

3.02 Student Conduct Code

This policy is outlined as follows:

- I. Policy
- II. Philosophy
- III. Scope
 - A. Jurisdiction
 - B. Speech
 - C. Guests
 - D. Timing
 - E. Criminal & Civil Proceedings
- IV. Definitions
- V. Student Rights
- VI. Prohibited Conduct
 - A. Misconduct related to others
 - B. Misconduct related to property
 - C. Misconduct related to health, welfare, and safety
 - D. Misconduct related to the operation of the University
 - E. Misconduct related to other university policies
 - F. Other acts of misconduct
 - G. Misconduct related to Housing and Dining
- VII. Good Samaritan Rule
- VIII. Student Organizations
- IX. Student Conduct Procedures
 - A. Charges and Notice
 - B. Interim Actions
 - C. Informal Resolution
 - D. Hearing Resolution
 - E. Decisions
 - F. Sanctions
 - G. Appeals
 - H. Failure to Complete Sanctions
- X. Student Conduct Records
- XI. Training
- XII. Revisions
- XIII. Related University Policies

I: Policy

This policy outlines university standards for student behavior and delineates the processes by which allegations of misconduct will be addressed in order to safeguard the rights, property, and safety of the University community and individuals in it; to ensure that student behavior complies with applicable law and policy; and to permit the orderly operation of the University. In this context, the University seeks to foster an environment conducive to achieving its academic mission and that is supportive of the rights of individuals to live, work, learn, and assemble safely and equitably; to express views and opinions; and to associate freely with others.

Students and student organizations are expected to adhere to the standards of conduct described herein.

Allegations of misconduct will be addressed through procedures that ensure due process and contribute to the education of all involved.

Students are informed of the Student Conduct Code during orientation, are annually provided notification of it via email, and have access to the Student Conduct Code via the University website.

The Dean of Students will develop procedures for the administration of the Student Conduct Code. Any question of interpretation of the Student Conduct Code will be referred to the Dean of Students, whose interpretation is final.

II. Philosophy

The Student Conduct Code is grounded in a commitment to three core values:

Respect: University of Northern Iowa students support the rights of individuals to live and work with each other in a safe environment reflective of the educational ideals of the University.

Responsibility: University of Northern Iowa students engage in responsible social conduct that reflects positively upon the University community, while modeling good citizenship in all communities.

Honesty: University of Northern Iowa students live a life of integrity, creating good leaders, friends, and colleagues who share the common goal of building our learning community.

III. Scope

The Student Conduct Code and related policies and procedures apply to the conduct of individual students, both undergraduate and graduate, and all university-affiliated student organizations. The definition of student, in section IV, will be used in the interpretation and application of this policy.

- A. **Jurisdiction:** The Student Conduct Code applies to behaviors that take place on campus, at university-sponsored events, through electronic media, and may also apply off-campus when the Dean of Students or designee determines the off-campus conduct is of university interest. A university interest is a matter of concern that includes:
 - i. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or others;
 - ii. Any situation significantly infringing upon the rights, property, or educational pursuits of others or significantly breaching the peace and/or causing social disorder; and/or,
 - iii. Any situation detrimental to the pursuit of the educational mission and/or interests of the University.
- B. **Speech:** The Student Conduct Code may be applied to behavior online, via email, or other electronic media. Online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private.
When speech or conduct is protected by the First Amendment, it will not be considered an alleged violation of this policy.
- C. **Guests:** Students may be held accountable for the misconduct of their guests. Visitors to and guests of the University may seek resolution of alleged violations of the Student Conduct Code committed against them by students of the University community.

- D. **Timing:** Reports of alleged policy violations should be submitted as soon as possible after the misconduct event occurs. Although there is no time limit on the reporting of misconduct, the University may ultimately be unable to adequately investigate if too much time has passed or if the students involved have graduated. Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to an alleged violation.
- E. **Criminal and Civil Proceedings:** The student conduct process is distinct and different from criminal and civil court proceedings. Alleged violations of federal, state, and local laws may be investigated and addressed under the Student Conduct Code. When an offense occurs over which the University has jurisdiction, the University conduct process will generally go forward regardless of any criminal or civil action that may arise from the same incident.

A student may face interim actions as outlined in Section IX.B.

Determinations made or sanctions imposed under the Student Conduct Code will not be subject to change because criminal or civil action arising out of the same facts were dismissed, reduced, or resolved in favor of or against the respondent.

IV: Definitions

- A. **Advisor:** A person who may be present and assist the involved parties through the student conduct process. An advisor may not serve as a witness or otherwise be party to the case.
- B. **Business Days:** All days when the University is open. Saturdays, Sundays, holidays, and days when the University is closed are not counted.
- C. **Communication:** University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their university email address.
- D. **Complainant:** Any person or University entity who submits an allegation that a student has violated the Student Conduct Code.
- E. **Due Process:** The right to have the procedures outlined in this policy followed.
- F. **Faculty Member:** Any 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.
- G. **Hearing:** A formal meeting to determine responsibility for allegations of misconduct.
- H. **Investigator:** Individual(s) trained to serve as a neutral fact finder, to examine the allegations, to collect the information, and to present the results of the investigation in the hearing.
- I. **Member of the University Community:** Any person who is a student, faculty member, staff member, university official, or a member of the Board of Regents, State of Iowa. A person's status in a particular situation will be determined by the Dean of Students or designee.
- J. **Merit:** Allegations of misconduct will not be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as credible information to support each element of the offense.
- K. **Policy:** Written policies, procedures, and regulations of the University as found in, but not limited to, the Student Conduct Code; the [Discrimination, Harassment, and Sexual Misconduct Policy](#) (13.02); other [UNI Policies and Procedures](#); [Housing and Dining Policies](#); and/or, the [University Catalog](#).
- L. **Respondent:** Any person who is alleged to have violated the Student Conduct Code.
- M. **Staff Member:** Any person employed by the University whose primary role is non-teaching.
- N. **Standard of Information:** Preponderance of information is the standard used to determine responsibility in student conduct cases. This means that it is more likely than not that a violation occurred.
- O. **Student(s):** as pertaining to the Student Conduct Code, are defined as:

1. Persons registered (used interchangeably with ‘enrolled’) at the University of Northern Iowa, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as online and non-degree seeking students;
 2. Persons who have been enrolled at the University, have not withdrawn, and are not in discontinued status are students even when they are not enrolled for a particular semester if a University official determines they have a continuing relationship with the University. A “continuing relationship” may include, but is not necessarily limited to a student enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment.
 3. Persons who have been notified of their acceptance for admission;
 4. Persons who are participating in programs sponsored by the University and another college or university (e.g. community college partnership agreements), although not enrolled at this institution; or,
 5. Persons who were defined as a student at the time of their misconduct.
- P. **Student Conduct Administrator:** A University official authorized by the Dean of Students to determine whether or not a respondent is responsible for violating policies within the Student Conduct Code and to impose sanctions upon the respondent for policies violated.
- Q. **Student Organization:** Includes all registered student organizations and other student groups associated with the University of Northern Iowa.
- R. **University:** University of Northern Iowa.
- S. **University Official:** Any person employed by the University, performing assigned administrative or professional responsibilities.
- T. **University Premises:** All land, buildings, facilities, grounds and other property in the possession of or owned, used, or controlled by the University (including adjacent streets or sidewalks).
- U. **Witness:** Individual(s) who may offer information regarding an allegation of misconduct.

V: Student Rights

- A. A student has the right to be treated with dignity and respect by all persons involved in the student conduct process.
- B. A student has the right to a hearing that is conducted fairly.
- C. A student has the right to a hearing by a fair and impartial Student Conduct Administrator.
- D. A student has the right to have an advisor present at meetings or hearings regarding allegations of misconduct.
- E. A student has the right to written notice of the alleged violation(s).
- F. A student has the right to share as much information as desired; however, a decision will be made based on the information available or shared.
- G. A student has the right to identify witnesses, share written or oral statements, and any other information pertaining to the incident.
- H. A student has the right to an appeal.
- I. A student has the right to see the contents of their student conduct file.

VI: Prohibited Conduct

Any student or student organization found responsible for committing, attempting to commit, aiding in, and/or assisting others in committing any of the following prohibited conduct will be subject to disciplinary sanctions.

A. Misconduct related to others

1. **Harm to Person:** Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including oneself.
2. **Threatening Behaviors:**

- a. **Direct Threat:** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b. **Indirect Threat:** Implied threats or acts causing reasonable fear or harm which interferes with a person's ability to participate in or benefit from the University's educational, social and/or residential program.
- 3. **Hazing:** Intentional and willful engagement in any act(s) involving forced activity which endangers the mental or physical health or safety of a student for the purpose of intimidation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene, to prevent, to discourage, and/or failing to report those acts may also constitute hazing.
- 4. **Harassment:** A knowing and willful course of conduct that has the purpose or effect of creating an intimidating, hostile, or offensive environment which intends to cause a person to suffer substantial emotional distress. This includes, but is not limited to, repeated unwanted contact or communication by any means, that continues after communication to cease the behavior.
- 5. **Harassment via Technology:** Use of electronic or other technology, without a valid purpose, to intentionally intimidate, embarrass, ridicule, or humiliate another person.
- 6. **Public Exposure:** Deliberately and/or publicly exposing one's intimate body parts, public urination/defecation, and/or public sex acts.
- 7. **Collusion:** Knowingly, recklessly, or willfully enticing or assisting others to commit or attempt to commit acts prohibited by this code or that violate the law.
- 8. **Complacency:** Condoning or supporting others to commit or attempt to commit acts prohibited by this code or that violate the law.

B. **Misconduct related to property**

- 1. **Theft:** Intentional and unauthorized taking or removal of property that belongs to another person or entity including goods, services, and/or other valuables.
- 2. **Possession of Stolen Property:** Knowingly maintaining possession of property belonging to another person or entity without permission.
- 3. **Sale of Stolen Property:** Selling or attempting to sell any item which is known to be or can reasonably be assumed to have been stolen or otherwise illegally obtained.
- 4. **Fraud:** Attempting to defraud by means of deception, forgery, stolen credit or ID cards, counterfeit currency, and/or other means.
- 5. **Vandalism:** Intentional, reckless, and/or unauthorized defacing to property owned by another person, entity, or the University. Students are not permitted to write, draw, or otherwise deface university or another student's property (including doors, door decorations, or dry-erase boards) by using chalk, paint, or any other substance.
- 6. **Damage and Destruction:** Intentionally or negligently damaging or destroying property owned by another person, entity, or the University.
- 7. **Burglary:** Unlawful entry with intent to commit a policy violation or violation of law.
- 8. **Misuse of Access:** Unauthorized possession, duplication, or use of any means of access (keys, cards, etc.) to any building.
- 9. **Unauthorized Entry:** Entry into any building, room, location, or space where a person does not have a reasonable expectation of access, or right of entry, or where the conditions of authorized entry, such as payment or presentation of proper identification, have not been met. Restricted university areas include, but are not limited to, building roofs, steam tunnels, elevator shafts, equipment and mechanical storage rooms and construction sites. This includes entering a residence hall room of which the student is not a contract holder without permission.

C. Misconduct related to health, welfare, and safety

1. Alcohol

- a. **Underage possession:** The purchase or possession of alcoholic beverages by persons under the age of 21.
- b. **Underage use:** The consumption or act of being under the influence of alcohol by persons under the age of 21.
- c. **Illegal use of alcohol:** Illegal manufacturing, distributing, selling of alcohol (regardless of age), and/or providing alcohol to minors.

2. Drugs

- a. **Possession of cannabis:** The possession, sale, or distribution of cannabis and/or its derivatives. Medical cannabis and substances made to resemble cannabis are also not to be possessed, sold, or distributed on campus.
- b. **Use of cannabis:** The use of cannabis and/or its derivatives. Medical cannabis and substances made to resemble cannabis are also not to be used on campus.
- c. **Use or possession of any other illegal controlled substance:** The use, possession, sale, or distribution of narcotics, steroids, stimulants, depressants, hallucinogens, or any other controlled substance without a prescription.
- d. **Drug Paraphernalia:** The use, possession, distribution, or sale of drug paraphernalia; including but not limited to any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, producing, possessing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.
- e. **Medications:** Abuse, misuse, sale, or illegal distribution of prescription or over-the-counter medications.

3. Smoking and Tobacco

- a. **Underage possession of Smoking or Tobacco products:** The possession of any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by persons under the age of 21.
- b. **Smoking and Tobacco Use:** Violations of the [Smoking and Tobacco Use policy 8.10](#), which prohibits smoking, and use of tobacco via cigarettes, cigars or pipes or the use of devices or products that may be used to smoke or mimic smoking on university owned or leased property including grounds, parking lots, athletics fields, recreation fields, tennis courts and any other outdoor area, including university vehicles and any vehicle located on the University's property.

4. **Public Intoxication:** Being under the influence of alcohol, drugs, or other substances where one's behavior endangers, or may endanger the safety of others, property, or themselves or causes a disturbance.

5. **Operating a Vehicle While Intoxicated:** Driving while under the influence of alcohol or other drugs, regardless of location.

6. Weapons

- a. **Explosives:** Possessing, carrying, or using any substance or device which is intended or designed to explode or any device which a reasonable person would believe either through appearance, markings or otherwise, to be a device intended or designed to explode.
- b. **Firearms:** Possessing, carrying, or using any type of firearm on university premises, except as permitted by law or policy, or the use of a firearm in any manner alleged to be inconsistent with applicable laws, regardless of location. Objects perceived as firearms such as airsoft guns, BB guns, paintball guns, and pellet guns, are also a violation of this policy.

- c. **Knives:** Possessing, carrying, or using any knife with a blade longer than three inches anywhere on university premises without a valid educational or residential purpose or the use of a knife in any manner alleged to be inconsistent with applicable laws, regardless of location. Butterfly knives, switchblades, and double-edged knives are not permitted on campus, regardless of length.
 - d. **Other dangerous or deadly weapons:** Possessing, carrying, or using other weapons or dangerous objects such as arrows, axes, machetes, nunchucks, tasers, throwing stars, brass knuckles, swords, or other dangerous or deadly weapon(s) in any manner alleged to be inconsistent with applicable laws, regardless of location.
 - e. **Storage of weapons or ammunition:** Possession, including the storage of any item that falls within the category of a weapon or ammunition, including storage in a vehicle parked on university property.
7. **Fire Safety:** Violation of local, state, federal, or campus fire policies including, but not limited to:
- a. Intentionally or recklessly causing a fire which damages university or personal property or which causes injury.
 - b. Improper use of university fire safety equipment.
 - c. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property. Such action may result in a local fine in addition to university sanctions.
 - d. Possessing or using pyrotechnics, including fireworks, on university property.
 - e. Violation(s) of the Fire Safety policy 7.04.
8. **Wheeled Devices:** Skateboards, roller blades, roller skates, scooters, and other wheeled items may not be ridden inside any university building, on railings, curbs, benches, or any such fixture that may be damaged by these activities. Exceptions are made for wheeled medical devices.
9. **Evacuation:** Failing to evacuate any building after an alarm has been activated or notice has otherwise been given of a fire, fire drill, fire alarm, or other order to evacuate.
10. **Health and Safety:** Creating health and/or safety hazards including, but not limited to dangerous pranks, and hanging out of or climbing from/on/in windows, balconies, or roofs.

D. **Misconduct related to the operation of the University**

- 1. **Disruptive Behavior:** Disruption of university operations including, but not limited to, obstruction of teaching, research, administrative functions, or other university activities, and/or other authorized non-university activities which occur on campus.
- 2. **Rioting:** Causing, inciting, or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, and/or damage of property.
- 3. **Obstruction:** Obstructing the free flow of pedestrian or vehicle traffic on university premises or at university-sponsored or supervised functions.

E. **Misconduct related to other university policies**

- 1. **Retaliation:** Violation(s) of the [Retaliation and Misconduct Reporting policy 13.19](#) which prohibits acts of retaliation against an individual who reports suspected or observed misconduct, or cooperates in an investigation of misconduct.
- 2. **Abuse of Computer Resources and Facilities:** Violation(s) of the Acceptable [Use of Information Technology Resources policy 14.04](#), which prohibits the unauthorized or inappropriate use of University of Northern Iowa computer resources.
- 3. **Animals:** Violation(s) of the [Animals on University Owned or Controlled Property policy 8.09](#) which outlines the appropriate use of service, support, working and companion animals on the University of Northern Iowa campus.
- 4. **Personal Conduct:** Violation(s) of the [Personal Conduct Rules 3.03](#).

5. **UNI Alcohol Policy:** Violation(s) of the [Alcohol and Drugs policy 13.18](#), which outlines the expectations regarding alcohol and drug/controlled substance use on campus and at university-related activities.

F. Other acts of misconduct

1. **Abuse of Conduct Process:** Abuse, interference, or failure to comply with university processes including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information.
 - b. Failure to provide, destroying, or concealing information during an investigation of alleged misconduct.
 - c. Attempting to discourage an individual's participation in, or use of, the student conduct system.
 - d. Harassment (verbal or physical) and/or intimidation of a member of the student conduct process prior to, during, and/or following a student conduct proceeding.
 - e. Failure to comply with the sanction(s) imposed by the student conduct system.
 - f. Influencing, or attempting to influence, another person to commit an abuse of the student conduct system.
2. **Disorderly Conduct:** Conduct that is disorderly, lewd, or indecent.
3. **Failure to Comply:** Failure to comply with the reasonable directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
4. **Falsification:** Lying, knowingly furnishing or possessing false, falsified, or forged materials, documents, accounts or records, including a fake ID.
5. **Student Identification:** Misrepresentation or misuse of student identification, including failing to report a lost university ID card.
6. **Trademark:** Unauthorized use, including misuse of university or organizational names and images.
7. **Violations of Law:** Potential or alleged violation of any local, state, or federal law.
8. **Other Policies:** Violating other published university policies or rules.

G. Misconduct in Housing and Dining

The following specifically pertain to students occupying or visiting property operated by Housing and Dining (UHD). Violations of any of the following may be subject to the student conduct process. Exceptions to the following are allowed for Catering and Dining operations.

1. **Alcohol**
 - a. **Irresponsible Consumption:** The consumption of more than one standard drink per hour by persons who are 21 years of age or older in a personal space. A personal space is defined as a room, suite room, or apartment with the door closed.
 - b. **Hosting:** Residents and the guests they host must be 21 years of age or older in order to consume or possess alcohol.
 - c. **Roommate Agreement:** When all persons assigned to a residential space are not of legal age, storage and use of alcohol must be documented in the roommate agreement.
 - d. **Proximity:** Students under 21 cannot be present in an on-campus room or location where alcohol is being consumed or possessed.
 - e. **Public Spaces:** Possession of open containers of alcoholic beverages and consumption of alcoholic beverages is not permitted in public areas, including but not limited to pools, hot tubs, fitness centers, hallways, elevators, lobbies, stairwells, laundry rooms, restrooms, and bedrooms with the door open to public hallways.

- f. **Common Sources:** The use of any common sources of alcohol are not permitted. This includes, but is not limited to kegs, punch bowls, beer bats, beer bong, beer taps, BORGs, drinking games, or other items that encourage binge drinking.
 - g. **Displaying Containers:** Displaying alcohol beverage containers, either empty or full is not permitted including but not limited to cans, bottles, shot glasses, beer steins, wine bottles, and cardboard box displays even if intended to be decorative.
2. **Guests**
- a. **Behavior:** Residents are responsible for informing their guests of policies and may be held responsible for the behavior of their guests.
 - b. **Escort:** Residents must meet their guests at the entrance of the building and escort their guests at all times.
 - c. **Trespass:** Residents are not permitted to host guests who have any active trespass restrictions.
 - d. **Overnight:** Residents may have overnight guests in their rooms for a maximum of three consecutive nights within a seven day period. Permission of other roommates must be obtained in advance.
3. **Noise**
- a. **Courtesy Hours:** Residents and guests are expected to be respectful of other residents at all times and respect another's right to sleep, study, or not be disturbed. Courtesy hours are in effect 24 hours a day.
 - b. **Quiet Hours:** During designated quiet hours noise should not be heard outside of one's room, nor should noise from the hallway, restroom, or lounge be heard in student rooms.
 - c. **Amplified:** Amplified sound directed out of windows is not permitted.
4. **Pets:** The presence of pets including but not limited to cats, dogs, reptiles, birds, amphibians, insects and arachnids, hamsters or rodents are not permitted in University Housing & Dining spaces. Only non-dangerous fish in aquariums no larger than 15 gallons are permitted as pets in residence hall rooms and apartments.
5. **Activities Resulting in Disturbance, Distress, or Damage**
- a. **Disturbance:** Individual or group activities resulting in the distress or disturbance of others are not permitted.
 - b. **Destruction:** Individual or group activities that can cause damage or destruction to property are not permitted. Types of behavior that fall into this category include but are not limited to hall sports, hallway disruptions, unsanitary conditions, and/or pranks.
 - c. **Improper Use:** Using or attempting to use university property in a manner inconsistent with its designated purpose is not permitted. Types of behavior include but are not limited to jumping in the elevator, stacking furniture, window screen removal, and sexual acts in lounges, bathrooms, or restrooms.
6. **Health and Safety:** Due to the unique nature of living on campus, certain items and behaviors are prohibited in order to provide a safe, healthy, and secure environment.
- a. **Combustible Materials:** Combustible materials used for decorations and displays represent a fire hazard and are not permitted. Examples of such materials include all candles with wicks, including decorative and/or incense, natural trees and resinous greenery, and non-electric lanterns. For an up-to-date list of combustible materials, please see the [Guide to Living on Campus](#).
 - b. **Prohibited Items:** Certain items are prohibited within the residence halls and apartments. Possession of such items can create a risk to the safety of the students in the community and therefore violates this policy. Examples of such materials include appliances with a rating of 1,000 watts or higher, cooking appliances, halogen lights, improper extension

cords, space heaters, portable AC units, and improper adaptors. For an up-to-date list of prohibited items, please see the [Guide to Living on Campus](#).

7. **Room Responsibility:** Residents are responsible for any activities, policy violations, or damages that occur in rooms to which they have been assigned when it can be reasonably shown that the residents knew or should have known that the inappropriate activity or damages occurred. This includes activities, policy violations, or damages caused by guests of residents.
8. **Community Responsibility:** Residents have a responsibility for the public areas and furnishings within their residence hall house/community or building. Damage to public areas /or within a residence hall house/community or building is considered the responsibility of the residents of that house/community or building. If individuals responsible for damage cannot be identified, the residents of the house/community or building may become collectively responsible for the cost of repair and/or replacement.

VII: Good Samaritan Rule

The purpose of this leniency is to minimize any hesitation students or student organizations may have in obtaining immediate medical or other professional help for students in need typically due to alcohol intoxication or the misuse of drugs. It is the responsibility of the student to communicate during the student conduct process that they believe their circumstances fit one of the below definitions for leniency within the Good Samaritan Rule.

Leniency is available to students or student organizations who accept medical or other professional assistance without fear of a disciplinary record for violating alcohol or drug policies. Students or student organizations who seek medical or other professional assistance for others, may be eligible for the same leniency. Students or student organizations may be provided educational opportunities but will not otherwise maintain a disciplinary record.

Any exemption from disciplinary action granted under this rule may only apply to conduct action and/or sanctions under the Student Conduct Code and does not apply to any criminal action taken by law enforcement, such as issuing a citation or making an arrest. Criteria for granting leniency may include but is not limited to the severity of the incident, the student's disposition regarding the incident, whether the student has been granted leniency in the past, and the student's previous conduct record.

VIII: Student Organizations

Unless otherwise denoted, the use of the term "student organization" shall include all registered student organizations and other student groups associated with the University of Northern Iowa.

When a report of alleged misconduct involving a student organization is brought to the attention of the Dean of Students, the Dean of Students or designee may consult with individuals who have oversight, responsibility for, or interest in the organization.

The determination regarding whether an alleged policy violation was committed by a student organization or by individual(s) will be made on a case-by-case basis. The following factors will be considered when making this determination:

- A. How many of the members of the student organization were involved in the incident?
- B. Did the incident occur in relation to an event sponsored by the organization?
- C. Did a member(s) of the organization violate university policy(ies) at an event sponsored by the organization or in the course of the organizations affairs, and fail to exercise reasonable preventative measures?
- D. Did the organization's leadership have knowledge that the event was going to occur?

E. What was the nature of the incident?

Any individual(s) acting on behalf of an organization may also be referred to the Dean of Students for individual allegations of misconduct.

When a student organization is involved as a respondent, the president (or equivalent executive position) will be considered as the representative of the student organization and will be provided notice of the allegation.

Complaints of alleged violations of the Student Conduct Code by student organizations will go through the same student conduct process as an individual student.

If a registered student organization is found responsible for violating the Student Conduct Code, the Associate Director of Student Involvement, Northern Iowa Student Government (NISG), specifically the President, Director of Administration and Finance, NISG Advisor, and the advisor of the registered student organization, will receive notification by being copied on the outcome letter. Other student groups associated with the University and their respective advisors would receive similar notice.

Student organization conduct records will be managed by the Dean of Students or designee. Student organization conduct records are not subject to privacy regulations but will only be released at the discretion of the Dean of Students. Confidentiality of individual student conduct records are subject to privacy regulations, per [Student Records policy 3.11](#).

IX: Student Conduct Procedures

A. Charges and Notice

Charges and complaints regarding student conduct will be handled according to the following procedures:

1. Allegations of misconduct may be received by the Dean of Students or designee from any source (victim, Resident Assistant, third party, online, police, community member, etc.).
2. Alleged violations of other university policy(ies) will be referred to the appropriate office and process.
3. Allegations of misconduct will be reviewed by a Student Conduct Administrator for consideration in the student conduct process. In that review, it may be determined that:
 - a. Additional information is needed to determine a course of action. A Student Conduct Administrator will investigate to gather additional information and subsequently refer the alleged misconduct to the appropriate hearing process or close the allegation.
 - b. The complaint indicates that a violation may have occurred and the alleged misconduct will be referred to a hearing.
 - c. The complaint indicates that a violation may have occurred and the alleged misconduct includes, but is not limited to, behavior that poses a threat of danger and/or injury to others, destruction of property, physical assault, possession or involvement in the sale or manufacture of drugs and/or weapons, and/or repeat violations of the Student Conduct Code. These types of behaviors will be referred to a hearing where suspension or expulsion may be considered as the outcome.
 - d. The complaint does not state circumstances which, if found to be true, would demonstrate a violation. Subsequently, the complaint will be closed.
4. If it is determined that reasonable cause exists for a Student Conduct Administrator to refer a complaint for a hearing, notice will be given to the respondent. Notice will be given in writing and may be delivered by one or more of the following methods:
 - a. emailed to the student's university issued email account;

- b. in person by a Student Conduct Administrator; or,
- c. mailed to the local or permanent address of the student as indicated in official university records.

Once emailed, received in person, and/or mailed, such notice will be considered delivered. Students will be provided a minimum of two business days' notice of their scheduled hearing. Exceptions may be made during finals week.

- 5. The letter of notice will at minimum outline: a) the alleged violation(s); b) notification of where to locate the Student Conduct Code; c) Student Conduct Code procedures for resolution of the complaint; and d) notification of the date, time, and location of the scheduled hearing.

B. Interim Actions

In certain circumstances, the Dean of Students or designee may impose interim actions during the student conduct process. Interim actions may be imposed:

- 1. to ensure the safety and well-being of the members of the university community or for preservation of university property;
- 2. to ensure the accused student's own physical or emotional safety and well-being; or,
- 3. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

Interim actions can include, but are not limited to, a no contact order, university suspension and/or residence hall suspension. Interim actions are in effect until rescinded by the Dean of Students or designee.

C. Informal Resolution

When allegations of misconduct have been received and reviewed by a Student Conduct Administrator, the complaint alleges a violation of the Student Conduct Code (policy 3.02), and the parties involved wish to resolve the complaint without further student conduct proceedings, this is permissible provided:

- 1. it is approved by the Dean of Students or designee; and,
- 2. it is agreed to by the complainant and the respondent.

D. Hearing Resolution

- 1. Allegations of misconduct will be resolved in a hearing with a Student Conduct Administrator.
 - a. Allegations of misconduct, including allegations that may result in suspension or expulsion from the University (as defined in Section IX.A.3.c), will be conducted in accordance with procedures established by the Dean of Students.
 - b. Allegations of misconduct involving more than one complainant or respondent will be heard separately. At the discretion of the Dean of Students or designee, the hearing pertinent to each complainant or respondent can be conducted jointly. However, separate determinations of responsibility will be made for each respondent.
- 2. Each party has the right to one advisor of their own choosing.
 - a. The role of an advisor is passive, they may not ask questions or make arguments during a hearing. They may confer quietly with their advisee, exchange notes, and suggest questions to their advisee.
 - b. An advisor may be an advocate, parent, friend, staff, faculty member, attorney (at their own expense), or a person of their choosing not involved in the incident.
 - c. When facing criminal charges concurrently, a student may have an attorney present, in addition to an advisor, at their own expense. Any attorney present is subject to the same limitations of an advisor.

3. Each party, through the investigation or hearing process, will have the opportunity to present information, make statements and identify witnesses.
- If a respondent, with notice, does not attend the hearing, the available information relating to the allegations of misconduct will be considered. Subsequently, determinations regarding responsibility and sanctions (as appropriate) will be made.

E. Decisions

1. Determinations of responsibility are made utilizing the preponderance of information standard. This means that it is more likely than not that a violation occurred.
2. Following a hearing, the respondent will be provided, within 10 business days, an outcome letter outlining determinations of responsibility and sanctions (as appropriate). Notice will be given in writing and may be delivered by one or more of the following methods:
 - a. emailed to the student's university issued email account;
 - b. in person by a Student Conduct Administrator or,
 - c. mailed to the local or permanent address of the student as indicated in official university records.Once emailed, received in person, and/or mailed, such notice will be considered delivered.
3. In cases with allegations of threats, violence, harassment, or where the law allows, pertinent information related to the outcome may be delivered to all parties without substantial delay between the notifications to each party.
4. The student conduct process, barring extenuating circumstances, will seek resolution within 45 business days of the receipt of an allegation, excluding the appeal process.

F. Sanctions

One or more of the following sanctions may be imposed upon a respondent for being found responsible for a violation of misconduct. Sanctions determined will be proportionate to the severity of the violation and to the cumulative conduct history of the respondent. Sanctions may be noted on a respondent's official academic transcript when the outcome requires the student's separation from the university for any period of time.

1. University
 - a. **Warning:** Official written notice of a violation of the Student Conduct Code, intended to draw attention to the fact that an individual's behavior violated University policy. Further violations may result in further disciplinary action and more severe sanctioning.
 - b. **Disciplinary Probation:** Official notice of a violation of the Student Conduct Code indicating that the student is no longer within good social or behavioral standing with the university.
 - c. **Suspension Held in Abeyance:** Separation from the University is paused for the period of the suspension. During this time other assigned sanctions must be completed as outlined. Failure to complete the other assigned sanctions as outlined or allegations of similar misconduct may result in immediate implementation of the suspension.
 - d. **Disciplinary Suspension:** Separation from the University for a specified period of time. Eligibility to return as a student is contingent upon completion of specific conditions noted at the time of suspension.
 - e. **Disciplinary Expulsion:** Permanent separation from the University.
2. Academic
 - a. **Registration Adjustment:** A review of a student's registration for current or upcoming semester(s) that may result in changes to their course schedule to address the impact the misconduct had on the health and wellbeing of another university community member.

- b. **Rescinding of Admission:** Admission to the University is rescinded for fraud, misrepresentation, or other serious violations committed by a student prior the start of attendance.
 - c. **Withholding Degree:** Withholding a degree otherwise earned until the completion of the student conduct process, including the completion of sanctions imposed, if any.
 - d. **Revocation of Degree:** With the agreement of the Provost and Executive Vice President for Academic Affairs, a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- 3. Educational
 - a. **Work Service:** Required completion of a specific number of unpaid service hours to the University or an approved external agency.
 - b. **Alcohol Education:** Required educational activity designed to address the behavior the student was found responsible for with relation to alcohol policies while providing further education, a fee may be associated.
 - c. **Drug Education:** Required educational activity designed to address the behavior the student was found responsible for with relation to drug policies while providing further education, a fee may be associated.
 - d. **Other Educational Requirement(s):** Completion of a specific opportunity or activity deemed appropriate to the offense, focused on enhancing personal and/or community development.
 - e. **Parental Notification:** Notice that a student's parent(s) or guardian(s) will receive communication of their students' involvement in the student conduct process.
- 4. Behavioral
 - a. **Trespass:** Loss of access to a physical space or location.
 - b. **Loss of Privileges:** Denial of specific privileges related to the violation(s) for a specific period of time. Limitation or exceptions may include but are not limited to (1) ineligibility to hold any office in any student organization by the University, (2) ineligibility to hold an elected or appointed office at the University, or (3) ineligibility to represent the University at an official function, event or intercollegiate competition as a player, manager, or student coach.
 - c. **No Contact:** Directions to have no contact, by any means, with another university community member.
 - d. **Deactivation:** Deactivation of a student organization or group associated with the university including a loss of all/any associated privileges for a specified period of time.
 - e. **Restriction:** Loss of the ability to utilize a service or entity.
 - f. **Restitution:** Requirement to provide compensation for damage caused to the University or another person's property. This is not a fine, but rather a repayment for labor costs and/or the value of the property destroyed, damaged, or stolen.
 - g. **Fine:** A cost assessed to the student for reasonable expenses related to the misconduct.
- 5. Housing
 - a. **Housing Reassignment:** Reassignment to another university housing facility.
 - b. **Housing Suspension:** Separation from the University Housing & Dining for a specified period of time. Eligibility to return as a resident is contingent upon completion of specific conditions noted at the time of suspension.
 - c. **Housing Expulsion:** Permanent separation from University Housing & Dining, including the privilege of living in or visiting any housing structure.

G. Appeals

1. A decision reached by a Student Conduct Administrator may be appealed by the respondent(s) or complainant(s) to the Dean of Students within five (5) business days of the decision.
2. Appeals must be made in writing and state the reason(s) for the appeal. The decision at each level is based on the written information provided by the respondent, the complainant (if applicable), and documentation from the student conduct record.
3. Appeals must be submitted following the directions outlined in the outcome letter. If the Dean of Students was the Student Conduct Administrator in a given case the appeal will be considered by the Vice President for Student Life designee. Failure to submit an appeal, meeting the above requirements will result in the decision of the Student Conduct Administrator being final.

The bases for appeals are limited to the following:

1. A procedural error or omission occurred that significantly impacted the outcome.
2. The presentation of new information, that was previously unknown, or other relevant facts unknown or unavailable during the hearing that could sufficiently alter the decision. A summary of this new information and its potential impact upon the outcome must be included in the appeal. Failure to participate in the hearing may not be used as a basis for filing an appeal under this section.
3. Sanctions imposed are substantially disproportionate to the severity of the violation.

Options for Appeal:

1. **Level I:** Decisions of a Student Conduct Administrator may be appealed to the Dean of Students (or the Vice President for Student Life designee). The appeal officer may affirm, reverse, or modify the original decision regarding the violations and/or sanctions imposed. The original finding and sanction(s) will stand if the appeal is not timely or is not based on the grounds listed above. For conduct cases involving a complainant other than the University, when one party requests an appeal, the other party (parties) will be notified, where the law allows, and given up to five business days to respond. At the conclusion of those five business days, or upon receiving appeal requests from all parties involved, a decision will be rendered within ten business days.
2. **Level II:** Decisions of the Dean of Students (or the Vice President for Student Life designee) may be appealed to the Vice President for Student Life, within five business days following the above outlined procedures. The Vice President for Student Life will render a decision within ten business days. Decisions of the Vice President for Student Life are final from the perspective of the University.
3. **Level III:** The Board of Regents, State of Iowa, may review the final decision of the University. Appeals of decisions to the Board of Regents must be submitted according to the rules and procedures established by that body.

H. Failure to Complete Sanctions

Respondents are expected to comply with conduct sanctions within the time frame specified. Failure to do so may result in additional sanctions including, but not limited to, a hold on their university account. A hold placed on a student's university account will affect their ability to register for classes, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to restoring eligibility of reenrollment.

X: Student Conduct Records

All conduct records are maintained by the University for seven years and will not be disclosed after that except for:

- A. Violations that result in separation from the university, suspension or expulsion;
- B. Incidents that allege a violation of the [Discrimination, Harassment, and Sexual Misconduct Policy 13.02](#); and/or,
- C. Data used for aggregate statistical purposes.

Student conduct records will be disclosed only in accordance with the [Student Records policy 3.11](#).

XI: Training

The Dean of Students authorizes individuals to be trained and act as Student Conduct Administrators to efficiently and effectively administer the student conduct process. The Dean of Students or designee will conduct annual training on the student conduct process with Student Conduct Administrators and those deemed appropriate or required by law. Training will be conducted in a manner that is consistent with the provisions of the Student Conduct Code.

XII: Revisions

The Student Conduct Code will be comprehensively reviewed at the direction of the Dean of Students no less than once every five years. The Dean of Students may make minor modifications to procedures that do not materially change the process. The Dean of Students may change material procedures with notice (on the University's policy website, with the appropriate date of effect identified) upon determining that changes of law or regulation require said changes. Procedures in effect at the time the allegation is made will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties (including the University) consent to be bound by the current policy or applicable law requires otherwise.

XIII: Related University Policies

- A. [Personal Conduct Rules 3.03](#)
- B. [Student Records 3.11](#)
- C. [Violence Free Campus 7.10](#)
- D. [Animals on University Owned or Controlled Property 8.09](#)
- E. [Smoking 8.10](#)
- F. [Use of Computer Resources 9.54](#)
- G. [Discrimination, Harassment, and Sexual Misconduct Policy 13.02](#)
- H. [Alcohol and Drugs 13.18](#)
- I. [Retaliation and Misconduct Reporting 13.19](#)

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