STUDENT CODE OF CONDUCT

PREAMBLE

The university disciplinary system is part of the educational process of students focusing on behavior within a community. Sanctions are imposed for violations to the Student Code of Conduct to teach students how to be better and more responsible members of a community. Sanctions also serve to protect the University community. The Student Code of Conduct is the University's manifestation of Section III, P-12, of the State Board of Education's Governing Policies and Procedures which states: “Each institution will establish and publish a statement of student rights and a code of conduct. The code of student conduct must include procedures by which a student charged with violating the code receives reasonable notice of the charge and is given an opportunity to be heard and to present testimony in his or her defense. Such statements of rights and codes of conduct, and any subsequent amendments, are subject to review and approval by the chief executive officer.” The original of this code was created during the 1969-1970 school year. It was amended, at the suggestion of an ad hoc Faculty Senate committee in July 1992, July 1993, July 1998 (old Article II), and July 2005 (old Article II, section 2). It was re-written in April 2012. For further information, contact the Dean of Students (208-885-6757). [rev. 7-98, 7-05, ed. 7-09]

ARTICLE I: INTRODUCTION

The University of Idaho is committed to creating and maintaining a productive living-and-learning community that fosters the intellectual, personal, cultural and ethical development of its students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship.

A. Standards of Behavior

Attendance at the University of Idaho is optional and voluntary. When students enroll at the University, they voluntarily accept obligations of performance and behavior that are consistent with the University’s lawful mission, processes, and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.
By enrolling at the University of Idaho, students voluntarily accept responsibility for compliance with all University policies, including but not limited to this Student Code of Conduct. Disciplinary action may also be taken for any violation of local ordinances, state or federal law, on or off campus conduct that adversely affects the University community or the pursuit of the University’s lawful educational mission, process, or function. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Students shall have the right of due process and appeal as prescribed in this document. Students may be subject to civil and criminal penalties in addition to any University sanctions for the same behavior. University proceedings may occur before, during, or after any civil or criminal actions are concluded and are not subject to challenge based on the action or inaction of any non-University authorities.

B. Purpose of the Student Code of Conduct
The purpose of the Student Code of Conduct is to educate students about their civic and social responsibilities as members of the University community. The primary focus of the disciplinary process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the University may be necessary to uphold community standards and to protect the campus community.

C. Interpretation and Revision
Any question of interpretation regarding the Student Code of Conduct shall be determined at the sole discretion of the Dean of Students in consultation with General Counsel. The Student Code of Conduct shall be reviewed periodically under the direction of the Office of the Dean of Students.

D. Affirmative Action and Equal Opportunity
Please refer to the Faculty-Staff Handbook sections 3060 and 3065 for other relevant policies and procedures.

E. Nondiscrimination
Please refer to the Faculty-Staff Handbook sections 3200, 3210, 3215 for other relevant policies and procedures.

**GE. Applicability of the University Student Code of Conduct**

The Student Code of Conduct shall apply to conduct that occurs on University premises and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. The Office of the Dean of Students shall decide whether conduct that has occurred off campus adversely affects the University community or the pursuit of the University’s lawful educational mission, process, or function, on a case-by-case basis, in its sole discretion.

Each student shall be responsible for his/her conduct from the time the University grants the student admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded).

**ARTICLE II: STATEMENT OF STUDENT RIGHTS**

A. **Freedom of Association**

1. Students shall be free to organize and join associations to promote their common interests.
2. The University may require student associations to submit a list of officers and objectives, but they shall not otherwise be required to disclose their membership.

B. **Freedom of Inquiry and Expression**

1. Students and student associations shall be free to examine and discuss all questions of interest to them and to express their opinions publicly or privately, subject only to civil and criminal law.
2. Students shall be free to support causes by any lawful means.
3. Student associations shall be free to invite and to hear any person at their meetings.
4. All official student communications media shall have the right to establish and maintain internal control of operations and content, free from prior censorship. Only for proper and
stated causes will editors and managers be subject to removal, and then only by procedures prescribed at a prior date.

C. Construction and Amendment of this Article

1. No policy enacted by students or by the faculty shall supersede or conflict with the provisions of this Article.

ARTICLE III: DEFINITIONS

1. The term “Advisor” means the person of the student’s choosing who has agreed to advise a student during the University disciplinary process. The Advisor is limited in the following ways:
   a. The Advisor is not permitted to speak for or on behalf of a student at any point throughout the student conduct process. Advisors who fail to abide by this rule will be removed from any meeting and may be barred from attending future meetings.
   b. The Advisor must be available for any scheduled meetings. Advisor availability is not considered in scheduling meetings. Students should choose an Advisor who is available to attend any scheduled meetings.

2. The term “Coordinator” means the Coordinator for Student Conduct and Community Standards, and includes his/her designees.

3. The term “Day” means normal University working days, not including Saturday, Sunday, and University holidays. Time deadlines may be extended during breaks and University holidays at the Dean of Students’ sole discretion.

4. The “Dean of Students” is the person responsible for the administration of the Student Code of Conduct, and includes his/her designees.

5. The Family Educational Rights and Privacy Act of 1974 (“FERPA”) is a federal law that governs the confidentiality of student education records.

6. The term “Group” means a number of students who are associated with each other, but who have not complied with University requirements for registration as an organization.

6.7. Incapacitation—a state where a person cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (i.e., having the capacity to consent means understanding the who, what, when, where, and how of a sexual interaction).
ATTORNEY-CLIENT PRIVILEGE – DISCUSSION DRAFT – PRIVILEGED & CONFIDENTIAL

7.8. The term “Organization” means any number of persons who have complied with the formal requirements for University recognition.

8.9. The term “Policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Hall Handbook, the Apartment Handbook, the University web pages and computer use policy, and Graduate/Undergraduate Catalogs.

9.10. The term “Student” includes all persons admitted to the University, either full-time or part-time, to pursue undergraduate, graduate, or professional studies, and includes non-degree seeking students. The following persons are also considered “students”:
   a. Persons who withdraw after allegedly violating the Student Code of Conduct;
   b. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;
   c. Persons who are living in University housing facilities, although not enrolled;
   d. Individuals participating in the American Language and Culture Program;

10.11. The term “University” means the University of Idaho, which includes all campus locations, extension programs, and distance education programs.

11.12. The term “University official” includes any person employed or contracted by the University, performing assigned administrative or professional responsibilities.

12.13. The term “University premises” includes (i) all land, buildings, facilities, and other property (including adjacent streets and sidewalks) in the possession of or owned, used, or controlled by (i) the University, and (ii) student groups or organizations.

ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES

A. Disciplinary Procedures Philosophy

The following information is provided to inform students of the procedures in place at the University for resolving alleged violations of the Student Code of Conduct. The procedures are designed to allow for fact finding and decision making in the context of the University educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the University.

B. Notice

Revised Draft as of 9-17-2013
1. Any notice required by this Student Code of Conduct shall be provided in writing via email to the student’s official email account (i.e., *@vandals.uidaho.edu).

2. Students who do not have an official email account will receive notice via regular mail to the mailing address.

3. Students who do not have an official email account and do not have a mailing address will receive notice via regular mail to the permanent address.

C. Disciplinary Procedures

Reporting Alleged Violations

1. Any person who has knowledge of an alleged violation of the Student Code of Conduct may inform the Office of the Dean of Students of such alleged violation.

Initial Investigation

2. The Coordinator shall receive all reports of alleged violations and investigate to determine whether the allegation is credible.

Notice of Alleged Violation

3. If the Coordinator determines that the allegation is credible, the Coordinator shall provide the student accused of violating the Student Code of Conduct with written notice of the allegation.

4. Such notice shall include: (1) the alleged misconduct, (2) the section of the Student Code of Conduct alleged to have been violated, (3) a time and date that does not conflict with the student’s class schedule to meet with the Coordinator to discuss the allegation(s), (4) a statement that the student may have an Advisor present with him/her at the meeting, (5) a statement that the student does not have to speak with the Coordinator about the allegation(s), (6) a statement that failure to show up for the meeting or to contact the Coordinator to reschedule the meeting will be presumed to be the student’s exercise of his/her right to not speak with the Coordinator, and (7) a statement that the investigation and determination regarding the allegation will proceed regardless of whether the student speaks with the Coordinator.

Meeting with the Coordinator

5. The meeting with the Coordinator may be scheduled no sooner than (i) 2 days after notice is provided if via email, and (ii) 5 days after mailing if notice is provided via regular mail.
6. At this meeting, the student is given the opportunity to reflect upon and give his/her account of the incident or circumstances pertaining to the allegation(s), and to provide the Coordinator with the names and contact information of individuals who have personal knowledge of the incident or circumstances pertaining to the allegation(s). Character witnesses who lack personal knowledge of the incident or circumstances pertaining to the allegation(s) shall not be contacted by the Coordinator as part of the investigation.

7. The student may have an Advisor present at this meeting.

8. If the student does not appear for his/her meeting and fails to contact the Coordinator to reschedule before the meeting time, it will be presumed that the student has exercised his/her right to not speak to the Coordinator.
   a. The rescheduling of the meeting is in the sole discretion of the Coordinator and should be rescheduled as soon as possible.

Investigation & Determination

9. After the meeting time has passed, the Coordinator shall continue his/her investigation of the allegations.
   a. Investigations of credible allegations are generally concluded within 60 days following receipt of the allegation. However, a number of factors influence the amount of time an investigation will take so this is merely an estimate of time for the average investigation.
   a. Many factors influence the time spent on investigating allegations with most being concluded within 60 days following receipt of the allegation(s). The Coordinator shall continue his/her investigation of credible allegations.

10. Once the investigation is concluded, the Coordinator shall make a finding as to whether the alleged violation occurred by a preponderance of the evidence. If the Coordinator finds that the alleged violation occurred, the Coordinator shall determine the appropriate sanction(s) and provide the student with written notice of the determination, the factual basis for the determination, and any sanction(s).
    a. Any sanctions imposed, other than suspension, expulsion, or revocation or withholding of a degree, are effective immediately.
    b. If the Coordinator determines that suspension, expulsion, or revocation or withholding of a degree is appropriate, then such sanctions are effective immediately.
but are withheld until the student has exhausted his/her right to appeal, or has failed to appeal by the prescribed deadline. If the student is unsuccessful in his/her appeal or fails to appeal by the prescribed deadline, the sanction is effective as of the original date of the determination. However, should the Coordinator deem the student to pose a danger to self or to others, then the student’s sanction of suspension or expulsion may be effective immediately and not be withheld pending appeals, with the approval of the Dean of Students.

Third Party Notification

11. When the allegations include a crime of violence or a sex offense, the University will notify all victims in writing of the name of the student, any violation of the Student Code of Conduct determined to have been committed by the student, and any sanction imposed against the student. This notification will generally occur at the same time as the notification to the student.

12. The University may notify the parents of students under the age of 21 when a student has a drug or alcohol-related violation.

D. Sanctions

1. The following sanctions may be imposed upon any student determined to have violated the Student Code of Conduct:
   a. Warning — A written notice to the student.
   b. Probation — A written reprimand accompanied by a probationary period during which the student must not violate the Student Code of Conduct in order to avoid more severe disciplinary sanctions.
   c. Loss of Privileges — Denial of specified privileges for a designated period of time.
   d. Restitution — Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
   e. Educational Sanctions — Completion of work assignments, essays, service to the University, community service, workshops, or other related educational assignments.
   f. 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 return may be specified.
g. 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 return. Conditions for return may be specified.

i. University Expulsion — Permanent separation of the student from the University.

j. Revocation of Admission and/or Degree — Admission to or a degree awarded from the University 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 — The University may withhold awarding a degree otherwise earned until the completion of all sanctions imposed.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. A student who fails to comply with the sanction(s) imposed shall have a disciplinary hold placed on his/her record until the student complies with all sanctions imposed.

Student Records

4. Disciplinary sanctions other than suspension, expulsion or revocation or withholding of a degree shall not be made part of the student’s permanent academic record, but shall become part of the student’s disciplinary record.

a. Such sanctions shall be expunged from the student’s disciplinary record seven (7) years after final disposition of the case.

E. Interim Suspension

In certain circumstances, the Dean of Students may impose an interim suspension prior to the Coordinator completing his/her investigation.

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. To ensure the student’s own physical or emotional safety and well-being; or

c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. A student placed on interim suspension shall be given written notice of this action, which shall include: (1) the reasons for the interim suspension, (2) a time and date to meet with the Coordinator to discuss the reasons for the interim suspension, (3) a statement that the student may have an Advisor present with him/her at the meeting, (4) a statement that the student does not have to speak with the Coordinator, (5) a statement that failure to show up for the meeting or to contact the Coordinator to reschedule the appointment will be presumed to be the student’s exercise of his/her right to not speak with the Coordinator, (6) a statement that the investigation and determination regarding the allegation will proceed regardless of whether the student speaks with the Coordinator, and (7) any special instructions regarding the meeting.

   a. The meeting with the Coordinator may be scheduled no sooner than: (i) 2 days after notice is provided if via email, and (ii) 5 days after mailing if notice is provided via regular mail. However, should the student contact the Coordinator and request an appointment sooner than the scheduled time, the Coordinator should make every attempt to meet with the student as soon as possible.

   b. At this meeting, the student is given the opportunity to reflect upon and give his/her account of the incident or circumstances that gave rise to the reasons for the interim suspension to show the Coordinator that interim suspension is not necessary.

   c. The student may have an Advisor present at this meeting.

3. If the student does not appear for his/her meeting and fails to contact the Coordinator to reschedule before the meeting time, it will be presumed that the student has exercised his/her right to not speak to the Coordinator and interim suspension shall remain until the normal disciplinary procedures have concluded.

4. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate, and as provided in the written notice.

F. Appeals

Institutional Level
1. Students found to have violated the Student Code of Conduct may appeal to the Dean of Students.

2. Only written appeals are accepted and must be delivered to the Office of the Dean of Students no later than 5 days after the student is provided notice via email, or 8 days after the student is provided notice via regular mail.

3. The appeal must cite at least one of the following reasons for appeal and must provide supporting arguments and documentation as to why an appeal should be granted on those grounds:
   a. The Coordinator failed to properly investigate the allegation;
   b. There is such a clear factual error that it is so clearly one-sided that the Coordinator could not possibly find that a violation of the Student Code of Conduct occurred;
   c. The sanctions are excessive for the violation given the circumstances. (NOTE: Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision);
   d. New information that could substantially affect the outcome of the Coordinator’s investigation and determination has been discovered since the determination was made. (NOTE: the information must have been unavailable at the time of the Coordinator’s investigation. Failure to inform the Coordinator of information that was available is not grounds for an appeal under this provision).

4. The Dean of Students shall review the appeal to ensure that it meets the requirements above. Appeals that are deficient shall be denied and returned to the student. The student will then have 5 days to re-submit an appeal that meets the requirements above. If the student fails to resubmit an appeal that satisfies the requirements above within 5 days, the Coordinator’s determination and sanctions will be final, and there will be no further appeals at the institutional level.

5. The Dean of Students shall provide the Coordinator with a copy of any appeal that meets the requirements above so that the Coordinator may respond in writing to the appeal. The Coordinator shall provide the Dean of Students with his/her response to the appeal no later than 5 days after receiving a copy of the appeal or as soon as is reasonable up to 15 days, as decided by the Dean of Students.
a. For appeals involving sanctions other than suspension, expulsion, or revocation or withholding of a degree, the Dean of Students will review the student appeal and the Coordinator’s response and decide the appeal.

b. For appeals involving sanctions of suspension, expulsion, or revocation or withholding of degrees, the Dean of Students shall provide the student appeal and the Coordinator’s response to a panel of three faculty members appointed by the Faculty Senate. The faculty panel will review the student appeal and the Coordinator’s response and provide a written recommendation to the Dean of Students within 5 days, or as soon as is reasonable up to 15 days, as decided by the Dean of Students. If the panel of three faculty members is unable or fails to provide the Dean of Students with a recommendation within 15 days of receiving the materials, then the Dean of Students will decide the appeal.

6. The Dean of Students can: (i) uphold the decision and sanction(s), (ii) uphold the decision but revise the sanctions, (iii) dismiss both the decision and the sanctions, or (iv) return the matter to the Coordinator for reinvestigation and reconsideration. The Dean of Students’ decision is the final institutional decision and any sanctions go into effect immediately as of the date of the Coordinator’s decision.

Board of Regents Level

7. A student who has exhausted all institutional level appeal(s) may appeal to the Board of Regents in accordance with Idaho State Board of Education Governing Policies and Procedures Section III.P.18.

ARTICLE V: AMNESTY POLICY

At the University of Idaho, student health and safety is a primary concern. The fear of repercussions through the Student Code of Conduct may prevent students from seeking assistance when necessary.

To promote the philosophy of “Vandals taking care of Vandals,” reduce the potential risk of alcohol-related injuries or deaths, and increase the likelihood that students will seek medical attention in crisis situations, this Amnesty policy aims to remove the barriers that may prevent
students from seeking medical attention by providing an opportunity for the University to intervene in a caring and non-punitive manner.

1. A student who seeks emergency medical attention for himself or herself or, who has emergency medical attention sought on his/her behalf, for drug or alcohol related consumption will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to that consumption, as long as the student completes all of the following requirements:
   a. Participates in an initial meeting with the Dean of Students or designee.
   b. Completes all recommendations from the Dean of Students or designee and paying all associated fees, and
   c. Submits proof of completing all recommendations from the Dean of Students or designee within the time frame designated by the Dean of Students or designee at the initial meeting.

2. A student who seeks emergency medical attention for someone else or tries to actively engage in bystander assistance for someone else for drug or alcohol related consumption will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to that consumption, as long as the student completes all of the following requirements:
   a. Participates in an initial meeting with the Dean of Students;
   b. Complies with all recommendations, if any, from the Dean of Students or designee and paying all associated fees.
   c. Submits proof of having completed all recommendations from the Dean of Student or designee within the time frame designated by the Dean of Students or designee at the initial meeting.

3. The University will not pursue any disciplinary action against a victim/survivor of sexual assault/harassment for his/her use of drugs or alcohol in violation of the Student Code of Conduct at the time of the event.
4. This Amnesty Policy will only apply to a student who seeks emergency medical assistance before being encountered by police or University employees or agents. This policy does not preclude disciplinary action regarding other violations of the Student Code of Conduct; including, but not limited to, harassment, hazing, sexual misconduct, etc.

5. This Amnesty Policy only applies to violations of the Student Code of Conduct (Faculty Staff Handbook 2300). This policy does not apply to any criminal, civil or other legal consequence for violations under Federal, State or local law. Additionally, nothing in this Amnesty Policy shall impact any obligation created by Federal, State or local law, or University policy, practice or procedure, to report, charge, or take other action.

6. This Amnesty Policy is not designed to protect or shield those students who repeatedly violate the Student Code of Conduct. The Dean of Students reserves the right to assess each situation on a case-by-case basis, denying the safeguards of the Amnesty Policy if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under the Student Code of Conduct.

ARTICLE VI: PROSCRIBED CONDUCT

A. Conduct—Rules and Regulations

The following list describes actions that detract from the effectiveness of a University community and for which students are subject to disciplinary action. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions:

Academic Dishonesty

1. Acts of dishonesty, including but not limited to the following:

   a. Cheating, plagiarism, or other forms of academic dishonesty. Cheating includes, but is not limited to (i) use of any unauthorized assistance in taking quizzes, tests, examinations or other assignment, including copying from another’s quiz, test, examination, or other assignment or allowing another to copy from one’s own quiz, test, examination, or other assignment; (ii) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out
other assignments; (iii) the acquisition, without permission, of tests or other academic material belonging to the instructor or another member of the University faculty or staff; and (iv) engaging in any behavior specifically prohibited by the instructor in the course syllabus or in class discussion. **Plagiarism** includes, but is not limited to (i) the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; and (ii) the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

b. Furnishing false information or providing false representations to any University official, instructor, or office. Submission or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, the University.

c. ** Forgery, alteration, reproduction, removal, destruction, or misuse of any University document, record, or instrument of identification.**

d. All data acquired through participation in University research programs is the property of the University and must be provided to the principal investigator. In addition, collaboration with the **University Research OfficeOffice of Research and Economic Development** for the assignment of rights, title, and interest in patentable inventions resulting from the research is also required [see Faculty-Staff Handbook 5400 A through E].

e. Instructors and students are responsible for maintaining academic standards and integrity in their classes. In addition to any disciplinary sanctions imposed under the Student Code of Conduct, additional consequences for academic dishonesty may be imposed by the course instructor. Such consequences may include a grade of “F” in the course.

Misuse of University Resources or Property, or Personal Property on University Premises

2. Theft or other abuse of computer facilities and resources, including but not limited to:

   a. **Unauthorized entry into, or transfer of, a file.**

   b. Use of another individual’s identification and/or password.
c. Use of computing facilities and resources: (i) to interfere with the work of another student, faculty member or University official, (ii) to send obscene or abusive messages, (iii) to interfere with normal operation of the University computing system, or (iv) in violation of copyright laws.

d. Any violation of the University Computer Use Policy.

3. Attempted or actual theft of and/or damage to property of the University or of another person.

4. Unauthorized possession, duplication or use of University keys, computers, lock combinations or other access codes or passwords that can be used to access University property or facilities.

5. Unauthorized entry into or use of any University building, facility, vehicle, equipment room or area, including but not limited to unauthorized entry into any private office or space of a member of the faculty, staff, or student body, heating tunnels, elevator shafts, shops, mechanical rooms, trunk rooms, storerooms, roofs, and fire escapes.

6. Building or setting fire(s) on University premises without proper authorization.

7. Removing or otherwise tampering with fire equipment or fire-alarm systems, or failure to vacate building(s) promptly when fire alarms sound.

8. Possessing, using, or storing firearms, explosives, other weapons, projectile or explosive devices, explosive substances, or dangerous chemicals on University premises. Firearms are defined as any instrument that can be used in the propulsion of shot, shell, or bullets, or other harmful objects: (i) by the action of gunpowder exploded within it, (ii) by the action of compressed air within it, or (iii) by the power of springs and including, but not limited to, what are commonly known as air rifles, BB guns, and pellet guns.

9. No firearm may be brought onto campus unless it is encased and has a trigger lock attached. “Encased” is defined as placing a gun with a trigger lock in some sort of container—hard or soft, and including, but not limited to, such materials as aluminum, plastic, wood, leather, and cloth—that is fastened by means of a snap lock, zipper, tie, etc.

10. Loaded guns are not permitted on campus. A “loaded gun” is defined as one containing live ammunition either in the chamber or in the magazine. Possession and storage of gunpowder must comply with federal, state, and municipal laws. No ammunition will be allowed on
campus except that designated for firearms that are properly stored on campus in the gun locker, which is available to students residing in University-operated housing.

11. Other explosive substances are also prohibited on campus, except as approved by the Director of Environmental Health and Safety.

12. Unauthorized uses of dangerous projectile or explosive devices, including but not limited to sling shots, crossbows, catapults, and devices that cause dangerous chemical reactions, are also violations of this Student Code of Conduct.

See the University’s Public Use and Liabilities policy, APM 35.35H, for more details regarding weapons and explosives.

Threat of Harm or Actual Harm to a Person’s Physical or Mental Health or Safety

Living together in a university community requires respect for the rights of fellow members of that community to pursue their academic goals and to participate in lawful campus or University activities. As in any community, certain forms of responsible conduct must be adhered to in order to ensure the physical functioning and safety or security of that community.

13. **Physical violence** of any nature against any person, on or off campus. Physical violence includes, but is not limited to (i) fighting; (ii) assault; (iii) battery; (iv) the use of a knife, gun, or other weapon; (v) physical abuse; (vi) restraining or transporting someone against his/her will; or (vii) any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.

14. Persistent, severe, or pervasive verbal abuse, threats, intimidation, harassment, coercion, bullying, derogatory comments, vandalism, or other conduct that threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm.

15. **Hazing**, which includes but is not limited to any action or participation in any activity that (i) causes or intends to cause physical or mental discomfort or distress, and may demean, degrade, or disgrace any person, regardless of location, intent or consent of participants, or (ii) 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.
16. Sexual misconduct, which is a broad term encompassing any non-consensual contact of a sexual nature. Sexual misconduct may vary in severity, and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

   a. Unwelcome sexual conduct. This includes, but is not limited to, (i) the touch of an unwilling or non-consensual person’s intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); (ii) touching an unwilling person with one’s own intimate parts; (iii) forcing an unwilling person to touch another’s intimate parts; (iv) indecent exposure; and (v) voyeurism, which includes but is not limited to any unauthorized use of electronic or other devices to make an audio video, or photographic record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress.

   b. Sexual violence, which refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent or is incapacitated. This includes, but is not limited to, (i) rape, which is the unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another’s mental or physical condition (such as intoxication, age, or disability) of which the assailant was aware or should have been aware; (ii) sexual assault, which is the unwilling or non-consensual penetration of any bodily opening with any object or body part; (iii) sexual battery; and (iv) sexual coercion. All acts of sexual violence are also forms of sexual harassment.

17. Sexual harassment, which is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

   a. Submission to or rejection of such conduct or communication is a term or condition of educational benefits, employment, academic evaluations, or other opportunities;
b. Submission to such conduct or communication has the purpose or effect of substantially interfering with a student’s education;

c. Such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile or offensive educational environment or negatively affecting a student’s educational opportunities.

18. **Gender-based harassment**, which is defined as any act of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

19. **Stalking**, which includes but is not limited to the persistent, severe, or pervasive harassment of another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested. This may include repeatedly contacting another person through any means (such as in person or by phone, electronic means, text messaging, etc.), following another person, or having others contact or follow another person on your behalf.

**Discrimination and Retaliation**

20. **Discrimination**, which includes conduct that violates the Board of Regent’s antidiscrimination policy or the University’s antidiscrimination policy:

a. Practices or regulations that discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity/expression, age, disability, or status as a **Vietnam-era veteran**, as each of these bases is defined by law, are neither condoned nor permitted in any area of University operations, including, but not limited to, personnel appointments, student admissions, housing assignments, use of dining halls, classrooms, or other facilities, or in any activities of the faculty, staff, or students that may be commonly regarded as sponsored or sanctioned by the University.

b. Nothing herein shall be deemed to affect the classification of persons based on the differences between males and females or between other classes or groups that is not irrational, capricious, or arbitrary, and that is intended to accomplish a lawful purpose (e.g., women’s or men’s living groups may exclude persons of the opposite
sex, and students with substandard grades may be denied membership in honor societies and other groups having minimum grade requirements).

21. **Retaliation**, which includes conduct that intimidates, interferes with, threatens, coerces, or otherwise discriminates against any individual because that individual opposes or reports a perceived wrongdoing, inequity, or violation of law or University policy, files a complaint alleging illegal or prohibited discrimination, participates in a grievance or appeals procedure, or participates in dispute resolution.

Disruption, Obstruction, or Interference with Normal University Activities

Members of the University community have the right to lawful freedom of movement on campus; to lawful use of property, facilities, or parts of the University; and to lawful ingress to and egress from the University’s physical facilities. It is a violation of the Student Code of Conduct to violate any of the above rights of the University community by the following:

22. Disruption or obstruction of normal University activities, including, but not limited to, studying, teaching, research, other academic activities, using any University facility or resource, disciplinary proceedings, University administration, fire, police, or emergency services on University premises.

23. Classroom disruption, which is behavior that a reasonable person would view as substantially or repeatedly interfering with the instructor’s ability to teach the class or the ability of other students to benefit from the instructional program.

24. Failure to comply with directions of University, law enforcement, or fire department officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

25. Obstruction of the free flow of pedestrian or vehicular traffic on University premises.

26. Participating in an on campus 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, including leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
Disorderly conduct, which is defined as behavior that is disorderly, lewd, indecent, or a breach of peace on University premises or at functions sponsored by, or participated in by, the University or members of the University community.

Abuse of the student conduct system, including but not limited to:

a. Failure to cooperate with the Coordinator’s investigation, except as specifically permitted by this Student Code of Conduct.
b. Falsifying, distorting, or misrepresenting information provided to the Coordinator.
c. Disrupting or interfering with the Coordinator’s investigation.
d. Making false allegations.
e. Attempting to discourage an individual’s proper participating in, or use of, the student conduct system.
f. Attempting to influence the impartiality of the Coordinator.
g. Harassment (verbal or physical) and/or intimidation of any person participating in the Coordinator’s investigation prior to, during, and/or after the investigation.
h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.

Influencing or attempting to influence another person to commit an abuse of the student conduct system.

Violations of any rules imposed by University Housing or living groups are also violations of the Student Code of Conduct.

Use and Misuse of Substances

Smoking any product that produces smoke, including but not limited to cigarettes, cigars, and pipes, in or within 25 feet of any University building. The only exception is where smoking is specifically permitted by another University policy, rule, or regulation in that particular location.

See the University’s smoking policy, APM 35.28, for more information.

Illegally using, possessing, manufacturing, cultivating, selling, or distributing any state or federally controlled drug, substance, or paraphernalia, including, but not limited to marijuana, heroin, narcotics, or other controlled substances. Inhaling or ingesting any
substance (e.g., nitrous oxide, glue, paint, etc.) that is intended to alter a student’s mental state is also prohibited.

See the University’s Drug and Alcohol Abuse Prevention and Education publication (available through the Office of the Dean of Students) for more information.

### Miscellaneous

**Other Rules and Regulations**

- **22.** Consuming, possessing, manufacturing, or distributing alcoholic beverages on University premises (except as expressly permitted by University policy, rule, or regulation), or public intoxication. Alcoholic beverages may not, in any circumstance, be consumed, or possessed by, or distributed to any person under twenty-one (21) years of age. Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to, and most commonly used by, the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of University-owned buildings or grounds.

- **33.** Consuming, possessing, manufacturing, or distributing alcoholic beverages on University premises (except as expressly permitted by University policy, rule, or regulation), or public intoxication. Alcoholic beverages may not, in any circumstance, be consumed, or possessed by, or distributed to any person under twenty-one (21) years of age. Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to, and most commonly used by, the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of University-owned buildings or grounds.

### B. Violation of Law and University Discipline

- **34.** Violation of any federal, state, or local law.
- **35.** Attempting to commit any violation of federal, state, or local law.
- **36.** Failure to engage in responsible social conduct that reflects credit upon the University community and models good citizenship in any community.
1. University disciplinary action may be instituted against a student accused of conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency status of civil or criminal litigation in court or criminal arrest and prosecution. Disciplinary action under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students (except when allegations include sexual harassment, sexual violence or gender-based harassment, in which case disciplinary action will be carried out promptly). Determinations made or sanctions imposed under this Student Code of Conduct shall 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.

2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense also gives rise to University disciplinary action, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.