

3.02 Student Conduct Code

This policy is outlined as follows:

- I. Purpose
- II. Policy
- III. Philosophy
- IV. Student Conduct Authority
- V. Jurisdiction
- VI. Violations of Law
- VII. Definitions
- VIII. Student Rights
- IX. Student Conduct Policies
 - 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. Misconduct related to the administration of this code
 - G. Other acts of misconduct
 - H. Misconduct related to the Department of Residence
- X. Good Samaritan Provision
- XI. Student Organizations
- XII. Student Conduct Procedures
 - A. Charges and Notice
 - B. Interim Actions
 - C. Investigation
 - D. Administrative Resolution
 - E. Hearing Procedures
 - F. Decisions
 - G. Sanctions
 - H. Appeals
 - I. Failure to Complete Sanctions
 - J. Student Conduct Records
- XIII. Training
- XIV. Revisions

I: Purpose

The University of Northern Iowa is committed to the education and personal development of students, so as to support the achievement of their educational and life goals and prepare them for responsible citizenship. 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.

The purpose of this policy is to outline university standards for student behavior and delineate the processes by which allegations of misbehavior 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.

II: Policy:

Students and student organizations are expected to adhere to the standards of conduct described herein. Failing to do so may result in sanction(s).

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

III. 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.

IV: Student Conduct Authority

1. **Authority:** The Vice President for Student Affairs is vested with the administrative responsibility for the establishment and enforcement of policies governing student conduct and disciplinary action by the President of the University. The Vice President has, in turn, delegated considerable authority to the Dean of Students. The Dean of Students appoints Student Conduct Administrators as deemed necessary to efficiently and effectively administer the student conduct process.
2. **Merit:** Complaints 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.
3. **Student Conduct Administrators:** Student Conduct Administrators are staff members selected and annually trained by the Dean of Students.
4. **Interpretation:** The Dean of Students will develop procedural rules 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.
5. **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.

V: Jurisdiction

University of Northern Iowa students are responsible for knowing the information, policies, and procedures outlined in this document. 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. Students are responsible for having read the Student Conduct Code and abiding by the provisions outlined.

The Student Conduct Code and the student conduct 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 VII, will be used in the interpretation and application of this policy.

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:

- a. 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; and/or,

- b. 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,
- c. Any situation detrimental to the pursuit of the educational mission and/or interests of the University.

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.

Students will 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.

There is no time limit on reporting violations of the Student Conduct Code; however, the longer the delay in alleging misconduct, the more difficult it becomes for university officials to obtain information, witness statements, and make determinations regarding alleged violations. Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to an alleged violation.

VI: Violations of Law

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 usually go forward notwithstanding any criminal or civil action that may arise from the same incident.

A student may face interim actions as outlined in section XII.

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 criminal law defendant.

VII: Definitions

1. **Advisor:** A person who may be present and assist the involved parties through the conduct process. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisors' participation is passive and they may not ask questions or make arguments during a hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the Student Conduct Administrator and suggest questions to their advisee. Advisors may not serve as a witness or be a party to the case. 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.
2. **Business Days:** All days when the University is open. Saturdays, Sundays, holidays and days when the University is closed are not counted. When counting days, the day an allegation is received at any point in the procedure shall be considered day one.
3. **Complainant:** Any person who submits an allegation that a student has violated the Student Conduct Code.
4. **Due Process:** The right to have the procedures outlined in this policy to be followed.
5. **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.
6. **Investigator:** Individual(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

- 1 7. **Member of the University Community:** Any person who is a student, faculty member, staff
2 member, university official, visitor, or a member of the Board of Regents, State of Iowa. A person's
3 status in a particular situation will be determined by the Dean of Students or designee.
- 4 8. **Policy:** Written policies, procedures, and regulations of the University as found in, but not limited to,
5 the Student Conduct Code; UNI Policies & Procedures; the Discrimination, Harassment, and Sexual
6 Misconduct Policy; the Use of Computer Resources Policy; Residence Life Policies; and the
7 University Catalog.
- 8 9. **Respondent:** The person who is alleged to have violated the Student Conduct Code.
- 9 10. **Staff Member:** Any person employed by the University who is not a faculty member.
- 10 11. **Standard of Information:** Preponderance of information is the standard used to determine
11 responsibility in student conduct cases. This means that it is more likely than not that a violation
12 occurred.
- 13 12. **Student(s):** as pertaining to the Student Conduct Code, are defined as:
14 a. all persons enrolled at the University of Northern Iowa;
15 b. persons who are not enrolled for a particular academic term but who have a continuing
16 relationship with the University;
17 c. persons who have been notified of their acceptance for admission;
18 d. persons who are participating in programs sponsored by the University and another college or
19 university (e.g. community college partnership agreements), although not enrolled at this
20 institution; or
21 e. persons who were defined as a student at the time of their misconduct.
- 22 13. **Student Conduct Administrator:** A University official authorized by the Dean of Students to
23 determine whether or not a respondent is responsible for violating policies within the Student
24 Conduct Code and to impose sanctions upon the respondent for policies violated.
- 25 14. **Student Organization:** Includes all registered student organizations and other student groups
26 associated with the University of Northern Iowa.
- 27 15. **University:** University of Northern Iowa.
- 28 16. **University Official:** Any person employed by the University, performing assigned administrative or
29 professional responsibilities.
- 30 17. **University Premises:** All land, buildings, facilities, and other property in the possession of or owned,
31 used, or controlled by the University (including adjacent streets or sidewalks).
- 32 18. **Witness:** Individual(s) who may offer information regarding an allegation of misconduct.

33 **VIII: Student Rights**

- 34 1. A student has the right to be treated with dignity and respect by all persons involved in the student
35 conduct process.
- 36 2. A student has the right to a hearing that is conducted fairly.
- 37 3. A student has the right to a hearing by an unbiased administrative hearing officer.
- 38 4. A student has the right to an advisor present at all meetings or hearings regarding allegations of
39 misconduct.
- 40 5. A student has the right to written notice of the alleged violation(s).
- 41 6. A student has the right to share as much information as desired, however a decision will be made
42 based on what information is available or shared at the time of the hearing.
- 43 7. A student has the right to present witnesses and share written or oral statements.
- 44 8. A student has the right to an appeal.
- 45 9. A student has the right to see the contents of their student conduct file.

46 **IX: Policies**

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 interfering with a person's ability to participate in or benefit from the University's educational, social and/or residential program.
3. **Hazing:** An act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, 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:** Repeated unwanted contact or communication by any means, including by the use of any form of technology, behavior, or verbal abuse threatening to injure or endanger the health, safety, or welfare of oneself or another person is unacceptable. Harassment is a knowing and willful course of conduct that has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment or which intends to cause a person to suffer substantial emotional distress.
5. **Harassment via Technology:** Use of electronic or other technology, without a valid purpose, to intentionally intimidate, embarrass, ridicule, or humiliate another person. This includes the creation or distribution of video, audio, or photographic files without the consent of all parties recorded or photographed which could foreseeably intimidate, embarrass, ridicule, or humiliate and does cause another person to be intimidated, embarrassed, ridiculed or humiliated.
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 acts prohibited by this code or that violate the law.
8. **Complicity:** Condoning, supporting, or encouraging 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, furniture, artwork, plants, electronics, books, window screens, signs and 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, bad checks, forged, or stolen credit or ID cards, possession or use of counterfeit currency or other means.
5. **Identity Theft:** Using the identity of another person or entity, including the use of a fake ID, with the intent of misrepresenting oneself as another for any reason.
6. **Vandalism and Damage:** Intentional, reckless and/or unauthorized damage to property owned by another person, entity, or the University.
7. **Burglary:** Unlawful entry with intent to commit a policy violation.

8. **Unauthorized Access:** Unauthorized access to any building (i.e. keys, cards, etc.) or unauthorized possession, duplication, or use of means of access to any building or failing to report a lost university identification card or key in a timely manner.
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. Misuse of access privileges to premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a building. Restricted university areas include, but are not limited to, building roofs, fire escapes, 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.

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:** Manufacturing, distributing, selling of alcohol (regardless of age), or providing alcohol to minors.
- d. **UNI Alcohol Policy:** Violation(s) of the Alcohol and Drugs Policy 13.18, which outlines the expectations regarding alcohol use on campus.

2. **Drugs:**

- a. **Use or possession of marijuana:** The use, possession, sale or distribution of marijuana and/or its derivative. Substances made to resemble marijuana are also not permitted on campus.
- b. **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.
- c. **Drug Paraphernalia:** The use, possession, or sale of drug paraphernalia. Drug paraphernalia is defined as any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, producing, possession, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful.
- d. **Prescription Medications:** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.

3. **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.
4. **Operating a Vehicle While Intoxicated:** Driving while under the influence of alcohol or other drugs, regardless of location.
5. **Smoking Devices:** The use of electronic cigarettes, electronic hookah, or hookah inside any university owned or operated building.
6. **Chewing Tobacco:** Improperly disposing of substances resulting from the use of chewing tobacco.
7. **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 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 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, regardless of length.
 - d. **Other dangerous or deadly weapons:** Possessing, carrying, or using other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, brass knuckles, or other dangerous or deadly weapon(s) in any manner alleged to be inconsistent with applicable laws, regardless of location.
 - e. **Storage of weapons:** Possession, including the storage of any item that falls within the category of a weapon, including storage in a vehicle parked on university property.
8. **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.
9. **Wheeled Devices:** Skateboards, roller blades, roller skates, 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, and individuals may be liable for damage to university property caused by these activities. Exceptions are made for documented medical purposes.
10. **Evacuation:** Failing to evacuate any building after an alarm has been activated or notice has otherwise been given of a fire, fire drill, false alarm, or other order to evacuate.
11. **Health and Safety:** Creating health and/or safety hazards (examples include 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 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.
4. **Disorderly Conduct:** Conduct that is disorderly, lewd, or indecent.

E. Misconduct related to other university policies:

1. **Discrimination, Harassment and Sexual Misconduct:** Violation(s) of the Discrimination, Harassment, and Sexual Misconduct Policy 13.02 which prohibits;
 - a. Discrimination defined as the adverse treatment of an individual based on that individual's membership in or more of the stated protected groups.
 - b. Bias-related harassment on the basis of actual or perceived membership in a protected class, by any member or group of the campus community, which unreasonably interferes with an individual's work or academic environment.

- c. Sexual harassment defined as unwelcome sexual or gender-based verbal, written, online, and/or physical conduct.
- d. Sexual misconduct defined as sexual harassment, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, relationship violence, or stalking.
2. **Bullying:** Violation(s) of the Violence Free Campus Policy 7.10.
3. **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.
4. **Abuse of Computer Resources and Facilities:** Violation(s) of the Use of Computer Resources Policy 9.50, which prohibits the unauthorized or inappropriate use of University of Northern Iowa computer resources.
5. **Smoking:** Violation(s) of the Smoking Policy 8.10, which prohibits smoking on university owned or leased property including grounds, parking lots, athletics fields, recreation fields, tennis courts and any other outdoor area, including any vehicle located on the University's property.
6. **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.

F. Other acts of misconduct:

1. **Abuse of Conduct Process:** Abuse or interference with, or failure to comply in 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. **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.
3. **Falsification:** Knowingly furnishing or possessing false, falsified, or forged materials, documents, accounts or records.
4. **Student Identification:** Misrepresentation or misuse of student identification.
5. **Trademark:** Unauthorized use, including misuse of university or organizational names and images.
6. **Violations of Law:** Potential or alleged violation of any local, state or federal law.
7. **Other Policies:** Violating other published university policies or rules.
(<http://www.uni.edu/policies/>)

G. Misconduct in the Department of Residence

The following specifically pertain to students occupying or visiting property operated by the Department of Residence. 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. **Alcohol, Responsible Consumption:** Responsible possession and consumption of alcoholic beverages is permitted for those persons who are 21 years of age or older.

- 1 Responsible consumption is defined as one standard drink per person of legal age in the
2 personal space. Personal space is defined as a room, suite room, or apartment with the
3 door closed.
- 4 b. **Alcohol, Hosting:** Both residents and the guests they host must be 21 years of age or
5 older in order to consume or possess alcohol.
 - 6 c. **Alcohol, Roommate Agreement:** Only residents of legal age may possess and consume
7 alcohol. When all persons assigned to a residential space are not of legal age, storage and
8 use of alcohol must be documented in the roommate agreement.
 - 9 d. **Alcohol, Proximity:** Students under 21 cannot be present in an on-campus room or
10 location where alcohol is being consumed or possessed.
 - 11 e. **Alcohol, Common Spaces:** If an agreement has been made with all other roommates
12 regarding the use and storage of alcohol, alcohol may be consumed in a common space
13 (living room, kitchen, etc.) of an apartment or suite in Panther Village, ROTH, Hillside
14 Apartments, or Jennings Apartments. All other policies relating to alcohol consumption on
15 DOR property still apply.
 - 16 f. **Alcohol, Public Spaces:** Possession of open containers of alcoholic beverages and
17 consumption of alcoholic beverages is not permitted in public areas, including but not
18 limited to hallways, elevators, lobbies, stairwells, laundry rooms, restrooms, and
19 bedrooms with the door open.
 - 20 g. **Alcohol, Common Sources:** The use of any common sources of alcohol, including but
21 not limited to kegs, punch bowls, one-gallon beer balls, beer bats, beer bong, beer taps,
22 drinking games, items that encourage binge drinking or excessive amounts of alcohol.
 - 23 h. **Alcohol, Empty Containers:** Possession or display of empty alcohol beverage containers,
24 including but not limited to can or bottle displays intended to be decorative.
- 25 2. **Bathrooms:** Unless otherwise approved and designated by signage, floor/house restrooms
26 designed for simultaneous use by multiple persons are to be used only by the gender(s) designated
27 for that restroom.
- 28 3. **Guest:**
- 29 a. **Guest, Complying:** Residents and their guests are responsible for complying with all
30 university and Department of Residence policies.
 - 31 b. **Guest, Behavior:** Residents are responsible for the behavior of their guest(s) and for
32 informing them of policies.
 - 33 c. **Guest, Escort:** Residents must meet their guests at the entrance of the building and escort
34 their guests at all times.
 - 35 d. **Guest, Trespass:** Residents are not permitted to host guests who have any active trespass
36 restrictions.
 - 37 e. **Guest, Overnight:** Residents may have overnight guests in their rooms for a maximum of
38 three consecutive nights within a seven day period. Permission of other roommates must
39 be obtained in advance.
- 40 4. **Noise:**
- 41 a. **Noise and Respect:** Residents and guests are expected to be respectful of other residents
42 at all times and respect another's right to sleep, study or not be disturbed. Courtesy hours
43 are in effect 24 hours a day.
 - 44 b. **Noise, Quiet Hours:** During quiet hours noise should not be heard outside of one's room,
45 nor should noise from the hallway, restroom, or lounge be heard in student rooms.
 - 46 c. **Noise, Amplified:** Amplified sound directed out of windows is not permitted.
- 47 5. **Pets:** Only non-dangerous fish in aquariums no larger than 29 gallons are permitted in residence
48 hall rooms and apartments. Laboratory specimens are not allowed. The university assumes no
49 responsibility for harm or loss to an aquarium for any reason. Individuals utilizing service,

support, working, and companion animals must follow the Animals on University Owned or Controlled Property Policy 8.09.

6. **Activities Resulting in Disturbance, Distress, or Damage:**

- a. **Disturbance:** Individual or group activities resulting in the distress or disturbance of others.
- b. **Destruction:** Individual or group activities that can cause damage or destruction to property. 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. 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.
- d. **Offensive Writings:** Writing offensive and/or inappropriate language or symbols on dry erase boards, bulletin boards, posted signs, door decorations, skywalks, or other public areas.

7. **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. Examples of such materials include all candles with wicks, including decorative and/or incense, live trees, or any part of them, and non-electric lanterns.
- b. **Prohibited Items:** Certain items are prohibited within the residence halls and apartments. Possession of these 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.

8. **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.

9. **Unit Student Conduct Action:** Damage to public areas and furnishings within a residence hall is considered to be the responsibility of the residents of that building, unit, house, or apartment. If individuals responsible for damage cannot be identified, the residents of the building, unit, house, or apartment will become collectively responsible for the cost of repair and/or replacement. Department of Residence staff will inform the unit of the situation and give community members an opportunity to identify responsible individuals before billing the entire unit.

X: Good Samaritan Provision

To minimize any hesitation students or organizations may have in obtaining help for students in need:

1. **For Victims:** Amnesty is available to victims who may be hesitant to report an incident to university officials because they fear they, themselves, may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational sanctions may be required, but no conduct proceedings or conduct record will result.
2. **For Those Who Offer Assistance:** To encourage students to offer help and assistance to others, amnesty is available for minor violations when students offer help to others in need. At the discretion of the Dean of Students or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational sanctions may be required, but no conduct proceedings or conduct record will result.

Any exemption from conduct action granted under this policy 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.

While this provision applies to individual students, if an organization has been found in violation of the Student Conduct Code, then the organization's willingness to seek medical assistance for a guest may be viewed as a mitigating factor if or when sanctions are issued.

XI: 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:

1. How many of the members of the student organization were involved in the incident?
2. Did the incident occur at an event sponsored by the organization?
3. Did a member(s) of the organization violate university policy(ies) at an event sponsored by the organization or in the course of the organization's affairs, and fail to exercise reasonable preventative measures?
4. Did the organization's leadership have knowledge that the event was going to occur?
5. What was the nature of the incident?

Any individual(s) acting on behalf of an organization may also be referred to the Office of 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 hearing process as an individual student.

Upon report of an alleged student organization violation and if a student organization is found responsible for violating the Student Conduct Code, Northern Iowa Student Government (NISG), specifically the President, Vice President and Director of Administration and Finance, will receive notification by being copied on the initial hearing letter and outcome letter.

Student organizations found responsible for violating the Student Conduct Code are subject to the full range of student conduct sanctions.

Student organization conduct records will be managed by the Office of the Dean of Students. 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 university policy.

XII: 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 from any source (victim, Resident Assistant, 3rd party, online, police, community member, etc.). Allegations of misconduct must be made in writing using the [Student Conduct Code referral](#). Students needing assistance accessing the referral form can contact the Office of the Dean of Students directly.
2. Upon receiving a referral of alleged misconduct the Dean of Students or designee will proceed with:
 - a. a preliminary investigation;
 - b. an initial meeting; or,
 - c. an administrative hearing.
3. If it is determined that reasonable cause exists for the Dean of Students or designee to refer a complaint for an administrative 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 the Dean of Students (or designee); 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, excluding holidays and weekends, of their scheduled administrative hearing. Exceptions may be made during finals week.

4. 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 and time of the scheduled administrative hearing.

B. Interim Actions:

In certain circumstances, the Dean of Students, or designee, may impose interim actions prior to an administrative hearing being held. Interim actions may be imposed:

1. to ensure the safety and well-being of the members of the university community or 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, university suspension or residence hall suspension.

Interim actions are in effect until the student conduct process is concluded.

C. Investigation:

1. Prior to the administrative hearing, the Student Conduct Administrator may investigate allegations by conducting interviews, requesting documentation, or by other means.
2. Investigations of the Discrimination, Harassment, and Sexual Misconduct Policy 13.02, will be undertaken as outlined in that policy.

D. Informal Resolution:

When allegations of misconduct have been received and reviewed by a Student Conduct Administrator, 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;
2. it is agreed to in writing by the complainant and the respondent;

3. the complainant acknowledges that by their agreement the individual forfeits the right to have the complaint reviewed further under the Student Conduct Code; and,
4. the complaint does not allege a sexual assault.

E. Administrative Hearing Resolution:

1. Allegations of misconduct involving more than one respondent will be heard separately. At the discretion of the Dean of Students, the hearing pertinent to each respondent can be conducted jointly. However, separate determinations of responsibility will be made for each respondent.
2. Both the complainant and respondent have the right to an advisor of their own choosing.
3. Each party will have the opportunity to present evidence, call witnesses, make statements, and will be given the opportunity to question all involved parties through the Student Conduct Administrator.
4. If the respondent, with notice, does not attend the administrative hearing, the available information relating to the allegations of misconduct will be considered. Subsequently, determinations regarding responsibility and sanctions (if appropriate) will be made.

F. 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 an administrative hearing, the respondent will be provided, within 10 business days, an outcome letter outlining determinations of responsibility and sanctions (if appropriate). In certain cases, where the law allows, a complainant will also receive notification of the outcome. Notice will be given in writing and may be delivered by one or more of the following methods:
 - a. emailed to the students university issued email account;
 - b. in person by the Dean of Students (or designee); 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 of allegations of sexual misconduct or violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each party.
4. Barring extenuating circumstances, the student conduct process will be concluded within 60 calendar days of the receipt of an allegation.

G. Sanctions:

One or more of the following sanctions may be imposed upon a respondent for being found responsible for an allegation of misconduct. Sanctions determined will be proportionate to the severity of the violation and to the cumulative conduct history of the respondent.

1. **Warning:** An official written notice the respondent has violated the Student Conduct Code with the understanding that additional conduct actions would result should the respondent be involved in other violations while affiliated with the University.
2. **Restitution:** Requirement that the respondent provide compensation for damage caused to the University or any other person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine, but rather a repayment for labor costs and/or the value of the property destroyed, damaged consumed or stolen.
3. **Fines:** Reasonable fines may be imposed and used to offset the cost of educational sanctions.
4. **Work Service Requirements:** A specific number of unpaid service hours to the University or approved agency must be completed.

- 1 5. **Loss of Privileges:** The respondent may be denied specified privileges, related to the violation,
2 for a designated period of time. Specific limitations or exceptions may be granted by the Dean of
3 students and terms of this conduct sanction may include, but are not limited to the following:
 - 4 a. Ineligibility to hold any office in any student organization recognized by the University or
5 hold an elected or appointed office at the University; or
 - 6 b. Ineligibility to represent the University to anyone else outside the University community
7 in a way including: participating in the study abroad program, attending conferences, or
8 representing the University at an official function, event or intercollegiate competition as a
9 player, manager, or student coach, etc.
- 10 6. **Confiscation of Prohibited Property:** Items whose presence is in violation of the Student
11 Conduct Code can be confiscated. Prohibited items may be returned to the owner at the discretion
12 of the Dean of Students and/or Campus Police.
- 13 7. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking
14 academic counseling or substance abuse screening, writing a letter of apology, etc.
- 15 8. **Educational Program:** Requirement to attend, present and/or participate in a program related to
16 the violation. It may also be a requirement to sponsor or assist with a program for others on
17 campus to aid them in learning about a specific topic or issue related to the violation for which
18 the student or organization was found responsible. Audience may be restricted.
- 19 9. **Restriction of Visitation Privileges:** May be imposed on a resident or non-resident student. The
20 parameters of the restriction will be specified.
- 21 10. **Random Drug Testing:** To be used for respondents who violate the drug policies.
- 22 11. **No Contact:** Orders to not have any contact, by any means, including through friends with the
23 designated university community member.
- 24 12. **Parental Notification:** parents or guardians may be notified in writing of violations of alcohol or
25 drug policy for students under the age of 21.
- 26 13. **Trespass:** Notice of prohibited visitation from a specific location.
- 27 14. **Housing Probation:** Official notice that, should further violations of Department of Residence or
28 university policies occur during a specified probationary period, the respondent may immediately
29 be removed from university housing. Regular probationary meetings may also be imposed.
- 30 15. **Housing Reassignment:** Reassignment to another university housing facility. Department of
31 Residence personnel will decide on the reassignment details.
- 32 16. **Housing Suspension:** Removal from university housing for a specified period of time after
33 which the respondent is eligible to return. Conditions for readmission to university housing may
34 be specified. Under this sanction, the respondent is required to vacate university housing within
35 the timeframe outlined in the outcome letter. This sanction may be enforced with trespass action
36 if necessary. Prior to reapplication for university housing, the respondent must gain permission
37 from the Director of Residence Life or designee(s). This sanction may include restrictions on
38 visitation to specified buildings or all university housing during the suspension.
- 39 17. **Housing Expulsion:** The respondent's privilege to live in, or visit, any university housing
40 structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed
41 necessary.
- 42 18. **Disciplinary Probation:** The respondent is put on official notice that, should further violations of
43 university policies occur during a specified probationary period, the respondent may face
44 suspension or expulsion. Regularly probationary meetings may also be imposed. Disciplinary
45 probation means a student is not in good social standing with the University.
- 46 19. **Suspension Held in Abeyance:** Separation from the University is deferred for the period of the
47 suspension, with the provision that lesser sanction(s) be completed within that period of time and
48 no additional information alleging misconduct is discovered regarding the incident. If the student
49 is found responsible for violations of other misconduct during the period of suspension held in
50 abeyance, the sanction of Disciplinary Suspension will be immediately imposed.

- 1 20. **Disciplinary Suspension:** Separation from the University for a specified minimum period of
2 time, after which the respondent is eligible to return. Eligibility may be contingent upon
3 satisfaction of specific conditions noted at the time of suspension. The respondent is required to
4 vacate university housing within the timeframe outlined in the outcome letter. During the
5 suspension period, the respondent is banned from university property, functions, events and
6 activities without prior written approval from the Dean of Students. This sanction may be
7 enforced with a trespass action as necessary. This sanction will be noted as Conduct Suspension
8 on the respondent's official academic transcript.
- 9 21. **Expulsion:** Permanent separation from the University. The student is banned from university
10 property and the respondent's presence at any university-sponsored activity or event is prohibited.
11 This action may be enforced with trespass action as necessary. This sanction will be noted as
12 Conduct Expulsion on the respondent's official academic transcript.
- 13 22. **Deactivation:** Deactivation, loss of recognition as a registered student organization or group
14 associated with the university, or loss of all privileges, for a specified period of time.
- 15 23. **Delayed Registration:** The respondent may be required to delay their course registration until a
16 complainant or any other student(s) involved in a conduct matter has completed course
17 registration. Delayed registration is for a specified number of semesters or may be required until
18 the complainant or other involved student(s) graduate.
- 19 24. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the
20 University may be revoked for fraud, misrepresentation, or other violation of university standards
21 in obtaining the degree, or for other serious violations committed by a student prior to admission
22 or graduation.
- 23 25. **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the
24 completion of the process set forth in the student conduct code, including the completion of all
25 sanctions imposed, if any.
- 26 26. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed
27 appropriate to the offense with the approval of the Dean of Students or designee.

28 **H. Appeals:**

29 A decision reached by a Student Conduct Administrator may be appealed by the respondent(s) or the
30 complainant(s) to the Dean of Students within five (5) business days of the decision. Appeals must be
31 made in writing and state the reason(s) for the appeal. Appeals must be delivered in person to the Office
32 of the Dean of Students. If the Dean of Students was the Student Conduct Administrator in a given case
33 the appeal will be considered by the Assistant Vice President for Student Affairs. Failure to submit an
34 appeal, meeting the above requirements will result in the decision of the Student Conduct Administrator
35 being final.
36

37 The bases for appeals are limited to the following:

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

45 **Level I:**

46 The Dean of Students (or Assistant Vice President for Student Affairs) may affirm, reverse, or modify
47 the original decision regarding the violations and/or sanctions imposed. The original finding and
48 sanction(s) will stand if the appeal is not timely or is not based on the grounds listed above. For conduct
49 sanction(s) will stand if the appeal is not timely or is not based on the grounds listed above. For conduct
50

cases involving a complainant other than the University, when one party requests an appeal, the other party (parties) will be notified 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.

Level II:

Appeals of the decision of the Dean of Students (or Assistant Vice President for Student Affairs) may be appealed to the Vice President for Student Affairs, within five business days following the above outlined procedures. The Vice President for Student Affairs or designee will render a decision within ten business days. Decisions of the Vice President for Student Affairs are final from the perspective of the University.

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 directly to the Board, according to the rules and procedures established by that body.

I. 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 or graduate. All sanctions must be satisfied prior to restoring eligibility of reenrollment.

J. Student Conduct Records:

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

1. Result in suspension or expulsion (including from university housing);
2. Allege a violation of the Discrimination, Harassment, and Sexual Misconduct Policy 13.02; and,
3. Data used for aggregate statistical purposes.

Student conduct records will be disclosed only in accordance with the Student Records Policy 3.11.

XIII: Training:

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.

XIV: 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 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 consent to be bound by the current policy or applicable law requires otherwise.