



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 and Enrollment Management*

Sponsoring Organization (SO): *Student Affairs*

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I. POLICY STATEMENT

The Student Code of Conduct, or hereafter referred to as “the Code,” articulates behavioral standards and procedural guidelines designed to empower ISU community members to live, work, study, recreate, and pursue their goals in a safe, secure, and inclusive environment. Adherence to and enforcement of the Code promotes Student accountability, community integrity, and mission fulfillment.

This Code should be viewed as a general framework to guide Student Conduct. It cannot possibly 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.

II. DEFINITIONS

- A. **Academic:** school-related endeavors, whether the school is Academic, professional, or technical.

- B. **Accused:** any Student accused of violating the Code. The Accused will also be referred to as a Respondent.
- C. **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.
- D. **Complainant:** means any person who submits a complaint alleging an ISU Student violated the Code. When an individual believes they have been victimized by another Student's misconduct, they will have the same rights under the Code as are provided to Complainants.
- E. **Conduct:** a manner of behaving or acting, including inaction, when asked to act or when a reasonably prudent person would know how to act.
- F. **Conduct Proceedings:** a general term referring to University processes and procedures established within the Code for the purpose of resolving allegations and complaints of Student misconduct. These proceedings include administrative resolution meetings, conduct board hearings, and appeals.
- G. **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.
- H. **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.
- I. **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.
- J. **Respondent:** any Student accused of violating the Code. The Respondent may also be referred to as the Accused.
- K. **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.

- L. **Conduct Administrator:** The Dean of Students serves as the University Student Conduct Administrator and oversees the implementation of the Student Conduct Code.
- M. **Student Conduct Board:** persons authorized 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. **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.
- O. **Student Organization:** an organization comprised of any number of Students who have complied with the requirements for registered Student Organizations at the University.
- P. **University Premises:** includes all land, buildings, facilities, and other property possessed, owned, used, or controlled by ISU (including adjacent streets and sidewalks).

III. 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. The President of the University delegates this authority to the Vice President for Student Affairs and Enrollment Management, 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 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 giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

IV. UNIVERSITY CONDUCT RULES AND REGULATIONS

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. 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. Regulations

- a. 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.
 - b. Consumption and possession of alcohol, by persons of legal age, is only authorized in the University apartments and other areas designated by the President with the approval of the State Board of Education.
 - c. Distribution of alcohol to a minor is prohibited.
 - d. Possession and consumption of alcohol by a minor is prohibited.
 - e. Possession and consumption of alcohol in areas that are designated as "alcohol free" is prohibited.
 - f. Sale of alcohol, unless authorized by the State Board of Education and with the appropriate licenses and permits, is prohibited.
 - g. 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, unless that minor is a roommate, spouse, or dependent.
2. Enforcement of and sanctions for violations of the alcohol Code will be administered according to the procedures outlined in section VII of this policy.

B. Bullying

Conduct considered severe, pervasive, and objectively offensive. Anything that undermines and detracts from another's educational experience and effectively denies access to University resources and opportunities.

C. 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.

D. Dangerous Materials

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University Premises or use of any such item, even if legally possessed, in a

manner that harms, threatens, or causes others to fear for their safety. The rare instances in which possession of firearms are allowed on campus is outlined in ISUPP 9000 *Possession of Firearms*.

E. Destruction, Damage, or Misuse of University or Private Property

Any damage to or misuse of University or private property is a violation of this code.

F. 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. Possible 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 Administrator will consult with the relevant department(s) and determine whether one process or both will be utilized.

G. 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.

H. 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 safety of others and/or the public.

I. Disruptive Behavior During Instruction and Educational Activities

Faculty Members supervise classroom Conduct and may establish reasonable Conduct standards for their Students through their syllabi or spoken directives. Behavior that a reasonable person would deem as disruptive to the ability of a Faculty Member to teach a

class or prevent other Students from receiving the benefits of instruction may be considered disruptive.

If an instructor informs a student that a particular behavior is disrupting the learning activity or instructional interaction, the student should promptly stop the behavior. If a Student continues the behavior, the instructor may refer the student to the Dean of Students or ask the student to leave the classroom. If a Student is asked to leave, the Student should leave the class quietly. If a Student chooses not to comply or elevates the disruption by arguing about the request, Public Safety may be called to assist. Failure to comply with an instructor's request is a violation of this policy.

J. Disruptive or Obstructive Actions or Activities, include but are not limited to:

1. Disruption or obstruction of teaching, research, administration, Conduct Proceedings, and includes speech that is manifestly unreasonable in time, place, or manner.
2. Participating or leading others to participate in an on-or-off campus 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.
3. Obstruction of the free flow of pedestrian or vehicular traffic on University Premises or at University sponsored or supervised functions.
4. 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

Use, possession, manufacture, or distribution of controlled substances, as defined by the United States Department of Justice, and synthetic substances used as a substitute for controlled substances. Abusing prescription drugs is also prohibited.

L. Failure to Comply with Directions of University Officials, including but not limited to: ISU Public Safety officials, Residence Assistants or University employees acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

M. Harassment

Unwanted or unwelcome behavior or Conduct toward an individual because of the individual's Protected Class that is sufficiently severe, persistent, or pervasive to have the impact of unreasonably interfering with a person's ability to live, learn, work, or recreate at the University.

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 victim will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act and are violations of this rule.

O. Intimidation

Behavior or Conduct intended to induce fear in others for the purpose 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, include but are not limited to:

1. Failing to comply with a notice from a Conduct Officer, Conduct Board, or other University official to set an appointment or appear for a meeting or hearing.
2. Falsifying, distorting, or misrepresenting information before a Conduct Officer or Conduct Board.
3. Disrupting or interfering with Conduct Proceedings.
4. Submitting a complaint in bad faith.
5. Attempting to discourage others from participating in or using Conduct Proceedings.
6. Attempting to influence the impartiality of a Conduct Officer or a member of a Conduct Board prior to, and/or during the course of Conduct Proceedings.
7. Harassing or intimidating a Conduct Officer or a member of a Conduct Board prior to, during, and/or after a Conduct Proceeding.
8. Failing to comply with the sanctions imposed through a Conduct Proceeding.
9. Influencing or attempting to influence another person to commit an abuse of the Code.
10. Retaliating against any person for participating in a protected activity. The University considers the following activities protected:
 - a. Making a report that alleges misconduct

- b. Speaking with University investigators about alleged misconduct
- c. Supporting a person who is participating in an investigation or Conduct Proceeding
- d. Sharing information with the University as a witness in an investigation or Conduct Proceeding

R. Misuse of Technology

Abuse of computer facilities and resources, including but not limited to:

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
2. Unauthorized transfer of a file.
3. Use of another individual's identification and/or password or sharing one's identification and/or password with others.
4. Interfering with the normal operation of the University computing system or the work of another Student, Faculty Member, or University official.
5. Sending obscene, harassing, or threatening messages.
6. Downloading, sharing, and/or distributing copyrighted materials without the permission of the copyright holder and/or any other use of computer/network resources in violation of copyright law.
7. Any violation of the University Acceptable Use Policy and/or the Student Computing Contract.

S. Physical Violence

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

T. Sexual and Gender-Based Misconduct

Acts of sexual and gender-based misconduct are a violation of the Student Code. Allegations of sexual misconduct are investigated, processed, and appealed under ISUPP 1120 *Sexual Harassment and Gender Discrimination*.

U. 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.

V. Theft

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

1. Taking or removing 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.

W. Threats

Making statements or engaging in non-verbal acts that communicate clear intent to commit an act of unlawful violence to a particular person, persons, or property is a violation of this code.

V. UNIVERSITY HOUSING RULES AND REGULATIONS

University Housing Rules and Regulations apply to Students residing in on-campus housing, including residence halls and apartments, and their guests.

A. Advertisements, Posters

Posters and notices pertaining to specific residence hall and apartment activities may be posted on the bulletin boards provided within the halls and apartments. Commercial posters approved by University Housing that advertise non-residence hall, non-apartment, or non-campus related functions may be posted on designated areas provided there is space available. All notices and posters must have approval from the University Housing Office and/or the Resident Director.

B. Air Conditioners for University Apartments Only

With prior approval from a Building Manager, a window air conditioner or self-contained swamp cooler, not connected to a water source, is permitted in apartments only. A housing staff member must perform all installation and removal. Inform your Building Manager before purchasing. Unauthorized air conditioners will be fined according to established University fees. Dimensions for air conditioners should not exceed 24" wide by 24" depth by 16" height, BTU Max is 12,000 BTU and Voltage max is 120.

C. Barbeque Grills

Individual use of barbeque grills is strictly prohibited in residence halls. Barbequing is allowed outside apartment complexes and in cases of University Housing sponsored programs. Barbeque grills must be placed at least four feet away from any structure. Due to safety reasons gas grills or tanks cannot be stored in individual apartment units or residence hall rooms.

D. Bicycles/Human Powered Vehicles

Are not allowed to be used inside any residence hall or apartment complex. They may be stored in authorized areas only. The resident is responsible for damages caused by the vehicle. University Housing is not responsible for any bicycle stored outside, or inside your apartment or residence hall. We encourage you to register your bike with ISU Public Safety.

E. Candles/Incense

The burning of candles, incense, and other open flame items are not allowed in any University Housing units. In addition, any odors that are offensive to the residence hall or apartment community are not permitted.

F. Carpet Stains

If you spill something onto the carpet, please generate a maintenance request so the spill can be cleaned before it sets in and becomes permanent. In cases of emergency clean up, work may need to be done immediately in order to minimize damage; therefore, entry into rooms or apartments may be authorized for University housing staff in order to complete the emergency clean up.

G. Ceiling Fans

Installing or use of ceiling fans is prohibited.

H. Children

The resident is responsible for the actions of children who occupy their apartment. Children are to be properly supervised at all times. Neglect of parental or guardian responsibility may result in disciplinary action. The resident shall be financially responsible for the actions of the children. The University is not liable for accidents that may occur to children. Please keep children away from trash dumpsters for their own safety as well as the safety of others.

I. Community Disturbance

A resident may face disciplinary action for unreasonable or unsatisfactory personal Conduct, including threatening/harassing behavior to an individual or community within University Housing.

J. Community Group Billing

Charges incurred through acts of vandalism, theft, destruction of property, etc., in common areas, such as lobbies, lounges, bathrooms, elevators, hallways, laundry rooms, etc. The intent of this policy is to involve the residents in the care and upkeep of their living residential community. It is important that all residents understand that a person(s), or

group identified in an incident will be solely responsible for all damages and expenses. When no one is found responsible expenses may be divided among all residents.

1. The residents have a period of one week from the advertised posting of damage(s) to identify the person, or persons, responsible.
2. After one (1) week if the person(s), or group responsible have not been identified, the expenses may be divided equally between the floor, hall, or apartment residents and charged to their University Housing financial account.

K. Cooking

No cooking is allowed in residence hall rooms where there are no kitchens. Appliances with open heating elements are a fire hazard and therefore not allowed (i.e., toasters, toaster ovens, hot cup coil warmers, electric stand-alone burners, and electric skillets, etc.). Small microwaves (up to 1200 watts), George Foreman grills, and 3.6 cubic ft. refrigerators are allowed.

L. Corridors/Porches/Stairwells

Due to the need for noise control and personal safety, corridors, porches, and stairwells are not to be used for temporarily storing garbage or other items, or as play areas for children, jogging, skateboarding, rollerblading, bicycling, or other activities. These areas should be kept neat and clean. Radios, tape/CD players, smoking, etc. are not permitted in these areas.

M. Fire Safety Violations

The following are prohibited:

1. Tampering with fire equipment.
2. Tampering with or removal of batteries from smoke detectors. A chirping noise coming from your smoke detector indicates that your battery is low. Contact your Building Manager or front desk for a replacement immediately.
3. Failure to evacuate during a fire alarm.
4. Parking in fire lanes.
5. Use and storage of fireworks is prohibited in and around all University housing facilities.
6. Intentionally or unintentionally igniting a fire or any actions that result in a fire or smoke is prohibited and may result in immediate removal from housing.

N. Furniture

All furniture in housing units are the property of University Housing and may not be moved or removed from their designated areas, unless permission has been granted by a Residence Director or Building Manager.

O. Gambling

In accordance with ISU policy all gambling is prohibited on University property.

P. Grievances

If a resident has a grievance with a staff member, they should contact that staff member's immediate supervisor, the Director of University Housing, or the Dean of Students.

Q. Guests

A guest is a non-resident of the building, visiting at any time. All guests must abide by University and housing policies. All guests must be escorted at all times between 11 pm and 8 am. Residents of the building may be held accountable for their guests' actions. The following rules regarding overnight guests apply:

1. All overnight guests are required to have written permission from the Residence Director or Building Manager. All approvals must be requested 24 hours in advance.
2. Roommate approval must be given.
3. The maximum number of guests in a residence hall room may not exceed more than two guests per night.
4. Residence hall overnight guests may not stay more than three consecutive nights, or six nights total for the semester without prior approval of the Residence Director.
5. Apartment overnight guests may not stay more than three consecutive nights, or a total of one week for the semester, without prior approval from the Building Manager.

R. Halogen Lamps

Due to fire hazard, halogen lamps are not allowed in University housing units.

S. Heaters

No heating units and appliances with open coils allowed.

T. Holiday Decorations

Live Christmas trees are not allowed in the residence halls or apartments.

All electrical decorations must be UL approved. When decorating entrance doors to either a residence hall room or an apartment, paper wrapping must not exceed beyond the door

frame. Decorating in public areas must be pre-approved by the Residence Director or Building Manager. Spray snow is only allowed on windows. No candle burning is allowed. Any damage resulting from the use of nails or the removal of adhesives when removing decorations will be the responsibility of the resident.

U. Motorized Vehicles

Storage or use of any type of motorized vehicle is not allowed in the residence halls, hallways, or apartments. Parking is allowed in authorized areas only and is subject to ISU Parking Service's rules and regulations.

V. Motor Vehicle Repairs

Limit vehicle maintenance to simple and general upkeep. No major maintenance (i.e. oil change) is allowed on ISU property.

W. Offensive Odors

Residents are responsible to maintain a pleasant-smelling apartment or residence hall room. When odors are offensive, Housing staff may have to address the issue with individual residents.

X. Parking

Residents must purchase a pass from Idaho State University Parking Department to park in housing units. ISU Parking Office is responsible for fees, registration, regulations, and appeals of parking matters. Parking of motorcycles is only allowed in designated areas. Vehicles without current registration or a University parking pass are subject to be towed.

Y. Pets

No pets are allowed, except for fish and special ADA certified assistance animals. Aquariums that are balanced and are 20 gallons or less in size are permitted. Pets of guests who are visiting are not allowed. A resident may not provide food or shelter for any animal, including strays. Any excessive messes created by care animals may involve additional charges for cleaning and sterilization.

Z. Quiet Hours/Courtesy Hours

Quiet hours are determined with a floor charter within the Residence Halls. Residence halls and apartments have 24-hour courtesy hours.

VI. STUDENT CONDUCT PROCESS AND PROCEDURAL RIGHTS

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 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. 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 request meetings with Students accused of alleged misconduct 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.

For allegations of discrimination or harassment based on Protected Class, the decision to conduct an investigation is the prerogative of the Director of the Office of Equity and Inclusion.

D. Administrative Resolution Meetings

The Conduct Administrator or designated Conduct Officer will notify Students accused of misconduct in writing and request a meeting to discuss the allegations. This meeting will provide the Student with an opportunity to:

1. Review the Student Conduct Code's procedural provisions
2. Learn about the allegations and specific policies that may have been violated
3. Discuss the information alleging misconduct
4. Present an alternative explanation for the allegations

Students who do not respond to the notice of allegations and request for an Administrative Resolution Meeting within three (3) business days may be subject to the decision of the Conduct Administrator or designated Conduct Officer without input. The same result may occur if the Student schedules a meeting and subsequently chooses not to attend.

The Administrative Resolution Meeting with Students is considered an opportunity to be heard on the allegations and will afford Students many of the procedural rights

provided to Students during a Student Conduct Board hearing. The Administrative Resolution Meeting provides the Student with an opportunity to resolve the allegations in a less formal setting. The Administrative Resolution Meeting may be audio recorded at the discretion of the Conduct Administrator or designated Conduct Officer or Student.

E. Outcomes of an Administrative Resolution Meeting

The following outcomes may result from an Administrative Resolution Meeting:

1. **Finding of No Responsibility:** The Respondent may present evidence and an alternative explanation of alleged facts and the Conduct Officer may find the Respondent not responsible based on a preponderance of evidence.
2. **Mutual Finding of Responsibility:** The Respondent may review the alleged facts and available evidence and admit responsibility for the alleged violation.
3. **Administrative Finding of Responsibility:** The Respondent may offer an alternative explanation of the alleged facts and present evidence, but totality of the evidence outweighs the Student's explanation. The Conduct Officer may find the Student responsible for the alleged violation and impose sanctions.

The Respondent may reject the administrative finding of responsibility and request the report of alleged misconduct be reviewed and adjudicated by a Student Conduct Board.

F. Student Conduct Board Hearings

Student Conduct Board hearings are held when the Respondent rejects an administrative finding of responsibility. The first objective of the Student Conduct Board is to determine whether the Respondent is responsible for the alleged violation based on a preponderance of the evidence. If a Student is found responsible, the Student Conduct Board will determine what sanctions are commensurate with the committed violation.

The Student Conduct Board is comprised of Faculty, staff, and Students who are trained to serve as adjudicators. Conduct Board members serve on a voluntary basis. 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.

G. Procedural Guidelines for Student Conduct Board Hearings

1. Student Conduct Board hearings are private. Only the Complainant, the Respondent, their advisors, witnesses, members of the Student Conduct Board, and the Conduct Officers may attend. At the discretion of the Administrator, other persons may be

admitted. Hearings are recorded. The recording is the property of the University and maintained according to applicable laws and policies.

2. The Complainant and Respondent may be accompanied by an advisor of their choosing. The advisor may not be a witness. Students should provide the name of their advisor to the Conduct Administrator no fewer than three (3) business days prior to the hearing. The advisor does not speak directly to the Student Conduct Board members or otherwise participate in the hearing. The advisor may confer with the Student they have accompanied. The Complainant and Respondent are responsible for presenting their own information. A Student should select an advisor whose schedule permits attendance. No delays shall be granted on the basis of an advisor's scheduling conflicts. If requested, the Conduct Administrator will recommend an advisor.
3. The hearing may be held even if the Complainant or Respondent does not attend, provided the Student Conduct Board can confirm there was a good faith effort to notify the Complainant and the Respondent in writing. A Complainant or Respondent may not appeal a Conduct Board decision based on their absence at the hearing unless unusual, exigent circumstances beyond their control, prevented attendance as determined by the Conduct Administrator, whose decision is final.
4. The Complainant and the Respondent may request that an empaneled Student Conduct Board member be excluded from participating in a hearing on the basis of an inability to serve impartially.
5. The Complainant and Respondent may call and question witnesses. All questions asked of witnesses must be directed to the Student Conduct Board chair. The names of witnesses who will be called to testify at the hearing must be provided to the Conduct Administrator no fewer than three (3) business days prior to the hearing. The University cannot compel witnesses to appear. In general, character witnesses are not needed and do not contribute to fact finding or determining responsibility. Rather, the Student Conduct Board's focus is on witnesses who may have information about the incident(s) in question.
6. The Complainant and Respondent may present evidence of their choosing at the hearing. Whether the evidence is relevant or accepted as information for consideration by the Student Conduct Board is at the sole discretion of the Student Conduct Board chair.
7. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in Student Conduct Board proceedings.
8. All procedural questions and/or exceptions are subject to the final decision of the Student Conduct Board chair.

9. The Complainant and Respondent will be invited to give opening statements. Then the Complainant presents their case followed by the Respondent's presentation. The Complainant and the Respondent will have the opportunity to question witnesses through the Student Conduct Board chair. Last, the Complainant is invited to give a closing statement followed by the Respondent.
10. The Student Conduct Board shall go into closed session following the hearing with only Student Conduct Board members present. Deliberations are not recorded. The Student Conduct Board's decision shall be based on a preponderance of the evidence, whether "it is more likely than not," that the Respondent is responsible for the alleged Code violation(s). The Student Conduct Board's decision may be rendered with or without statement of fact or comments.
11. If the Respondent or Complainant chooses not to attend the hearing, the hearing may commence without their presence. However, no assumptions shall be made about the Respondent's responsibility due to their absence.
12. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or witnesses during the hearing by providing accommodations not limited to separate facilities, using a visual screen, and/or by permitting participation by telephone or video conferencing. Implementing such measures is done at the sole judgment of the Conduct Administrator.
13. The Complainant and Respondent may be verbally notified by the Conduct Administrator of the outcome of the hearing within forty-eight (48) hours after the Student Conduct Board has reached a decision. Written notification will be sent within five (5) business days.

H. Sanctions for Violations of the Student Code of Conduct

1. **Sanctions to Individuals**

May include educational and learning based outcomes as appropriate. The following sanctions may be imposed, singly or in combination, upon any Student found to have violated the Code:

- a. **Written Warning:** A written notice that the Student is violating or has violated University policy. A record of the warning is kept in the Student's conduct file.
- b. **Probation:** A written reprimand for violation of specified policy. Probation is for a designated period of time. Sanctions may include loss of privileges or benefits. Additional sanctions up to and including suspension or expulsion may occur for additional violations of the Code.

- c. **Loss of Privileges:** Denial of specified privileges for a designated period of time, including the privilege of representing the University in official capacities. However, decisions about eligibility to participate in NCAA intercollegiate competitions are administered by the Athletic Department.
- d. **Restitution:** Compensation for loss, damage, or injury. 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.
- e. **Discretionary Sanctions:** Work assignments, essays, service to the University or the community, or other related discretionary assignments.
- f. **University Housing Suspension:** Separation of the Student from University Housing for a definite period of time, after which the Student is eligible to return. Conditions for readmission may be specified.
- g. **University Housing Expulsion:** Permanent separation of the Student from University Housing.
- h. **University Suspension:** Separation of the Student from the University for a definite period of time, after which the Student is eligible to apply to return. Conditions for readmission may be specified and all sanctions must be completed prior to applying for re-admission. Suspension shall in no case be longer than two (2) calendar years. Suspension will be recorded on the Student's University transcripts.
- i. **University Expulsion:** Permanent separation of the Student from the University. Expulsions will be recorded on the Student's University transcripts.
- j. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from ISU may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a Student prior to graduation.
- k. **Withholding Degree:** ISU may withhold awarding a degree otherwise earned until the completion of the student conduct process set forth in the Code, including the completion of all sanctions imposed.

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.H.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.

I. Appeals

1. A decision reached or sanction assigned by the Student Conduct Board may be appealed by the Respondent to the Vice President for Student Affairs and Enrollment Management within five (5) business days of receipt of the decision. In cases of alleged sexual misconduct, relationship violence, or stalking, the Complainant may also appeal. Such appeals shall be in writing and shall be delivered physically or electronically to the Office of the Vice President for Student Affairs and Enrollment Management.
2. Appeals may be heard by either the Vice President for Student Affairs and Enrollment Management, their designee, or by a three-person board at the discretion of the Vice President for Student Affairs and Enrollment Management.
3. Appeals will be conducted by written statement from each party. The Vice President for Student Affairs and Enrollment Management, or their designee, reserves the option to have a conversation with all parties to gain clarity on the written statement.
4. Appeals can be made for the following reasons:
 - a. The policies and processes in this Code were not followed resulting in significant prejudice in the results.
 - b. The decision reached by the Student Conduct Board was made on substantial misinformation.
 - c. The sanctions were not appropriate or consistent with similar violations of the Code.
 - d. New information that was not available at the time of the Student Conduct Board hearing has emerged. This information must be new and potentially impact the outcome of the hearing.
5. If the appellate body grants the appeal based on any of the above grounds, the following will occur:
 - a. If there was significant prejudice resulting from the procedural irregularities, the case will be remanded for new hearing.

- b. If there was insufficient information for a finding of responsibility or non-responsibility, the appellate body may either reverse the decision or remand the case for a new hearing.
 - c. If the sanctions are inappropriate for the violation, new sanctions may be imposed.
 - d. If there is new information sufficient to alter a decision or other relevant facts not known to the person appealing at the time of the hearing, the case will be remanded for a new hearing.
 - e. Normally sanctions issued following Student Conduct Board hearings shall not be implemented until all appeals have been exhausted, waived, or made impermissible by time. However, exceptions may be made on a case-by-case basis and sanctions may be implemented immediately based upon the potential threat or danger to the community.
 - f. The appellant will be notified of the appeal decision within five (5) business days following the conclusion of the appellate process.
6. The State Board of Education (SBOE), as the governing body of the state's postsecondary educational institutions, has established the following procedure for review of institution decision regarding Student complaints/grievances:
- a. The SBOE designates its Executive Director as the SBOE's representative for reviewing Student complaints/grievances, and authorizes the Executive Director, after such review, to issue the decision of the SBOE based on such review. The Executive Director may, in their discretion, refer any matter to the SBOE for final action/decision.
 - b. A current or former Student at a postsecondary educational institution under the governance of the SBOE may request that the Executive Director review any final institutional decision relating to a Student's attendance at the institution as set forth under paragraph c. The Student must have exhausted the complaint/grievance resolution procedures that have been established at the institution level. The Executive Director 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.
 - c. 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. Sanctions imposed by the institution will remain in effect during the pendency of the review.

- d. A request for review must be submitted in writing to the SBOE office to the attention of the Chief Academic Officer, and must contain a clear and concise statement of the reason(s) for SBOE review. Such requests must be received in the SBOE office no later than thirty (30) calendar days after the Student receives the institution's final decision on the matter. The Student has the burden of establishing that the final decision made by the institution on the grievance/complaint was made in error. A request for review must include a copy of the original grievance and all proposed resolutions and recommended decisions issued by the institution, as well as all other documentation necessary to demonstrate that the Student has strictly followed the complaint/grievance resolution procedures of the institution. The institution may be asked to provide information to the SBOE office related to the Student complaint/grievance.
 - e. The Chief Academic Officer will review the materials submitted by all parties and make a determination of recommended action, which will be forwarded to the Executive Director for a full determination. A review of a Student complaint/grievance will occur as expeditiously as possible.
 - f. The SBOE office may request that the Student and/or institution provide additional information in connection with such review. In such event, the Student and/or institution must provide such additional information promptly.
 - g. The SBOE's Executive Director will issue a written decision as to whether the institution's decision with regard to the Student's complaint/grievance was proper or was made in error. The Executive Director may uphold the institution's decision, overturn the institution's decision, or the Executive Director may remand the matter back to the institution with instructions for additional review. Unless referred by the Executive Director to the SBOE for final action/decision, the decision of the Executive Director is final.
- J. Disclosure of the Outcome of Student Conduct Hearings to Victims 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 victim.

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.

- K. Interim Suspension: In certain circumstances, the Conduct Administrator may impose an interim University or residence hall suspension prior to the initiation of Conduct Proceedings.
1. Interim suspension may be imposed only:
 - a. To ensure the safety and well-being of Members of the University Community or preservation of University property
 - b. If the Student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
 2. During the interim suspension, a Student shall be denied access to University Housing and/or to the campus and/or all other University activities or privileges for which the Student might otherwise be eligible, as the Conduct Administrator may determine to be appropriate.
 3. The interim suspension does not replace the regular Student conduct process, which shall proceed on the normal schedule, up to and through a Student Conduct Board hearing, if required.
 4. Students placed on interim suspension may appeal this action by submitting a letter to the Conduct Administrator.
 5. The Student must be notified in writing of this action and the reasons for the interim suspension.
 6. Students may request, in writing, that the Conduct Administrator reconsider the interim suspension after three (3) business days.

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 as of 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 and Enrollment Management. 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. Equal Opportunity, Harassment, and Non-Discrimination ISUPP 3100
- B. Possession of Firearms ISUPP 9000
- C. Academic Dishonesty ISUPP 4000
- D. ITS Acceptable Use ISUPP 2400
- E. Clery Act Compliance ISUPP 1050
- F. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
- G. State Board of Education – Higher Education Records Retention Schedule

PRESIDENTIAL CERTIFICATION:

Approved: Kevin Satterlee Date: 05/06/2022
Kevin Satterlee
President, Idaho State University