate students through the use of sanctions. The following is a list of primary sanctions that can be imposed by the University:

- Disciplinary Warning. A disciplinary warning is a written statement of a student's responsibility
- Disciplinary Probation. Disciplinary probation is the imposition of a trial period in which students must show that they are willing to live up to the expectations in this Code of Conduct.

- Disciplinary Deferred Suspension. The sanction of disciplinary suspension may be placed in deferred status for a limited period of time. During this period of time, any further violations of the Code of Conduct will result in an immediate suspension. Additionally it means that the student is not permitted to represent the University in any official way off campus (i.e. athletics, musical performance groups, etc.)
- Disciplinary Suspension. Disciplinary suspension is the temporary separation of the student from the Tuskegee University Community.
- Expulsion. Expulsion is the permanent removal of a student from the university.

Other sanctions may be imposed in an effort to curb behavior, educate the student, and protect the community. Additional information can be found in Student Handbook; specifically, the Codes of Conduct.

#### WHAT HAPPENS IF I DON'T COMPLETE MY SANCTIONS?

Any student who fails to complete his or her sanctions can be charged with additional violations of the Student Codes of Conduct. Additionally, your sanctions can be increased, which may lead to suspension or expulsion.

#### WHAT IF I AM UNABLE TO COMPLETE MY SANCTIONS BY THE DEADLINE GIVEN?

The Tuskegee University Community is comprised of reasonable people making reasonable decisions. If there are circumstances that require an extension on your deadline contact the Office of the Dean of Students and Judicial Affairs prior to the date your sanctions are due to explain your situation and request an extension. Extensions will be given on a case by case basis.

#### IF I AM FOUND RESPONSIBLE FOR A VIOLATION OF THE TUSKEGEE UNIVERSITY STUDENT CODE OF CONDUCT, WILL MY PARENTS BE INFORMED?

Your disciplinary records are protected by the Family Educational Rights and Privacy Act (FERPA), and will be kept confidential except for those members of the University community who have an “educational need to know” or as provided for by law. However, if your violations involve drugs or underage alcohol possession/consumption a letter will be sent to your parents from the Office of the Dean of Students and Judicial Affairs notifying them of your violation(s)/sanction(s). This action is in accordance with changes made to FERPA in 1999.

#### HOW WILL THIS AFFECT ME WHILE APPLYING TO GRAD SCHOOL OR GETTING A JOB?

##### **Graduate School Admissions**

When a student applies to graduate school, most institutions of higher education will require what is known as a Dean’s Certification. This is a document that Tuskegee University will complete for the student and it will outline the charges and primary sanctions (expulsion, suspension, deferred suspension, probation, or warning) imposed for any violations of the Code of Conduct that a student has been found responsible for. It is recommended that if a student has one or more violations of the Code of Conduct on their record that they provide a written statement along with a graduate school application outlining the incident and the actions they took to correct your behavior. It is always in the best interest of the applicant to be honest concerning a past conduct record.

### **Employers**

Most employers do not require a review of your conduct record, but others especially those involving security clearances may. Again it is in a student's best interest to be honest about conduct violations when asked.

### **Can a student's disciplinary record be expunged?**

No, Tuskegee does not expunge or wipe clean student disciplinary records.

### **I AM A STUDENT ATHLETE, IS MY COACH GOING TO FIND OUT THAT I VIOLATED THE CODE OF CONDUCT?**

Yes. Your coach has an educational need to know the outcome of your conduct cases.

### **IF I AM FOUND RESPONSIBLE, WILL IT AFFECT MY FINANCIAL AID?**

In most cases, financial aid is unaffected unless you are suspended or expelled from the University. You should contact the Office of Financial Aid at (334) 727-8088 or 8201 for more information.

### **IF I AM FOUND RESPONSIBLE OF A VIOLATION OF THE STUDENT CODE OF CONDUCT BUT THE POLICE WERE NOT INVOLVED, WILL THE POLICE BE NOTIFIED TO CITE ME FOR VIOLATIONS OF THE LAW?**

Possibly. Because the university has an interest in inappropriate behavior separate from that of the civil authorities, it has the right and responsibility to exercise its jurisdiction and take such action as is appropriate to protect this interest. When the university has jurisdiction in a matter subject to this code, it has the right to report the matter, whenever appropriate, to civil authorities.

### **FOR MORE INFORMATION**

For additional information contact the Office of the Dean of Students and Judicial Affairs