



# Idaho State University

## POLICIES AND PROCEDURES

### Student Code of Conduct

#### ISUPP 5000

#### *POLICY INFORMATION*

**Policy Section:** *Student Affairs*

**Policy Title:** *Student Code of Conduct*

**Responsible Executive (RE):** *Vice President for Student Affairs*

**Sponsoring Organization (SO):** *Student Affairs*

**Dates: Effective Date:** *July 27, 2015*

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**Last Reviewed:** *August 28, 2024*

## I. INTRODUCTION

Idaho State University is an engaged and vibrant campus of learning that is united in its goal to improve the intellectual vigor, cultural vitality, and health of our communities. In developing campus expectations for Students, the Student Code of Conduct (hereafter referred to as “the Code”) reaffirms that each individual Bengal is valued. The Code, and its resulting processes, are deeply rooted in self-reflection, improving oneself, and understanding the responsibility of being a part of a community. The Code employs a Student-centered approach where meaningful skills, values, and expectations are paramount. We uphold University values of integrity, community, inclusivity, teamwork, shared responsibility, and learning as the foundation for a healthy and successful Academic environment.

The Code helps promote growth and learning as Students interact with their environment and accept responsibility for their decision-making. The Conduct process educates Students about their responsibilities as members of an Academic community and imposes sanctions when Students act contrary to the expectations set forth herein. Our goal is to resolve conflict through active communication designed to better understand motives, intentions, attitudes, beliefs, and emotions. Through acceptance of responsibility and mediation, we focus on reconciliation and healing alongside community members who are impacted by other’s actions. It is intended that

those participating in ISU's Conduct process leave as better-educated Students, with a deeper sense of purpose and meaning of the ISU community and their place within it.

## II. POLICY STATEMENT

The Student Code of Conduct articulates behavioral standards and procedural guidelines designed to empower Members of the University Community to live, work, study, recreate, and pursue their goals in a safe, secure, and inclusive environment. The University expects all Students to know and abide by campus policies and procedures, uphold Academic integrity, contribute to a safe and welcoming community, and take responsibility for their words and actions in creating a respectful learning environment.

This Code is a general framework to guide Student Conduct. It cannot cover all complex situations or exceptional circumstances involving policies and procedures. Therefore, the Vice President for Student Affairs, in collaboration with General Counsel, shall decide what policies and/or processes shall be applied if a circumstance is not specifically addressed herein.

## III. DEFINITIONS

- A. **Academic:** school-related endeavors, whether the school is Academic, professional, or technical.
- B. **Address of Record:** a Student's ISU email address and/or the address on file with the Office of the Registrar. Notice is considered to have been received if sent to either of these addresses.
- C. **Complainant:** any person who submits a complaint alleging an ISU Student violated the Code.
- D. **Conduct:** a manner of behaving or acting, including inaction when asked to act, or when a reasonably prudent person would know how to act.
- E. **Conduct Administrator:** The Dean of Students, or their designee, serves as the University Student Conduct Administrator and oversees the implementation of the Student Conduct Code.
- F. **Conduct Officer:** University staff or Faculty Member authorized by the Conduct Administrator, on a case-by-case basis, to impose sanctions upon Students found to have violated the Code. The Conduct Administrator is also a Conduct Officer.

- G. **Conduct Proceedings:** University processes and procedures established within the Code for the purpose of resolving allegations and complaints of Student misconduct. These proceedings include informal Conduct hearings, conduct board hearings, and appeals.
- H. **Faculty Member:** a person responsible for teaching a class or laboratory or other instructional activities. This definition includes instructors (regardless of rank), instructional staff, graduate assistants, visiting lecturers, and affiliate or visiting Faculty Members.
- I. **Members of the University Community:** refers to Students, Faculty Members, staff members, administrators (including governing board members), or any other person employed by or volunteering for, the University. The Conduct Administrator and/or the Vice President for Student Affairs determine(s) a person's status in a particular situation.
- J. **Protected Class:** a term used in anti-discrimination law to describe characteristics or factors that are unlawfully targeted for discrimination and harassment. For purposes of the Code, the following characteristics are considered "Protected Classes" and, to the extent permitted by applicable law, individuals cannot be discriminated against based on these characteristics: race, color, religion, gender, age, national origin, physical or mental disability, veteran status, genetic information, sexual orientation, gender identity/ expression, marital and familial status, or any other status protected under applicable federal, state, local law, or ISU policy.
- K. **Respondent:** any Student having allegedly violated the Code.
- L. **Student:** includes all persons taking courses at the University, either full-time or part time, pursuing undergraduate, graduate, or professional studies, whether degree or non-degree seeking, and continuing education classes or special programs. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but have a continuing relationship with the University, or who have submitted an application for admission are considered Students.
- M. **Student Conduct Board:** persons trained by the Conduct Administrator to determine whether a Student has violated the Code and to impose sanctions when a Code violation has been committed.
- N. **Student Organization:** an organization comprised of any number of Students who have complied with the requirements for registered Student Organizations at the University.
- O. **University Premises:** includes all land, buildings, facilities, and other property possessed, owned, used, or controlled by ISU (including adjacent streets and sidewalks).

#### **IV. AUTHORITY AND RESPONSIBILITY**

Students are subject to University authority. The University derives its authority to regulate Student Conduct from the Idaho State Board of Education (SBOE). The President of the University delegates this authority to the Vice President for Student Affairs, who then extends the authority to the Conduct Administrator.

- A. The Conduct Administrator and/or the Vice President for Student Affairs may develop policies for the administration of the Code and establish procedural rules for Conduct Officers and Student Conduct Boards that are consistent with the Code.
- B. The Conduct Administrator determines which Conduct Officer or Conduct Board will hear a particular complaint. The Vice President for Student Affairs evaluates requests for appeals and determines who may hear them.
- C. The University's authority to regulate Conduct applies to:
  - 1. Students, registered Student Organizations, and Student groups, if their collective action violates the Code and displays a lack of internal control that is detrimental to the purposes of the University or the maintenance of a secure and productive learning environment.
  - 2. Students, from the time they submit an application for admission through the actual awarding of a degree, Conduct that occurs before classes begin or after classes end, as well as during the Academic year and during periods between terms of enrollment, are subject to the terms of this policy. If misconduct occurred prior to the awarding of a degree, but was not discovered until after the degree was awarded, the University may still institute its Conduct Proceedings.
  - 3. Students, even if they withdraw from school while a complaint, investigation, or Conduct Proceeding is pending or underway.
  - 4. Conduct that occurs on University Premises (all locations and centers), at University sponsored activities, and off-campus Conduct that adversely affects Members of the University Community and/or the pursuit of its objectives. The Conduct Administrator and/or the Vice President for Student Affairs decide(s) whether the Code shall be applied to Conduct occurring off-campus on a case-by-case basis.
  - 5. Conduct that occurs while Students are studying in another country, even if the University does not coordinate or supervise the experience.
- D. Misconduct that is also a Violation of Law

University Conduct Proceedings may be instituted against a Student charged with Conduct that potentially violates both the criminal law and the Code (that is, if both possible

violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Conduct Proceedings under the Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Conduct Administrator in consultation with the Vice President for Student Affairs and General Counsel.

Determinations made or sanctions imposed under the Code may not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

## **V. UNIVERSITY CONDUCT VIOLATIONS**

The University encourages Students to approach personal decision making with the following expectations and principles. The following behaviors are considered violations and may be actionable under the Code:

### **A. Abusive Conduct**

Abusive Conduct is behavior some may consider harassment but isn't based on a Protected Class status such as race, religion, gender, etc. Abusive Conduct is physical, verbal, non-verbal, or written Conduct that occurs in person or electronically, by one party to another that, based on its severity, nature, or frequency of occurrence, a reasonable person would determine is:

1. unwanted or unwelcome;
2. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities; or
3. creates an intimidating, hostile, or offensive working or Academic environment.

### **B. Alcohol**

Illegal or unauthorized procurement, consumption, use, possession, manufacture, or distribution of alcoholic beverages. Alcoholic beverages may not, in any circumstances, be used by, possessed by, or distributed to persons under twenty-one (21) years of age.

1. Consumption and possession of alcohol is prohibited in general use areas and all University residence halls. General use areas include all University owned, leased, or operated facilities, and campus grounds.
2. Consumption and possession of alcohol, by anyone of legal drinking age (21 or older) is only authorized in the University apartments and other areas designated by the President with the approval of the State Board of Education.

3. Distribution of alcohol to persons under twenty-one (21) years of age is prohibited.
4. Possession and consumption of alcohol by persons under twenty-one (21) years of age is prohibited. Persons under twenty-one (21) years of age in the presence of alcohol in University residence halls may be found in violation of the Code.
5. Possession and consumption of alcohol in areas that are designated as "alcohol free" is prohibited.
6. Sale of alcohol, unless authorized by the State Board of Education and with the Appropriate licenses and permits, is prohibited.
7. It is prohibited for anyone of legal drinking age (21 or older) to consume alcohol in University residential facilities, in the presence of a minor or person under twenty-one (21) years of age, unless that minor is a roommate, spouse, or dependent.

C. Bribery/Extortion

Bribery, attempted bribery, acceptance of a bribe, and/or failure to report a bribe. Bribery includes, but is not limited to, offering money and/or some other form of payment or reward including gifts to a Member of the University Community in order to influence any Academic or administrative process or to influence any athletic or University event. Extortion includes, but is not limited to, getting or attempting to get money and/or anything of value by violence, threats, and/or misuse of authority.

D. Bullying

Behavior in which one intentionally causes another person injury or distress. Bullying may involve an observed or perceived power imbalance. Bullying can be physical, verbal, written, relational/social or more subtle actions which based on its severity, nature, or frequency of occurrence, undermine and detract from another's education experience or effectively denies access to University resources and opportunities.

Bullying also includes cyberbullying which is threatening or harassing behavior conducted through such electronic technology as cell phones, email, social media, or text messaging.

E. Coercion

The use or threat of physical violence or the improper use of actual or perceived power, position, status, or influence to pressure others to do something against their will.

F. Dangerous Materials

Illegal or unauthorized possession of fireworks, explosives, or chemicals which are corrosive or explosive on University Premises or use of any such item, even if legally

possessed, in a manner that harms, threatens, or a reasonable person would determine causes others to fear for their safety.

G. Dishonesty, includes but is not limited to:

1. Furnishing false information to the University. This includes filing false, knowingly incomplete, or intentionally exaggerated reports or documents.
2. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
3. Unauthorized possession, duplication, or use of keys or access codes to any University Premises or unauthorized entry to or use of University Premises.
4. Any acts that violate ISUPP 4000 *Academic Integrity and Dishonesty for Undergraduate Students* is a violation of this Code. This includes, but is not limited to plagiarism, cheating, and any other forms of Academic dishonesty. Alleged violations of the ISU Academic Dishonesty Policy are administered separately by Faculty Members and Academic administrators. Certain behaviors may violate both the Academic Dishonesty Policy and this section, or others, of the Code. In that case, the Conduct Officer will consult with the relevant department(s) and determine whether one process or both will be utilized.

H. Discrimination

Occurs when an individual or group of individuals is treated adversely (i.e., denied rights, benefits, equitable treatment, or access to facilities available to others) based on the individual's or group's actual or perceived membership in a Protected Class. Allegations of discrimination are investigated and processed under ISUPP 3100 *Policy on Equal Opportunity, Harassment and Non-Discrimination* by the Office of Equity and Inclusion (OEI). If a complaint is deemed not meeting the threshold for action under applicable law, OEI may refer the case to the Dean of Students Office to process under the Code.

I. Disorderly and/or Irresponsible Conduct, including but not limited to:

1. Public Conduct that is objectively offensive, lewd, or indecent.
2. Breach of peace, or encouraging others to breach the peace on University property.
3. Conduct that endangers the health and/or safety of others and/or the public.

J. Disruptive Behavior

Disruptive Behavior violations may take place on University Premises or off-campus and includes but is not limited to actions during:

1. Instructional and Educational Activities

Faculty Members supervise classroom Conduct and may establish reasonable Conduct standards for their Students through their syllabi or spoken directives. Disruption or obstruction of teaching, research, lab work, experiential learning opportunities, or other learning environments that prevent Faculty Members from teaching or other Students from receiving the benefits of instruction may be considered disruptive. This may include speech that could be interpreted by a reasonable person to be inappropriate in time, place, or manner.

Guidelines and resources to assist Faculty Members handling difficult behavioral situations in the classroom are available under the Faculty and Staff section of the Dean of Students website.

## 2. Non-Academic Activities

- a. Disruption or obstruction of administration, Conduct Proceedings, events, or other operational functions of the University.
- b. Participating or leading others to participate in a demonstration, riot, or activity that disrupts the normal operations of the University and/or infringes on the rights of other Members of the University Community.
- c. Obstruction of the free flow of pedestrian or vehicular traffic on University Premises or at University sponsored or supervised functions.
- d. Persistent speech, expression, or action that is so objectively offensive or concerning that it interferes with others' ability to live, learn, work, or pursue educational opportunities at the University.

## K. Drugs

The manufacture, distribution, dispensing, possession, use, or sale (whether attempted or completed) of controlled substances identified in federal/state law or regulation as prohibited. The misuse, sale, or distribution of prescription medication; the misuse of over-the-counter medication; and possession of drug paraphernalia (included but not limited to: rolling papers, pipes, bongs, roach clips, and vials), regardless of whether it is purchased or handmade is also prohibited. Being in the presence of and having knowledge of an illegal substance in a University residence is also prohibited.

## L. Failure to Comply with Directions of University Officials, including but not limited to:

ISU Public Safety officials, Resident Assistants, or University employees acting in performance of their duties. This includes the failure to identify oneself to these persons when requested to do so.

## M. Harassment

Allegations of discriminatory harassment are investigated and processed under ISUPP 3100 *Policy on Equal Opportunity, Harassment and Non-Discrimination* by the Office of Equity and Inclusion. If a complaint of discriminatory harassment is deemed not meeting their threshold for action, they may refer the case to the Dean of Students Office to process under the Code.

Actions that some may consider harassment but are not based on a Protected Class (race, religion, gender, etc.) are categorized as Abusive Conduct and can be found in section V.A of this policy.

N. Hazing

An act that endangers the mental or physical health or safety of a Student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the individual will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act and are violations of this rule.

Idaho State Statute, Section 18-917 explicitly prohibits hazing. Students should be aware that they could face legal charges for this type of violation.

O. Intimidation

Behavior or Conduct that a reasonable person knows or should know will threaten or unreasonably frighten another person for the purposes of deterring them from acting or forcing them to act against their will. Pressure to obtain compliance may also be considered intimidation.

P. Invasion of Privacy

Making, using, disclosing, or distributing a recording or a photograph of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it.

Q. Misuse of the Student Code of Conduct and Conduct Proceedings, includes but is not limited to, influencing or attempting to influence another person to commit an abuse of the Code, submitting a complaint in bad faith, attempts to discourage others from participating in the Conduct Proceedings, interfering with any aspect of the Conduct Proceedings, or failure to comply with sanctions.

R. Misuse of Technology

Abuse of computer facilities and resources, including but not limited to, unauthorized entry into a file to use, read, or change the contents, transfer, or for any other purpose. Students are responsible for reading and understanding University Policies relating to Information Technology Services on Campus, as listed on the University Policy website. Violations of

ISUPP 2400 *ITS Acceptable Use*, ISUPP 2410 *ITS Access Control*, and ISUPP 2470 *ITS Electronic Messaging* will be addressed through the Conduct process.

S. Physical Violence

Any incident of physical violence is a violation of this code.

T. Retaliation

It is prohibited for any Member of the University Community to take materially adverse action by intimidating, threatening, coercing, harassing, discriminating, or filing a false or bad faith cross-complaint against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or Conduct hearing under the Code. Retaliation is a violation of policy whether or not the underlying complaint is found to have merit. Retaliation occurring in Title IX or Title VI cases being investigated and processed by the Office of Equity and Inclusion will be addressed through their processes.

U. Sexual and Gender-Based Misconduct

Acts of sexual and gender-based misconduct (including sexual harassment, sexual violence, dating/domestic violence, and stalking) are a violation of the Student Code. Allegations of sexual misconduct are investigated and processed under ISUPP 3100 *Equal Opportunity, Harassment and Non-Discrimination* by the Office of Equity and Inclusion. If a complaint is deemed not meeting their threshold for action, they may refer the case to the Dean of Students Office to process under the Code.

V. Smoking/Vaping

The University maintains smoke-free campuses. Smoking/Vaping with any device or product, including e-cigarettes, is prohibited on University Premises unless a person is on a public street or sidewalk maintained by the surrounding municipality. Additional details about this policy can be found at ISUPP 9040 *Smoke Free Campus*.

W. Solicitation/Posting

Any Student operating for his/her own benefit or on behalf of an employer, and for interests not directly connected with the University's interests is not permitted to solicit or advertise on campus without approval.

The University reserves the right to deny solicitation rights to any program not in accordance with its role and mission, philosophy, policies, or applicable federal, state, and local laws. Permission to solicit on the ISU campus in no way reflects University endorsement, opinion, or policy.

Additional guidelines about solicitation and posting on campus can be found in the Solicitation and Posting Guide on the Dean of Students website.

X. Theft

Acts of Theft are a violation of this code. Theft includes, but is not limited to:

1. Taking, removing, or withholding others' property (including the University's), or attempting to take it without their knowledge or permission.
2. Assuming or appropriating the identity of another person for any reason.

Y. Threats

Verbal or non-verbal action, or a written statement, which could be interpreted by a reasonable person to express the intention of causing physical or emotional harm or other damage to another person or property.

Z. Vandalism, Destruction, Damage, or Misuse of University or Private Property

Any damage to, defacement of, removal of, unauthorized possession of, or misuse of University or private property. This may include but is not limited to tampering with safety/security equipment such as cameras, door locking mechanisms and keys, and fire safety equipment.

AA. Violations of University Policy or Law

Violating any University policy, rule, regulation, requirement, directive, standards, or contract, whether published electronically or in hard copy, and/or violating any local, state, or federal law may be considered a violation of the Code and may be processed as a Conduct case.

BB. Weapons

Illegal or unauthorized possession of firearms and/or other weapons on University Premises or use of any item, even if legally possessed, in a manner that harms, intimidates, threatens, or would cause a reasonable person to fear for their safety. This includes, but is not limited to, facsimiles of weapons, firearms, compressed-air guns pellet guns, nun chucks, brass knuckles, paintball guns, pepper spray/mace, knives, stun guns, etc. Instances in which possession of firearms are allowed on campus is outlined in ISUPP 9000 *Possession of Firearms*.

## **VI. STUDENT CONDUCT HEARING PROCESS AND PROCEDURES**

A. Information Alleging Student Misconduct

Any person may share information with the University alleging a Student violated the Code. Information may be provided by contacting the Dean of Students Office.

B. Review of Information Alleging Misconduct

The Conduct Administrator, or their designee, reviews all reports and statements from concerned individuals to determine if the alleged facts, if true, would constitute a violation of the Code's provisions. At the time of the review, the Conduct Administrator assumes the claims made by the reporting party to be made in good faith.

C. Immediate Action/Response

The Conduct Administrator or designee may take immediate action ("interim action") when necessary to secure the health and/or safety of a Member of the University Community and/or to address an alleged violation of the Code prior to the initiation of Conduct Proceedings. The Student must be notified in writing and include the reasons for the immediate action.

Criteria governing when and how an immediate action/response may be utilized are located in the *Conduct Hearings and Appeals Guide* on the Dean of Students website.

D. Investigations

Depending on the amount, clarity, and specificity of the information presented to the Conduct Administrator, it may be helpful for the Conduct Administrator or designated Conduct Officer to investigate the allegations for the purpose of obtaining additional information. Often, the content of the reports from Public Safety or others is sufficiently informative to initiate meetings with Students who allegedly have violated the Code without conducting an investigation. The decision to conduct an investigation for most allegations of misconduct is the prerogative of the Conduct Administrator and based on their professional judgment and discretion.

Decisions to conduct an investigation for allegations of discrimination, harassment based on Protected Class, or sexual and gender-based misconduct, will be determined by the Office of Equity and Inclusion in accordance with applicable law and policy.

E. Conduct Hearings

1. Informal Conduct Hearings

An informal Conduct hearing provides the Student with an opportunity to resolve the allegations with one Conduct Officer in a more informal conversational setting.

a. Notification

Conduct Officer will notify Students of their alleged misconduct via email to their Address of Record and provide information on how to set up an informal Conduct Hearing. The Student will have three (3) business days to respond.

b. Purpose/Goal

The goal of these meetings is to provide the Student with an opportunity to: learn about the allegations and specific policies that may have been violated; discuss the information alleging their misconduct; respond to the allegations; and share any information that is important for the Conduct Officer to know in order to make a decision of “responsible” or “not responsible”.

c. No Response and/or Attendance

Students who do not respond to the notice of allegations within three (3) business days may be subject to the decision of the Conduct Officer without input. The same result may occur if the Student schedules a meeting, but does not to attend.

d. Final Decision

After the Conduct Officer has rendered a final decision of “responsible” or “not responsible,” the Student will be notified via email to their Address of Record about the decision and any required follow-up. Decisions will be made based on the totality of the situation and a preponderance of evidence, meaning the Conduct Officer believes it is more likely than not, that the Student violated campus policy. Written notification of the final decision will be sent within five (5) business days of the hearing.

e. Appeal

Students who wish to appeal the outcome of their Conduct hearing, must submit the request in writing to the Dean of Students Office via email or letter within five (5) business days of the decision email being sent from the Dean of Students Office.

The Vice President for Student Affairs, or their designee(s) will review the appeal and determine if a meeting with the Student is necessary. Students will be notified of the appeal decision within five (5) business days following the conclusion of the appeal process.

Students may only appeal their Conduct hearing decision if it meets the following standards:

- i. the policies and processes in this Code were not followed, resulting in significant prejudice in the results;
- ii. the decision reached was made on substantial misinformation, or substantiated bias on the part of the Conduct Officer.

- iii. New information, that was not available at the time of the Conduct hearing, has emerged.

Additional information about the appeals process can be found in the *Conduct Hearings and Appeals Guide* on the Dean of Students website.

## 2. Student Conduct Board Hearings

Student Conduct Board hearings may be held in situations where the Respondent has allegedly violated a policy that could lead to their suspension or removal from the University; or other cases the Conduct Administrator deems appropriate to be heard by a full Conduct Board.

The Student Conduct Board is composed of trained Faculty Members, staff, and Students. The Student Conduct Board will be composed of no fewer than three (3) and no more than five (5) members drawn from a larger pool of trained personnel. The composition of the Student Conduct Board may be affected by the time of year at which the hearing occurs and the availability of members at times that are suitable for the Complainant and the Respondent.

Full details on what to expect and how to prepare for a Student Conduct Board hearing can be found in the *Conduct Hearings and Appeals Guide* located on the Dean of Students website.

### a. Notification

The Dean of Students Office will notify Students of their alleged misconduct via email to their Address of Record and provide information on how to set up a Conduct Board hearing.

### b. Purpose/Goal

The goal of these meetings is to provide the Student with an opportunity to: learn about the specific policies that may have been violated, discuss the information alleging their misconduct, respond to the allegations, and share information that is important for the Conduct Board to know in order to make a decision of responsible or not.

### c. No Response/Attendance

Students who do not respond to the notice of allegations and set up a Student Conduct Board hearing within three (3) business days may be subject to the decision of the Conduct Board without input.

### d. Conduct Board Hearing Process

Student Conduct Board hearings are private and include only the Complainant, Respondent, witnesses, advisors, members of the Student Conduct Board, and Conduct Officers. During the course of the hearing, both parties have the opportunity to present opening statements, question witnesses, and present evidence relevant to the case for the board to consider.

Either party may be assisted by counsel or an advisor of its choice, who may serve in an advisory capacity only. An advisor shall not address the Conduct Board, question witnesses, or in any way interfere with the proceedings.

Students facing a Student Conduct Board hearing can find detailed information on what to expect and how to prepare for a hearing in the *Conduct Hearings and Appeals Guide* on the Dean of Students website.

e. Final Decision

After the Conduct Board has rendered a final decision of “responsible” or “not responsible” the Student will be notified via email to their Address of Record about the decision and any required follow-up. Decisions will be made based on the totality of the situation and a preponderance of evidence, meaning the Conduct Board believes it is more likely than not that the Student violated campus policy. Written notification of the final decision will be sent within five (5) business days.

f. Appeal

Students who wish to appeal the outcome of their Conduct Board hearing, must submit the request in writing to the Dean of Students Office via email or letter within five (5) business days of the decision being sent by email from the Dean of Students Office.

The Vice President for Student Affairs, or their designee(s), will review the appeal and determine if a meeting with the Student is necessary. The Student will be notified of the appeal decision within five (5) business days following the conclusion of the appeal process.

Students may only appeal their Conduct hearing decision if it meets the following standards:

- i. the policies and processes in this Code were not followed, resulting in significant prejudice in the results;
- ii. the decision reached was made on substantial misinformation, or substantiated bias on the part of the Conduct Board.
- iii. New information, that was not available at the time of the Conduct hearing, has emerged.

Additional information about the appeals process can be found in the *Conduct Hearings and Appeals Guide* on the Dean of Students website.

## F. Sanctions for Violations of the Student Code of Conduct

### 1. Sanctions to Individuals

Sanctions and restorative outcomes endeavor to preserve individual and institutional integrity, help Students to learn from their mistakes, repair harm, and maintain the safety of the Students involved as well as Members of the University Community. In determining sanction(s), the Student's demeanor; past Conduct record; the nature of the violation; the severity of any damage, disruption, injury, or harm resulting from; and other factors may be considered. Sanctions fall into three categories and may be imposed, singly or in combination, upon any Student found to have violated the Code:

- a. Educational Sanctions may include but are not limited to: work assignments, essays, apology letters, service to the University or community, online educational modules, workshops, behavioral contracts, and mediations.
- b. University Status Sanctions may include, but are not limited to: written warning; University and/or Housing probation, suspension, or expulsion; loss of privileges (may include access to locations, participation in programs, status in organizations, no contact orders, etc.); revocation of admission and/or degree; and withholding of a degree.
- c. Restitution Sanctions may include but are not limited to: compensation for loss or damage. This may take the form of appropriate service and/or monetary or material replacement. Financial penalties may be added to the Student's ISU financial account.

### 2. Sanctions to Registered Student Organizations

A registered Student Organization is offered the privilege to conduct its activities at the University, subject to its compliance with the Code. Accordingly, the University has discretion to impose upon any registered Student Organization any one or more of the following sanctions:

- a. Each sanction described above (VI.F.1)
- b. Loss of applicable University-related privilege during any time period that the University specifies.
- c. Permanent loss of either University registration or any other applicable University-related privilege.

## G. Disclosure of the Outcome of Student Conduct hearings to Complainants and/or Others:

When an alleged Code violation constitutes a crime of violence and the Conduct Administrator or Conduct Board finds the alleged violator responsible, the University shall disclose the outcome and the sanction to the Complainants.

In addition, when the alleged Code violation constitutes a crime of violence and the alleged violator is found responsible, the University, under applicable federal law, retains the right to disclose the name of the violator, the portion of the Code that was violated and the sanctions, to anyone whom that information may be redisclosed.

#### H. Appeals to the Idaho State Board of Education (SBOE)

A current or former Student at a postsecondary educational institution under the governance of the SBOE may request that the SBOE review any final institutional decision relating to a Student's attendance at the institution.

##### 1. Criteria for SBOE Appeal

- a. The Student must have exhausted the complaint/grievance resolution procedures that have been established at the institution level. The SBOE will not review complaints/grievances that have not been reported to the institution, or processed in accordance with the institution's complaint/grievance resolution procedures.
- b. Matters involving a violation of an institution's code of Student Conduct will only be reviewed if the basis for the request is that the institution substantially failed to follow its procedures resulting in a failure to give the Student reasonable notice of the violation and opportunity to be heard, or to present testimony.

Such requests must be received in the SBOE office no later than thirty (30) calendar days after the Student receives the institutions's final decision on the matter.

Complete information on SBOE procedures for appeal can be found in SBOE policy III.P.17.

## VII. INTERPRETATION, REVISIONS, AND RECORDS

- A. Any question of interpretation or application of the Code shall be referred to the Conduct Administrator, or designee, for final determination.
- B. Where the provisions and procedures of the Code conflict with specific laws and provisions of the United State of America, the State of Idaho, the policies of the Idaho State Board of Education, or Idaho State University, the specific laws and policies would apply. If state or federal statutory provisions, regulatory guidance, or court interpretations or guidance provided by any authorized regulating agency change or conflict with University policy and/or procedure including but not limited to the hearing procedures set forth in the Code,

the University's policy and/or procedure will be deemed amended at the time of the decision, ruling, legislative enactment, or guidance.

- C. The Code shall be reviewed annually under the direction of the Conduct Administrator.
- D. Student Conduct files and official records will be stored in the Office of the Vice President for Student Affairs. The access, storage, and destruction of these files and records will be in accordance and compliance with current law, related University policies, and the Family Educational Rights and Privacy Act.

### **VIII. RELATED LAWS AND POLICIES**

- A. ISUPP 1050 *Clery Act Compliance*
- B. ISUPP 1110 *Equal Opportunity, Non-Discrimination, and Anti-Harassment*
- C. ISUPP 1120 *Sexual Harassment Under Title IX*
- D. ISUPP 3100 *Equal Opportunity, Harassment, and Non-Discrimination*
- E. ISUPP 4000 *Academic Integrity and Dishonesty*
- F. ISUPP 9000 *Possession of Firearms*
- G. ISUPP 9040 *Smoke Free Campus*
- H. ISUPP 12030 *ITS Acceptable Use*
- I. ISUPP 12040 *ITS Access Control*
- J. ISUPP 12100 *ITS Electronic Messaging*
- K. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
- L. State Board of Education – Higher Education Records Retention Schedule