Meeting #18

3:30 p.m. - Tuesday, February 25, 2014
Brink Hall Faculty-Staff Lounge
IWC Room 390 – Boise
213 – Coeur d’Alene
TAB 321B IF4 – Idaho Falls

Order of Business

I. Call to Order.

II. Minutes.

• Minutes of the 2013-14 Faculty Senate Meeting #17, February 18, 2014 (vote)

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.

• Distance & Extended Education (Stevenson)

VI. Committee Reports.

Campus Planning (Armpriest)
University Judicial Council:
FS-14-027: Student Code Judicial Process (Shook) (introduce)

VII. Special Orders.

VIII. Unfinished Business and General Orders.

IX. New Business.

X. Adjournment.

Professor Trish Hartzell, Chair 2013-2014, Faculty Senate

Attachments: Minutes of 2013-2014 FS Meeting #17
FS-14-027: Draft Proposed Disciplinary Process for Violations of Student Code
Redline/comments version
Flowcharts – 1) current process, 2) proposed process
University of Idaho
Faculty Senate Meeting Minutes
2013-2014 Meeting #17, Tuesday, February 18, 2014

Present: Stevenson for Aiken (w/o vote), Awwad-Rafferty, Bird, Brandt, Cobb, Couture (Boise), Eckwright (w/o vote), Flores, Frey, Hartzell (chair), Karsky, Manic (Idaho Falls), Morra, Murphy, Ostrom, Pendegraft, Perret, Qualls, Safaii, Stoll, Stuntzner (Coeur d’Alene), Wolf
Absent: Aiken, Baillargeon, Becker, Davis, Kennelly, Miller, Pregitzer, Smith, Ytreberg

Guests: 7

A quorum being present, Senate Chair Hartzell called the meeting to order at 3:33pm.

As a point of order, Chair Hartzell informed senators that according to senate bylaws the chair does not ask for abstentions and abstentions are not recorded unless a senator requests that his or her abstention be recorded. (http://www.webpages.uidaho.edu/fsh/1580.html; Article V, Section 11)

Minutes: It was moved and seconded (Murphy, Awwad-Rafferty) to approve the minutes of meeting #16. Motion carried.

Chair’s Report. The Chair reported on the following items:

- Idaho Senate Bill 1254 passed the senate state affairs committee last week. A list of individuals had been preauthorized to testify in support or opposition to the bill, but the list was reduced to allow only a few individuals to speak. President Burnett was permitted to testify, but UI Counsel Kent Nelson who was scheduled to present the UI senate resolution opposing the bill, was not allowed to speak. Staff Affairs also approved the resolution and we plan to send a copy of the resolution to the State Board of Education/Board of Regents and legislators. Brian Mahoney, chair of Staff Affairs, and Chair Hartzell have drafted a letter regarding the resolution and will send it to all UI faculty and staff.
- Senate subcommittee on faculty evaluations will meet on Thursday, February 20. Please contact Chair Hartzell with your ideas and comments regarding faculty evaluations: hartzell@uidaho.edu
- As a follow-up to his visit to senate last week, Chair Hartzell has sent an inquiry to Keith Ickes, executive director of planning and budget, about the possibility of waiving out-of-state tuition for the dependents of employees living in Pullman, for example.
- Lionel Hampton Jazz Festival is this week. The Chair encouraged all to take time out to attend a workshop or performance and to enjoy the world-class music. UI physicists Christine Berven and Marty Ytreberg will present a workshop on Friday entitled “Making Waves with Music.”
- The College of Education will host this Friday’s Faculty Gathering in the Brink Lounge from 4-6pm. These gatherings promote interdisciplinary work at UI.

Provost’s Report. Jeanne Stevenson, vice provost for academic affairs, reported on the following items:

- A number of UI faculty are presenting workshops during the Jazz Festival that connect their disciplines with music.
- Faculty are asked to post early-warning grades for first-year students by Friday, February 21, 2014. Posting these grades will enable academic affairs and student services to identify those students who may benefit from an early contact to improve their performance. They will run reports next week to forward to colleges so that advisors may contact at-risk students. In response to a senator’s question, Vice Provost Stevenson said that at this time it is not possible to transport grades of BbLearn into Banner.
Chair Hartzell next invited Jeffrey Dodge, enrollment management, to provide an update on enrollment. Mr. Dodge presented information regarding applications and admissions by residency status, diversity and colleges for both graduate and undergraduate students. He also provided an overview of spring 2014 enrollment figures for new and continuing students. Additionally:

- UI is experiencing a 6% increase in applications but a 1-2% decrease in admitted students; enrollment management is trying to counter this by emailing approximately 3000 students who are one or two items away from completing their applications.
- UI is down by not quite 100 admitted students over last year and the College of Science, in particular, is registering a decrease in the number of applicants and the number of students admitted. Most of the other colleges show a positive for the total number of applicants and admitted students.
- Spring 2014 enrollment is trending approximately 5% down which is a continuing trend from last semester.
- Enrollment management staff have quadrupled their efforts on yield communications which includes communications with admitted students. They have identified an area of “influential communications” that makes it clear to prospective students why they should come to the University of Idaho.
- Some continuing enrollment strategies include:
  o Meet the Vandals events at Idaho Falls and Boise, as well as a new Meet the Vandals event in Coeur d’Alene;
  o Avanza, geared toward multicultural students and families;
  o Admitted students Facebook page which is getting new posts on a daily basis;
  o A new Facebook group for students who have said that they are definitely coming to UI or have registered at a Vandal Friday event. The Facebook page is more public while the Facebook group provides community for the incoming class of students to meet and connect with one another before they arrive.

Mr. Dodge responded as follows to senators’ comments and questions:

- **This week we will have more than 3000 above average students in Moscow for the Jazz Festival. What will you do to take advantage of that opportunity?** I arrived too late this year to participate in discussions around that event but there are campus-wide discussions about whether this is a recruitment opportunity and I am open to conversation about “how” or “if” the institution would like to do this.
- **The packets that go out to new students include a letter from the ASUI president. How is that working?** We are considering doing the same thing in the College of Graduate Studies (COGS) with a letter from the GPSA (Graduate and Professional Students Association) president. The more connection admitted students can have with current students, the better. For example, as part of our yield strategy at the College of Law, the president of the Student Bar Association communicates with admitted students and student ambassadors also make contact with admitted students. Admitted students prefer to talk with current students and it is worthwhile to include those communications with them.
- **Were the suggestions from the President’s Breakfast for Progress that addressed enrollment compiled into a document and if so, could that information be shared with departments?** Yes, those were compiled and are ready for distribution and I have followed-up on many of those offers and suggestions.
• Could this list of suggestions be added to the senate website? [Vice Provost Christiansen responded to this question] I cannot answer that question at this time. It is not a question that has arisen previously and I am not the decision-maker regarding that information. I will ask that question and see what the result is.

• To what do you attribute the 5% decrease in enrollment? I am new to this role and in order to respond adequately and properly I would need to look at the lead-up to the 5% decrease. I have heard, anecdotally, that we graduate more students now at a faster rate due to the reduction in credits, from 128 to 120, required for graduation. The 5% figure is an overall decrease and we need to look at many areas – graduate, undergraduate – and the data from previous years in order to understand how we have arrived at this point.

• Some people in communities feel that we are too insular, that we do not get out and communicate with them – we have not made enough connections with high schools and teachers.

• For more than 20 years we have had thousands of students coming to the UI-Moscow campus [i.e., jazz festival] and we make no effort to talk to them when they are here. The enrollment management office, prior to my arrival, has been compiling a spreadsheet of all of the events when high school or middle school students come to campus. They estimate that 80,000-90,000 students come over the course of a year and there may be some duplication of individual students – but this represents 80,000-90,000 touch-point opportunities. It would be worthwhile to look at all of those things on the list and figure out what, if anything, could be done.

Chair Hartzell then welcomed guests Christopher Murray, vice president for university advancement, Chris Cooney, senior director of marketing and Stefany Bales, director of integrated communications. Mr. Murray spoke briefly and then asked Mr. Cooney to talk about UI’s Google campaign from fall 2013 and other marketing and communications efforts. Mr. Cooney explained that the “Content Strategy & College Messaging” brochure was produced in collaboration with the deans of the colleges. The brochure serves as a point of reference for any marketing or communications done for any of the colleges as well as for the Google Campaign and other marketing and communications work:

• There are three components of the UI Google campaign: text advertising which displays on sites; “display networks” which includes sites that are not Google, such as higher education sites that may or may not sell advertising on their websites, and Google will display banner advertisements on these sites; and 15-30 second spots that precede videos on YouTube (which is owned by Google).

• The higher education team at Google worked with UI on content planning and development of the campaign for three months at no charge.

• UI built the Degree Finder website internally and it contains information on all 130 degrees (approximate) offered by UI, making it easy for prospective students to find what they need.

• Google took the content from the “Content Strategy” document and all of the information about UI degrees and created 400 different advertisements.

• UI pays for the YouTube video advertisements only when a viewer watches the entire 30-second spot.

A senator observed that the screenshot featured in the brochure shows the UI YouTube advertisement attached to a “Miley Cyrus” search and he asked if we want UI to be associated with Miley Cyrus? Another senator responded that the ad is tied to the viewer, not to Miley Cyrus. The ad appears based upon the viewer’s search history in the previous days and weeks and the UI YouTube advertisement appeared because this viewer had been looking at higher education websites.
Mr. Cooney responded as follows to senator’s question and comments:

- Is “200,685 views” the complete viewing of the advertisement? And is 1.3 million impressions the number of people who started viewing the ad but did not complete it? Yes to both questions.
- Will the UI ad come up multiple times for someone who spends hours on YouTube and will each of those times be counted in these totals? It may be, yes.
- This ad cost more than $20,000. Is it working? Are we getting people to enroll at UI? That is a good question. If we were just running this ad and there were no way to tell if the students are arriving, I might have an incomplete answer to your question – and I still do have an incomplete answer. Will these students that we attract through this means enroll at UI? We do not know. We do know that they showed up and engaged with Degree Finder and many of them completed the request for information. The first indication of whether this is successful will be the tenth day enrollment figures this year as we are able to track students who came in through this channel all the way to that point. What we know now is that 12,627 of them have come to our website and that is a huge success and 76% of them are new and had never been to our website previously – and that is a large success, too. How do we communicate with them and give them the information they need to make a decision? This campaign cannot do that – this just brings them to our website.
- A UI marketing professor says that 80% of all the money spent on marketing is wasted – we just do not know which 80% it is. If we get 1% of the 12,627 students who have come to our website as a result of this campaign – that is 126 students and that is pretty good return. I am moderately optimistic.
- Would it be possible to use different visuals with your Degree Finder site ads? For example, for architecture there is an image of a house but if a prospective student is interested in interior design he or she may not think to click on that image. Where possible we used images that were of UI. There are some that are stock photographs. These images are easily changeable and it is important that they are relevant. If you have a better image – that is something that we can do – and I encourage that. This is great feedback.

Mr. Cooney then continued by posing the questions: How do we know who these people are [who are coming to our website] and how do we engage them? “A New Audience Segment (in Idaho)” provides insights into searches by prospective students. Organic (free/keyword) searches vs. Google Campaign (paid searches) indicate that the paid searches result in greater numbers of prospective students from southern Idaho visiting the UI website. We have some ideas on how to respond to this but we are open to suggestions. The follow-up campaign that we now have is “complementary content” and this has been added to the college websites. We give prospective students more information about the degree programs and the UI faculty involved in the programs and we give students the opportunity to interact with faculty in the program via personalized email. Mr. Dodge added that data on prospective students contacting UI for additional information is available to the colleges and it could be sent to department chairs. In response to a senator’s question Mr. Cooney said his staff have not yet followed-up with COGS but plan to do so in the future.

**FS-14-026 (UCC-14-051): Regulation J-3.** Senator Frey, director of general education, said this is further implementation of the UI general education curriculum. A number of courses have been added to help substantiate offerings for senior experience. Department chairs in the College of Letters, Arts and Social Sciences (CLASS) reviewed all social sciences, humanities, American diversity and international courses, to ensure that offerings from CLASS are up-to-date and they submitted a new list for review. Professor Frey has encouraged cross-listing of courses, where appropriate, in social sciences and humanities with
American diversity and international courses which enables students to satisfy both of those requirements with a single course. Those courses are identified in the catalog with a “D” or “I.” As a result, the number of courses in the humanities/international has increased by 13, social sciences/international has increased by 23 and 18 American diversity. A senator inquired if some law classes could be included, such as family law or other courses currently taken by some undergraduate students? Professor Frey feels the University Committee for General Education (UCGE) would welcome proposals from the law school and he encouraged law and others to submit proposals. This item comes as a seconded motion from the University Curriculum Committee. Motion carried, 17-0.

**Adjournment**: It was moved and seconded (Awwad-Rafferty) to adjourn at 4:51pm. Motion carried.

Respectfully submitted,

Gail Z. Eckwright
Secretary to Faculty Senate and Faculty Secretary
PREAMBLE: This section outlines students of the UI disciplinary process. The UI disciplinary procedures philosophy is provided to inform students of the process in place at the University for resolving alleged violations of the Student Code of Conduct. The process is designed to allow for fact finding and decision making in the context of the University educational community. The objective is to provide a process that balances the rights of the individual with the legitimate interests of the University. For further information, contact the Dean of Students (208-885-6757).

A. INTRODUCTION. 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. Any and all matters consistent with the Student Code of Conduct (Code) [2300] and the Statement of Student Rights [2200] are handled by the system under the following rules and regulations.

A-1. DEFINITIONS:

a. Advisor: the person of the student’s choosing who has agreed to advise a student during the University disciplinary process. 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.

b. Days: normal University working days when the university is open for business, not including Saturday, Sunday, and University holidays. Time deadlines may be extended during breaks and University holidays at the Dean of Students’ discretion.

c. Dean of Students (DOS): the person responsible for the administration of the Student Code of Conduct, and includes his/her designees.

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

e. Group: a number of students who are associated with each other, but who have not complied with University requirements for registration as an organization.

f. Notice:  
   - Any notice required by the Student Code of Conduct shall be provided in writing via email to the student’s official email account (i.e., *@vandals.uidaho.edu).
   - Students who do not have an official email account will receive notice via regular mail to the mailing address.
   - 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.
g. **Organization**: any number of persons who have complied with the formal requirements for University recognition.

h. **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”:
   - Persons who withdraw after allegedly violating the Student Code of Conduct;
   - Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;
   - Individuals participating in the American Language and Culture Program;

i. **Student Code of Conduct**: herein referred to as “Code”.

j. **SDRB**: Student Disciplinary Review Board (FSH 1640.93)

k. **UI’s Office of General Counsel**: herein referred to as “General Counsel”.

l. **University**: University of Idaho, which includes all campus locations, extension programs, and distance education programs.

B. **REVIEWING BODIES**. The disciplinary system consists of the following: Student Disciplinary Review Board (SDRB), Faculty Senate, President, and Regents.

B-1. **Student Disciplinary Review Board**. (see 1640.93)

   a. **Scope of Responsibility**.
      (1) SDRB adjudicates the following:
         (a) Any alleged violation of the Code that may not be appropriately handled within the living-group disciplinary body or that is not otherwise resolved by DOS. 22
         (b) Any alleged violation of ASUI rules and regulations not specifically designated to be heard elsewhere.
         (c) Any matter that a living-group disciplinary body declines to hear.
      (2) SDRB adjudicates requests for review of decisions of living-group disciplinary bodies and requests for review of decisions of any ASUI disciplinary bodies.

   b. **Range of Sanctions**. The SDRB has the full range of sanctions set forth in D below.

B-2. **Faculty Senate**. The Faculty Senate adjudicates requests for review of all student disciplinary proceeding decisions.

B-4. **President**. The President’s office adjudicates requests for review of Faculty Senate decisions.

B-5. **Board of Regents**. The Regents adjudicates final decisions made at the institutional level in accordance with Board of Regents policies.

C. **PROCEDURES**: All deadlines provided below are default provisions and are subject to change by written agreement of both parties. Failure to abide by any deadline will not be grounds for dismissal of the allegations.

   C-1. Reporting of Alleged Violations and Initial Investigation by DOS.
a. Reporting Alleged Violations. Any person who has knowledge of an alleged violation of the Code should inform the Office of the Dean of Students (DOS) of such alleged violation as soon as possible.

b. Initial Investigation. DOS shall receive all reports of alleged violations and investigate to determine whether the allegation is credible.

1) Students who are suspected of violations may be interviewed by DOS, but they must be informed by DOS at the beginning of such interview of the right to not speak to DOS and the reason for the interview. No form of coercion or harassment shall be used in the interview.

2) When a student is being interviewed by a third party and DOS is observing such interview, the student must be informed of the fact that DOS is observing and informed of the right to not speak to DOS (also see Statement of Student Rights, FSH 2200 IV 3).

3) DOS may speak with witnesses of the alleged incident, as well as the persons injured by the alleged violation. Any witness or other person having knowledge of the alleged violation may provide DOS with any relevant information or materials.

c. Notice of Alleged Violation. If DOS determines that the allegation is credible, DOS shall provide the student accused of violating the Code with written notice of the allegation. Such notice shall include:

(1) the alleged misconduct,
(2) the section of the Code alleged to have been violated,
(3) a time and date that does not conflict with the student’s class schedule to meet with DOS 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 DOS about the allegation(s),
(6) a statement that failure to show up for the meeting or to contact DOS to reschedule the meeting will be presumed to be the student’s exercise of his/her right to not speak with DOS, and
(7) a statement that the investigation and determination regarding the allegation will proceed regardless of whether the student speaks with DOS.

d. Meeting with DOS. The student is given an opportunity to meet with DOS regarding the allegations, unless DOS has already interviewed (see C-1 b above). Except where the student agrees otherwise, the meeting with DOS may be scheduled no sooner than:

(1) 2 days after notice is provided by email, or
(2) 5 days after mailing if notice is provided by regular mail.

At this meeting, the student is given the opportunity to give his/her account of the incident leading to the allegation(s), and to provide DOS with the names and contact information of individuals who have personal knowledge of the incident or circumstances pertaining to the allegation(s). The student may have an advisor present at this meeting. If the student does not appear for his/her meeting and fails to contact DOS to reschedule before the meeting time, it will be presumed that the student has exercised his/her right to not speak to DOS.

e. Investigation & Determination. After the meeting time has passed, DOS shall continue its investigation of the allegations. DOS may speak with witnesses of the alleged incident, as well as the persons injured by the alleged violation. Any witness or other person having knowledge of the alleged violation may provide DOS with any relevant information or materials. Many factors influence the time spent on investigating allegations with most being concluded within 60 days following receipt
of the allegation(s).

Once the investigation is concluded, DOS shall make a finding as to whether the alleged violation occurred by a preponderance of the evidence (the standard). If DOS finds that the alleged violation occurred by that standard, DOS 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).

(1) If the student accepts the determination made by DOS and the sanctions imposed, the student will sign an agreement to that effect. This agreement will contain language that informs the student of the following:
   (i) that the determination and sanctions are final;
   (ii) that the sanctions go into effect immediately; and
   (iii) that the student waives his/her right to request a review of the determination and sanctions.

(2) If the student does not accept the determination made by DOS and the sanctions imposed, and does not sign an agreement to that effect, then DOS shall refer the matter to the SDRB.

   (i) If the sanctions determined appropriate by DOS does not include suspension, expulsion, or withholding or revoking a degree, then the process continues in accordance with C-2.
   (ii) If the sanctions determined appropriate by DOS include suspension, expulsion, or withholding or revoking a degree, then the process continues in accordance with C-3.

(3) At the conclusion of each semester, DOS shall provide a descriptive written report to the SDRB summarizing the accepted determinations entered into during the course of the semester. This report will also be forwarded by DOS to the Faculty Secretary.

C-2. Requests for a SDRB review for sanctions other than suspension, expulsion, or withholding or revoking a degree.

   a. The student must submit a written request for a SDRB review to DOS no later than 5 days after the student is provided notice of the determination and sanctions via email, or 8 days after the student is provided notice of the determination and sanctions via regular mail.

   b. The written request for a SDRB review must cite at least one of the following reasons for the review and must provide supporting arguments and documentation as to why a SDRB review should be granted on those grounds:

      (1) DOS failed to properly investigate the allegation and such failure was both substantial and was to the student’s detriment;
      (2) There is such a clear factual error that DOS could not possibly find that a violation of the Code occurred;
      (3) The sanctions are excessive for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;
      (4) New information that could substantially affect the outcome of DOS’s investigation and determination has been discovered since the determination was made. The information must have been unavailable at the time of DOS’s investigation. Failure to inform DOS of information that was available is not grounds for requesting a SDRB review under this provision;
      (5) DOS committed a substantial procedural error that materially impacted its investigation and determination to the student’s detriment.
c. DOS shall provide the Chair of SDRB with all received requests for a SDRB review, along with a statement of whether DOS believes each received request meets the requirements above.

d. SDRB shall review each request for a review within 5 days of receipt and make an initial determination of whether the request meets the requirements above.

(1) For requests that fail to meet the requirements above, SDRB will deny the request and inform both the student and DOS of its decision. The determination made by DOS and the sanctions imposed will become final, this is deemed a final institutional decision, and the student may request a review by the Board of Regents in accordance with C-9, within 5 days of receiving notice of the SDRB denial.

(2) For requests that meet the requirements above, SDRB will determine whether to adjudicate the request based on written submissions only, or whether to adjudicate the request through a hearing, and will inform both the student and DOS of its determination. SDRB may request additional information or documentation from the student or DOS independent of the form of adjudication chosen.

(i) For reviews involving written submissions only, SDRB will provide DOS with a reasonable amount of time to present any information or materials (generally no more than 5 days).

(ii) For reviews that involve a hearing, the Chair of SDRB will schedule the hearing to occur no later than 10 days after the SDRB decision to adjudicate the request through a hearing, at a time that does not conflict with the student’s class schedule. The Chair of SDRB shall not consider the availability of any advisor in setting the hearing date and time. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both SDRB and the other party by noon pacific time of the day before the hearing. Only materials submitted to both the Chair of SDRB and the other party by the deadline will be allowed to be introduced and considered at the hearing. The hearing will be conducted in accordance with C-4.

C-3. Scheduling a SDRB hearing for a student sanctioned with suspension, expulsion, or withholding or revoking a degree.

a. DOS will notify the Chair of SDRB that the student did not agree to the determination made by DOS and the sanctions included suspension, expulsion, or withholding or revoking a degree.

b. Except in extraordinary circumstances, the Chair of SDRB will schedule the hearing to occur no later than 10 days after being notified by DOS of the need for a hearing, at a time that does not conflict with the student’s class schedule. Both DOS and the student may have an advisor present at the hearing. However, SDRB shall not consider the availability of any advisor in setting the hearing date and time.

c. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both SDRB and the other party by noon PST of the day before the hearing. Only materials submitted to both the Chair of SDRB and the other party by the deadline will be allowed to be introduced and considered at the hearing.

C-4. SDRB Disciplinary Hearing Process: The purpose of a SDRB hearing is to determine whether it is more likely than not that the student violated the Code.

a. In hearings involving more than one student, the SDRB chair has the discretion to permit the hearings concerning each student to be conducted separately.
b. The chair of SDRB may issue a notification to any UI student requiring such individual to appear at a SDRB hearing as a witness. Such notification will be delivered in accordance with A-1 f. The notification shall inform the student that it is a violation of the Code to
   (1) fail to appear or to refuse to speak as a witness, unless such act would force the student to incriminate him/herself,
   (2) disrupt, impede, threaten, or disregard the procedures of the SDRB, and
   (3) provide information to the SDRB that the student knows or should know to be false.

c. A student’s failure to appear at the SDRB hearing or to speak as a witness will have no bearing on the question of whether the student violated the Code and may not be used to conclude that a violation occurred, except as to future allegations of failure to appear (FSH 2300 X 19).

d. SDRB shall record the audio of the SDRB hearing. The audio record will be the property of the UI, will be maintained by DOS, and will be used in accordance with applicable privacy laws.

e. Relevancy is the only criteria by which information submitted is evaluated. Relevancy is determined by the Chair of SDRB. All oral or written information statements, records, etc., as well as copies of the same, shall be considered by members of the SDRB as long as the Chair of SDRB determines that such items are relevant.
   (1) Second-hand information is relevant if it is of the type commonly relied upon by prudent persons in the conduct of their affairs.
   (2) Character witnesses who lack knowledge of the incident being heard or circumstances pertaining to the allegation(s) lack relevant information and therefore may not be witnesses at the hearing.
   (3) Any person present at the SDRB hearing may ask the Chair of SDRB to determine whether any oral or written information, statement, record, etc. or question or answer is relevant.
   (4) All questions regarding SDRB hearing procedures and determinations of relevancy are subject to the final decision of the Chair of SDRB.

f. The Chair of SDRB may request assistance by General Counsel staff regarding any questions of SDRB hearing procedures and determinations of relevancy.

g. Hearings shall be conducted in private. The following individuals are permitted at a SDRB hearing:
   (1) the student,
   (2) the student’s advisor,
   (3) members of the SDRB,
   (4) DOS,
   (5) DOS’s advisor,
   (6) General Counsel staff,
   (7) persons who reported or were injured by the alleged violation. Except for the student and the persons who were injured by the alleged violation, witnesses are allowed only during their testimony.

h. If the student fails to appear at the SDRB hearing despite proper notice, DOS shall present any information, materials, and witnesses to support its determination of a violation of the Code. Based on the DOS presentation, the SDRB shall make its determination.

i. The Chair of SDRB shall ensure the smooth operations of the SDRB hearing, and may remove any individual who disrupts the SDRB hearing.
J. DOS has the responsibility of providing sufficient information, materials, and witnesses to support its assertion that the student violated the Code. The student has no obligation to provide any information, materials, or witnesses, and is presumed to not have violated the Code.

k. Generally, the SDRB hearing shall be conducted in the following order:

1. The Chair of SDRB will ask each individual present at the SDRB hearing to identify him/herself by providing his/her name and role at the SDRB hearing.

2. The Chair of SDRB will remind the student of:
   i. the right to have an advisor,
   ii. the right to refuse to speak as a witness, and
   iii. that the refusal to speak as a witness will have no bearing on the question of whether the student violated the Code and may not be used to conclude that a violation occurred.

3. DOS will have the opportunity to make any opening remarks.

4. The student will have the opportunity to make any opening remarks.

5. DOS will have the opportunity to present any information, materials, and witnesses.
   i. The student and SDRB members will have the opportunity to ask questions of any witnesses, except as described in C-4 k(5)(ii) below.
   ii. When the allegations involve sexual harassment or gender-based harassment, neither the student nor his/her advisor will be permitted to directly question the persons injured by the alleged violation. Instead, questions from the student or his/her advisor may be submitted in writing to the Chair of SDRB who will ask any questions determined to be relevant.

6. The student will have the opportunity to present any information, materials, and witnesses.
   i. DOS and SDRB members will have the opportunity to ask questions of any witnesses.

7. DOS will have the opportunity to make any closing remarks.

8. The student will have the opportunity to make any closing remarks.

9. DOS will have the opportunity to respond to the student’s closing remarks.

10. The SDRB shall meet in a closed session to discuss and make its decision. The chairperson of the SDRB, or the designee in the event of absence of the chairperson, is permitted to vote only in the event of a tie vote.

C-5. Results of SDRB.

a. Within 3 days of completing its adjudication, whether through written submission only or through a hearing, SDRB will issue a written determination of its findings to the student and DOS.

1. The SDRB decision must be based on a majority vote,

2. For SDRB review of matters involving sanctions other than suspension, expulsion, withholding or revoking a degree, the SDRB decision must
   i. identify the stated basis for SDRB review,
   ii. state the SDRB’s conclusion as to that basis, and
   iii. identify the facts, conduct, or circumstances it found to support its conclusion.

3. For SDRB review of matters involving sanctions of suspension, expulsion, or withholding or revoking a degree, the SDRB decision must
   i. state whether the DOS conclusion that the student more likely than not violated the Code is supported by the information, materials, and witnesses presented at the SDRB hearing, and
   ii. identify the facts, conduct, or circumstances it has found to support its conclusion.

4. SDRB can:
b. As to students whose sanctions do not include suspension, expulsion, or withholding or revoking a degree, the SDRB decision is the final institutional decision and any sanctions go into effect immediately. Such SDRB decision may be appealed to the Board of Regents in accordance with C-9.

c. As to students whose sanctions include suspension, expulsion, or withholding or revoking of a degree, the student may request, in writing, a review of the SDRB decision by the Faculty Senate.

C-6. Requests for Review by Faculty Senate.

a. Written requests for a faculty senate review must be delivered to DOS no later than 3 days after the student is provided notice of the SDRB determination via email, or 5 days after the student is provided notice of the SDRB determination via regular mail.

b. The written request for review must cite at least one of the below reasons and must provide supporting arguments and documentation as to why a faculty senate review should be granted on those grounds:

(1) SDRB could not reasonably determine that there was no substantial and detrimental failure to properly investigate by DOS;

(2) SDRB could not reasonably determine that there was no clear factual error that would prevent concluding that a violation of the Code occurred;

(3) SDRB could not reasonably determine that the sanctions are not excessive for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;

(4) SDRB could not reasonably determine that no new information that could substantially affect the outcome of DOS’s investigation and determination has been discovered since the determination was made. The information must have been unavailable at the time of DOS’s investigation. Failure to inform DOS of information that was available is not grounds for requesting additional review under this provision.

(5) SDRB could not reasonably determine that DOS did not commit a substantial procedural error that materially impacted its investigation and determination to the student’s detriment.

c. DOS shall provide the Faculty Senate Leadership with all requests for a senate review, along with a statement of whether DOS believes each request meets the requirements above.

d. The Faculty Senate Leadership shall review each request within 5 days of receipt and determine whether the request meets the requirements above.

(1) For requests that fail to meet the requirements above, the Faculty Senate Leadership will deny the request and inform the student, the Chair of SDRB, and DOS of its decision. The determination made by the SDRB and the sanctions imposed will become final, this is deemed a final institutional decision, and the student may request a review by the Board of Regents in accordance with C-9, within 5 days of receiving notice of the Faculty Senate Leadership denial.

(2) For requests that meet the requirements above, the Faculty Senate Leadership, will, within 10 days from receipt of the request, appoint three of its members to a review panel. The chair may not be a student. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under review.
e. The senate review panel is a review of the materials submitted only; there is no hearing, although the panel may request additional materials from the parties.

f. DOS will provide the senate review panel with the audio recording of the UJC hearing, along with the DOS response to the student’s submission within a reasonable amount of time (generally no more than 5 days).

C-7. Results of Faculty Senate Review Panel.

a. Except in extraordinary circumstances, the review panel will review all materials submitted, and provide a written decision to both parties within 10 days of receiving all the materials from DOS.

(1) The review panel’s decision must
   (i) be based on a majority vote,
   (ii) identify the stated basis for faculty senate review,
   (iii) state the faculty senate’s conclusion as to that basis, and
   (iv) identify the facts, conduct, or circumstances it found to support its conclusion.

(2) The review panel can:
   (i) uphold the SDRB decision,
   (ii) uphold the SDRB decision but revise the sanctions,
   (iii) return the matter to DOS for reinvestigation and reconsideration or to SDRB for reconsideration, or
   (iv) dismiss the decision and the sanctions after consulting with General Counsel.

b. If the decision of the senate review panel is to uphold the SDRB decision the sanctions are effective as of the original date of the SDRB determination.

C-8. Request for Review by the President.

a. Students whose sanctions include suspension, expulsion, or withholding or revoking of a degree may request a review of the faculty senate decision by the president.

b. Written requests for review by the president are accepted and must be delivered to both DOS and the President’s office no later than 3 days after the student is provided notice of the faculty senate determination via email, or 5 days after the student is provided notice of the faculty senate determination via regular mail.

c. The president has complete discretion whether to engage in any review of the faculty senate decision, including what materials to consider and from whom.

d. The president’s decision after a review, or the president’s decision to decline to engage in any review, is the final institutional decision.

C-9. Requests for Review by the Board of Regents. Any student may appeal a final institutional decision to the Board of Regents in accordance with Idaho State Board of Education Governing Policies and Procedures Section III.P.18.

D. SANCTIONS.

D-1. The following sanctions may be imposed upon any student determined to have violated the Code:
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 Code 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. Administrative fees: minimum of $150.
g. 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.
h. Housing Expulsion: permanent separation of the student from University Housing.
i. 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.
j. University Expulsion: permanent separation of the student from the University.
k. 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.
l. Withholding Degree: the University may withhold awarding a degree otherwise earned until the completion of all sanctions imposed.

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

D-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.

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

D-5. The Regents of UI adopted guidelines for enforcing alcohol restrictions which include sanctions for violation of these restrictions. The sanctions below are the minimum sanctions imposed on students who have violated alcohol restrictions as described in the Code.

D-6. The University may notify parents of students under the age of 21 when a student has been found to have committed a drug or alcohol-related violation. The student will be responsible for administrative and educational costs of any and all sanctions imposed for alcohol related violations.

D-7. Sanctions imposed for alcohol related violations:

<table>
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<tr>
<th>Coll 1 sanction</th>
<th>col 2 (2nd sanction)</th>
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<tbody>
<tr>
<td>Open container</td>
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<td>First offense</td>
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<td>2nd offense</td>
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<tr>
<td>1st infraction:</td>
<td>Open container or minor in possession violations.</td>
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<tr>
<td>Sanction:</td>
<td>Completion of educational program.</td>
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<tr>
<td>1st infraction:</td>
<td>Illegal distribution of alcohol.</td>
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<tr>
<td>Sanction:</td>
<td>Completion of community service, period of probation, and educational</td>
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</table>
Second Infraction: Without injury; or without conduct likely to lead to injury.
Sanction: Completion of a treatment and/or educational program.

Second Infraction: With injury; or conduct likely to lead to injury.
Sanction: Notification to the criminal justice system, strict probation, and, a treatment or educational program.

Third Infraction: Without injury; or without conduct likely to lead to injury.
Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.

Third Infraction: With injury; or conduct likely to lead to injury.
Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, referral to the criminal justice system and expulsion from the institution for one year.

E. INTERIM SUSPENSION. In certain circumstances, the Dean of Students may impose an interim suspension on a student prior to completing the investigation described in C-1 e. The interim suspension is effective immediately. During the interim suspension, the 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.

E-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.

E-2. A student placed on interim suspension shall be given written notice of this action, which shall include:

a. the reasons for the interim suspension, and

b. information concerning the right to appeal the decision for interim suspension.

E-3. Interim Suspension Review Process:

a. The student must submit a written document to DOS outlining the basis for the review and supporting documentation and/or other information.

b. The DOS will submit all documents received, as well as DOS response, to the Chair of SDRB within 1 day of receiving the student’s documents.
c. The Chair of SDRB and at least two other SDRB members will review all submitted materials and render a decision within 3 days. This decision is a final institutional decision subject to review by the Board of Regents in accordance with C-9.
Footnotes:
1. Proposal to rename UJC as Student Disciplinary Review Board
2. DOS review: for a sex offense, there is a 2-person review (federal requirement); for all other offenses (academic/alcohol/drug), there is a 1-person review. Reviewers are trained in handling these types of investigations and situations.
3. SDRB can
   a. uphold the DOS decision and sanctions
   b. uphold decision but revise sanctions,
   c. return to DOS for reinvestigation and reconsideration
   d. dismiss the decision and sanctions after consulting with General Counsel
4. FS committee can
   a. uphold the SDRB decision and sanctions
   b. uphold decision but revise sanctions,
   c. return to SDRB for reinvestigation and reconsideration
   d. dismiss the decision and sanctions after consulting with General Counsel
Background: items are contained in FSH2200 III and IV, FSH 2300 Article X (Judicial proceedings for violation of student code of conduct). FSH2400, FSH 2450 Appeals to Faculty Senate in disciplinary cases.

Initial report within 30 days of SCC violation; Dean of Students (DOS) may investigate legitimacy; has up to 1 year to file charges.

DOS files charges (FSH2300 X.2); charges presented in writing to accused (FSH2200 IV.6 + 2300 X.3, delivered by certified mail)

Accept sanctions (waive hearing (FSH2200 IV.5,6, 2300 X.4))
Agreed settlement

Reject sanctions

University Judicial Council disciplinary hearing (5-15 calendar days after receipt of written charges); FSH 2200

Accept sanctions
Reject sanctions

Students submits a written request to Faculty Senate (FS) for an appeal in writing within 2 weeks of UJC decision. FS then has 2 weeks to assemble a committee of five Senators. (FSH2200 IV.11, 2300 X.14, 2400 B-3, 2450 D-1, D-2.A)

Schedule hearing with student, student rep and DOS; minimum 1 week plus 1 day.

Reject sanctions
Accept sanctions

Appeal to President

Appeal to Board of Regents
DISCIPLINARY/JUDICIAL PROCESS UDC REDLINE/COMMENTS
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UI FACULTY-STAFF HANDBOOK
CHAPTER TWO:
STUDENT AFFAIRS POLICIES 2013

P305
STUDENT DISCIPLINARY SYSTEM
UNIVERSITY DISCIPLINARY REVIEW PROCESS FOR ALLEGED VIOLATIONS
OF THE STUDENT CODE OF CONDUCT

PREAMBLE: This section outlines students of the UI disciplinary process. The UI disciplinary procedures philosophy is provided to inform students of the process in place at the University for resolving alleged violations of the Student Code of Conduct. The process is designed to allow for fact finding and decision making in the context of the University educational community. The objective is to provide a process that balances the rights of the individual with the legitimate interests of the University. For further information, contact the Dean of Students (208-885-6757).

A. INTRODUCTION. UI’s student judicial system is established and maintained for the prosecution and handling of disciplinary matters concerning UI students (as “student” is defined in the preamble to the Statement of Student Rights [2200]). 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, key and all matters consistent with the Student Code of Conduct (Code) [2300] and the Statement of Student Rights [2200] are handled by the system under the following rules and regulations.

A-1. DEFINITIONS:

Advisor: the person of the student’s choosing who has agreed to advise a student during the University disciplinary process. 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.

Days: normal University working days when the university is open for business, not including Saturday, Sunday, and University holidays. Time deadlines may be extended during breaks and University holidays at the Dean of Students’ discretion.

Dean of Students (DOS): the person responsible for the administration of the Student Code of Conduct, and includes his/her designees.

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

Group: a number of students who are associated with each other, but who have not complied with University requirements for registration as an organization.

Notice:
Any notice required by the Student Code of Conduct shall be provided in writing via email to the student’s official email account (i.e., *@vandals.uidaho.edu).

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

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.

Organization: any number of persons who have complied with the formal requirements for University recognition.

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”:

- Persons who withdraw after allegedly violating the Student Code of Conduct;
- Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;
- Individuals participating in the American Language and Culture Program;

Student Code of Conduct: herein referred to as “Code”.

SDRB: Student Disciplinary Review Board (FSH 1640.93).

UI’s Office of General Counsel: herein referred to as “General Counsel”.

University: University of Idaho, which includes all campus locations, extension programs, and distance education programs.

B. DISCIPLINARY AND JUDICIAL REVIEWING BODIES. The disciplinary system consists of the following:

- living group disciplinary bodies, Student Disciplinary Review Board (SDRB), University Judicial Disciplinary Council (UJSDRBUDC), Faculty Senate, President, and Regents. [ed. 6-09]

B-1. Living Group Disciplinary Bodies

a. Composition. Each living group has a disciplinary body, the composition of which is to be determined by the group.

b. Jurisdiction. Each living group disciplinary body has jurisdiction only over those violations that are primarily internal in cause and effect. If the offense also violates the Student Code of Conduct, the living group must communicate with the ASUI student defender and the judicial officer in Student Advisory Services before taking jurisdiction. The determination of jurisdiction is decided by mutual agreement of the ASUI student defender, the judicial officer, and the complaining party. If the ASUI student defender, the judicial officer, and the complaining party fail to agree unanimously on the proper hearing body, the matter is referred to UJC, which will hear and decide the case on its merits. However, the living group disciplinary body at all times has the right to decline to hear a case brought before it, in which instance the matter is referred to UJC, which will hear and decide the case on its merits. If a living group disciplinary body proceeds without jurisdiction, its proceedings, findings, and sentence are void and are no bar to a new disciplinary proceeding.

c. Range of Sanctions. The living group disciplinary body may order any sanction it deems just, so long as it is consistent with those stated in articles V and XI of the Student Code of Conduct and in the Statement of Student Rights.
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**B-2. University Judicial Student Disciplinary Review Board/Council**

a. **Jurisdiction/Scope of Responsibility.** (see 1640.93)  
   (1) UJCUDCSRDB has original jurisdiction in adjudicates the following instances:
      (a) Any alleged violation of the Student Code of Conduct that may not be appropriately handled within the living-group disciplinary body or that is not otherwise resolved by DOS. [See B-1.b.]  
      (b) Any alleged violation of ASUI rules and regulations not specifically designated to be heard elsewhere.  
   (2) UJCUDCSRDB has appellate jurisdiction over decisions of living-group disciplinary bodies. [See B-1.b.]  
      (a) Any alleged violation of the Student Code of Conduct. [See B-1.b.]  
      (b) Any alleged violation of ASUI rules and regulations not specifically designated to be heard elsewhere.

b. **Range of Sanctions.** The UJCUDCSRDB has the full range of sanctions set forth in the Student Code of Conduct. [ren. 7-08]

**B-3. Faculty Senate.** The Faculty Senate has appellate jurisdiction over decisions of all student disciplinary proceeding and must comply with D-1 d below, section IV, paragraph 11, item (d), of the Statement of Student Rights. [See 2450.] [ed. 6-09]

**B-4. President.** The President’s office adjudicates requests for review of decisions of the Faculty Senate decisions. [ed. 6-09]

**B-5. Board of Regents.** The Regents adjudicates final decisions made at the institutional level in accordance with Board of Regents policies. [May want to point to SBOE’s Governing Policies and Procedures Section III.P.18]

**C. PROCEDURES:** All deadlines are default provisions and are subject to change by written agreement of both parties. Failure to abide by any deadline will not be grounds for dismissal of the allegations.

**C-1. Complainants/Reporting of Alleged Violations and Initial Investigation by DOS**

a. **Reporting Alleged Violations.** Any person who has knowledge of an alleged violation of the Student Code of Conduct should may inform the Office of the Dean of Students (DOS) of such alleged violation as soon as possible.

b. **Initial Investigation.** The Coordinator/DOS shall receive all reports of alleged violations and investigate to determine whether the allegation is credible. 1) Students who are suspected of violations may be questioned/interviewed by DOS, but they must be informed by the DOS office, at the beginning of such interview questioning, of the right to not speak to DOS and the reason for the interview/whole interview. No form of coercion or harassment shall be used in the interview/whole interview. 2) When a student is being interviewed by a third party and DOS is observing such interview, the student must be informed of the fact that DOS is observing and informed of the right to not speak (also see Statement of Student Rights, FSH 2200 IV 3). 3) DOS may speak with witnesses of the alleged incident, as well as the persons injured by the alleged violation. Any witness or other person having knowledge of the alleged violation may provide DOS with any relevant information or materials.

c. **Notice of Alleged Violation.** If the Coordinator/DOS determines that the allegation is credible, the Coordinator/DOS shall provide the student accused of violating the Code of Student Code of
Conduct with written notice of the allegation. 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 DOS 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 DOS about the allegation(s),
6. a statement that failure to show up for the meeting or to contact the Coordinator DOS to reschedule the meeting will be presumed to be the student’s exercise of his/her right to not speak with the Coordinator DOS, and
7. a statement that the investigation and determination regarding the allegation will proceed regardless of whether the student speaks with the Coordinator DOS.

Meeting with the Coordinator DOS. The student is given an opportunity to meet with DOS regarding the allegations, unless DOS has already interviewed (see C-1 b above). Except where the student agrees otherwise, the meeting with the Coordinator DOS may be scheduled no sooner than:

(i) 2 days after notice is provided if by email, and
(ii) 5 days after mailing if notice is provided by regular mail.

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

Investigation & Determination. After the meeting time has passed, the Coordinator DOS shall continue the investigation of the allegations. DOS may speak with witnesses of the alleged incident, as well as the persons injured by the alleged violation. Any witness or other person having knowledge of the alleged violation may provide DOS with any relevant information or materials. Many factors influence the time spent on investigating allegations with most being concluded within 60 days following receipt of the allegation(s). The Coordinator DOS shall continue his/her investigation of credible allegations.

Once the investigation is concluded, the Coordinator DOS shall make a finding as to whether the alleged violation occurred by a preponderance of the evidence (the standard). If the Coordinator DOS finds that the alleged violation occurred by that standard, the Coordinator DOS 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).
DISCIPLINARY/JUDICIAL PROCESS UDC REDLINE/COMMENTS
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1. If the student accepts the determination made by DOS and the sanctions imposed, the student will sign an agreement to that effect. This agreement will contain language that informs the student of the following:
   (i) that the determination and sanctions are final;
   (ii) that the sanctions go into effect immediately; and
   (iii) that the student waives his/her right to request a review of the determination and sanctions.

2. If the student does not accept the determination made by DOS and the sanctions imposed, and does not sign an agreement to that effect, then DOS shall refer the matter to the UDC.
   (i) If the sanctions determined appropriate by DOS does not include suspension, expulsion, or withholding or revoking a degree, then the process continues in accordance with C-2.
   (ii) If the sanctions determined appropriate by DOS include suspension, expulsion, or withholding or revoking a degree, then the process continues in accordance with C-2.

3. At the conclusion of each semester, DOS shall provide a descriptive written report to the SDRB summarizing the accepted determinations entered into during the course of the semester. This report will also be forwarded by DOS to the Faculty Secretary.

C-2. Requests for a UDC/SDRB review for sanctions other than suspension, expulsion, or withholding or revoking of a degree.

a. The student must submit a written request for a SDRB review to DOS no later than 5 days after the student is provided notice of the determination and sanctions via email, or 8 days after the student is provided notice of the determination and sanctions via regular mail.

b. The written request for a UDC/SDRB review must cite at least one of the following reasons for the review and must provide supporting arguments and documentation as to why a UDC/SDRB review should be granted on those grounds:
   1. DOS failed to properly investigate the allegation and such failure was both substantial and was to the student’s detriment;
   2. There is such a clear factual error that DOS could not possibly find that a violation of the Student Code of Conduct occurred;
   3. 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);
   4. New information that could substantially affect the outcome of DOS’s investigation and determination has been discovered since the determination was made. (Note: The information must have been unavailable at the time of DOS’s investigation. Failure to inform DOS of information that was available is not grounds for requesting a UDC/SDRB review under this provision);
   5. DOS committed a substantial procedural error that materially impacted its investigation and determination to the student’s detriment.

c. DOS shall provide the Chair of UDC/SDRB with all received requests for a UDC/SDRB review, along with a statement of whether DOS believes each received request meets the requirements above.

d. UDC/SDRB shall review each request for a review within 5 days of receipt and make an initial determination of whether the request meets the requirements above.
   1. For requests that fail to meet the requirements above, UDC/SDRB will deny the request and inform both the student and DOS of its decision. The determination made by DOS and the sanctions imposed will become final, this is deemed a final institutional decision, and the student may request
a review by the Board of Regents in accordance with C-9, within 5 days of receiving notice of the UDC denial.

2) For requests that meet the requirements above, UDCSDRB will determine whether to adjudicate the request based on written submissions only, or whether to adjudicate the request through a hearing, and will inform both the student and DOS of its determination. UDCSDRB may request additional information or documentation from the student or DOS independent of the form of adjudication chosen.

For reviews that involve written submissions only, UDCSDRB will provide DOS with a reasonable amount of time to present any information or materials (generally no more than 5 days).

For reviews based on a hearing, the Chair of UDCSDRB will schedule the hearing to occur no later than 10 days after the UDCSDRB decision to adjudicate the request through a hearing, at a time that does not conflict with the student’s class schedule. The Chair of UDCSDRB shall not consider the availability of any advisor in setting the hearing date and time. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both UDCSDRB and the other side by noon PST of the day before the hearing. Only materials submitted to both the Chair of UDCSDRB and the other party side by the deadline will be allowed to be introduced and considered at the hearing. The hearing will be conducted in accordance with C-4.

### C-3. Scheduling a UDCSDRB hearing for a student sanctioned with suspension, expulsion, or withholding or revoking of a degree.

a. DOS will notify the Chair of UDCSDRB that the student did not agree to the determination made by DOS and the sanctions included were sanctioned with suspension, expulsion, or withholding or revoking of a degree and has not agreed to forego a hearing.

b. Except in extraordinary circumstances, the Chair of UDCSDRB will schedule the hearing to occur no later than 10 days after being notified by DOS of the need for a hearing, at a time that does not conflict with the student’s class schedule. Both DOS and the student may have an advisor present at the hearing. However, UDCSDRB shall not consider the availability of any advisor in setting the hearing date and time.

c. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both UDCSDRB and the other side by noon PST of the day before the hearing. Only materials submitted to both the Chair of UDCSDRB and the other party side by the deadline will be allowed to be introduced and considered at the hearing.

### C-4. UDCSDRB Disciplinary Hearing Process: The purpose of a UDCSDRB hearing is to determine whether it is more likely than not that the student violated the Student Code of Conduct.

a. In hearings involving more than one student, the UDCSDRB chair has the discretion to permit the hearings concerning each student to be conducted separately.

b. All members of the university community are encouraged to assist the parties and the UJC in determining whether the accused student violated the Student Code of Conduct. The chairperson of the SDRBUC, or the chairperson’s designee, shall have the authority to, may issue a notification to
summons commanding any UI student requiring such individual to appear at a UDCSRB hearing as a witness and to testify. Such a notification/summons may be delivered in accordance with A-1. It may be requested by any party to the hearing or by any member of the UIC. The summons may be served either by hand-delivery or be certified, registered mail sent to the campus or the home address, that the student provided to the university registrar. The summons notification shall inform the student that it is a violation of the Student Code of Conduct to (1) fail to appear or to refuse to speak as a witness, unless such act would force the student to incriminate himself/herself or as himself.

9. It is a violation of this code for a student to fail to appear at a hearing after proper service of a summons to appear. It is also a violation of this code for a student to refuse to give testimony at a hearing after proper service of a summons to appear, unless such testimony would force the student to testify against himself or herself. It is a violation of this code to knowingly (2) disrupt, impede, threaten, or disregard the lawful procedures or sanctions of the UIC, and (3) it is a further violation of this code to knowingly provide false information to the UDCSRB that the student knows or should know to be false.

10. A student’s The failure of an accused student to appear at the UDCSRB hearing or to speak as a witness will have no bearing on the question of whether the student violated the Student Code of Conduct and may not be used to conclude that a violation occurred, except as to future allegations of failure to appear (FSH 2300 19). After notification is neither an admission nor evidence as to the charges. No accused student may be found to have violated the Student Code of Conduct solely because the student failed to appear before the UIC.

The UIC shall record the audio of the UDCSRB hearing. The audio record shall be the property of the UI, will be maintained by DOS, and will be used in accordance with applicable privacy laws.

Relevancy is the only criteria by which information submitted is evaluated. Relevancy is determined by the Chair of UDCSRB, evidence is not admissible. All oral or written information, evidence, pertinent records, exhibits, statements, records, etc., as well as copies of the same, shall be considered by the Chair of UDCSRB as long as the Chair of UDCSRB determines that such items are relevant. All questions regarding UDCSRB hearing of procedures and determinations of relevancy evidence are subject to the final decision of the Chair of UDCSRB.

The Chair of UDCSRB may request assistance by the UI’s Office of General Counsel staff regarding any questions of UDCSRB hearing procedures and determinations of relevancy.

Hearings shall be conducted in private, unless the student charged with the violation states on the record that he or she wishes the disciplinary hearing to be public. The student charged with the
violation can request the chairperson of the UJC to order that the disciplinary hearing be open only
to specified members of the public. Otherwise, (1) The following individuals are permitted to attend the "private" hearing will be the members of the UJC hearing: (1) the student, (2) the
testimony, the Dean of Students and/or the dean’s designee, the general counsel or
the general counsel’s designee, the party bringing the charges against the student, the accused
student, the accused student’s advisor, and witnesses. Although the student charged with a violation
has the right to a public hearing, the chairperson of the UJC has the discretion to refuse to admit to
the hearing any person whose conduct interferes with the hearing. Any party can request that
witnesses be removed from the hearing when they are not giving testimony. In hearings involving
more than one accused student, the chairperson of the UJC has the discretion to permit the hearings
concerning each student to be conducted separately.

(2) If the accused student fails to appear at the hearing despite after
proper notice, DOS the party filing charges against the accused student shall present any
information, materials, and witnesses to the evidence in support its determination of a violation the
charges, and the UJC shall conclude based on the evidence whether it is more likely than not that the
accused student had violated the Student Code of Conduct. Based on the DOS presentation,
the UJC shall make its determination concludes that the student had violated the Student Code of Conduct, the UJC shall inform the parties in writing of its conclusion, its “findings of fact,”
and the right of the student to appeal the decision of the UJC.

(i) The Chair of UDCSRB shall ensure the smooth operations of the UDCSRB hearing, and may
remove any individual who disrupts the UDCSRB hearing.

(ii) The hearing board: (a) shall disregard any evidence secured by improper questioning or by illegal
search and seizure, (b) shall assume the innocence of the student charged with the violation and
shall place the burden of proof upon the party seeking disciplinary action, (c) shall base its findings and
decision exclusively upon proper evidence and testimony and upon facts that are universally
regarded as true (hearing boards should hear evidence on any disputed points; however, the board
may itself take notice of facts that everyone agrees are true; for example, evidence does not have to be
introduced to show it was dark if the act in question is clearly shown to have occurred at
midnight), and (d) must state its findings and its decision in writing. 10. DOS has the responsibility of
providing sufficient information, materials, and witnesses to support its assertion that the student violated the Student Code of Conduct. The student has no obligation to provide any information, materials, or witnesses, and is presumed to not have violated the Student Code of Conduct.

(k) Generally, the UDCSRB hearing shall be conducted in the following order:

(1) The Chair of UDCSRB will ask each individual present at the UDCSRB hearing to identify himself/herself by providing his/her name and role at the UDCSRB hearing.

(2) The Chair of UDCSRB will remind the student of:

(i) the right to have an advisor,
(ii) the right to refuse to speak as a witness, and
(iii) that the refusal to speak as a witness will have no bearing on the question of whether
the student violated the Student Code of Conduct and may not be used to conclude that a
violation occurred.
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(3) DOS will have the opportunity to make any opening remarks.
(4) The student will have the opportunity to make any opening remarks.
(5) DOS will have the opportunity to present any information, materials, and witnesses.
   (i) The student and UDCSDRB members will have the opportunity to ask questions of any
       witnesses, except as described in C-4 k(5)(ii) below.
   (ii) When the allegations involve sexual harassment or gender-based harassment, neither
       the student nor his/her advisor may be permitted to directly question the persons injured by
       the alleged violation. Instead, questions from the student or his/her advisor may be
       submitted in writing to the Chair of UDCSDRB who will ask any questions determined to be
       relevant.
(6) The student will have the opportunity to present any information, materials, and witnesses.
   (i) DOS and UDCSDRB members will have the opportunity to ask questions of any witnesses.
(7) DOS will have the opportunity to make any closing remarks.
(8) The student will have the opportunity to make any closing remarks.
(9) DOS will have the opportunity to respond to the student’s closing remarks
(10) The UDCSDRB shall meet in a closed session to discuss and make its decision. The
     chairperson of the SDRB, or the designee in the event of absence of the chairperson, is
     permitted to vote only in the event of a tie vote.

C-5. Results of UDCSDRB Review.

b) Within 3 days of completing its adjudication, a review of the DOS determination, whether through
   written submission only or through a hearing, UDCSDRB will issue a written determination of its
   findings to the student and DOS.
   (1) The UDCSDRB decision must be based on a majority vote.
   (2) For UDCSDRB review of matters involving sanctions other than suspension, expulsion,
       withholding or revoking a degree, the UDCSDRB decision must (i) identify the stated basis for
       UDCSDRB review, (ii) state the UDCSDRB’s conclusion as to that basis, and (iii) identify the facts,
       conduct, or circumstances it found to support its conclusion.
   (3) For UDCSDRB review of matters involving sanctions of suspension, expulsion, or withholding
       or revoking a degree, the UDCSDRB decision must (i) state whether the DOS conclusion that the
       student more likely than not violated the Student Code of Conduct is supported by the
       information, materials, and witnesses presented at the UDCSDRB hearing, and (ii) identify the
       facts, conduct, or circumstances it has found to support its conclusion.
   (4) UDCSDRB can: (i) uphold the decision and sanction(s), (ii) uphold the decision but revise the
       sanctions, or (iii) return the matter to DOS for reinvestigation and reconsideration, or (iv).
   (5) UDCSDRB may dismiss the decision and the sanctions after consulting with UI’s Office of General
       Counsel.

As students whose sanctions do not include suspension, expulsion, or withholding or revoking a
degree, the UDCSDRB decision is the final institutional decision and any sanctions go into effect
immediately as of the date of the initial determination by DOS. Such UDCSDRB decision may be
appealed to the Board of Regents in accordance with section C-910.

As to students whose sanctions do not include suspension, expulsion, or withholding or revoking a
degree, the student may request, in writing, additional a review of the UDCSDRB decision by the
Faculty Senate.

C-6. Requests for Additional Review by Faculty Senate.
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**a.** Students may request additional review by the faculty senate of the UDC decision.

1. Written requests for additional faculty senate review are accepted and must be delivered to DOS no later than 3 days after the student is provided notice of the UDC determination via email, or 5 days after the student is provided notice of the UDC determination via regular mail.

2. The written request for additional review must cite at least one of the following reasons for additional review and must provide supporting arguments and documentation as to why a faculty senate request for additional review should be granted on those grounds:

   - UDCSDRB could not reasonably determine that there was no substantial and detrimental failure to properly investigate by DOS;
   - UDCSDRB could not reasonably determine that there was no clear factual error that would prevent concluding that a violation of the Student Code of Conduct occurred;
   - UDCSDRB could not reasonably determine that the sanctions are not excessive for the violation given the circumstances. (NOTE: Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision);
   - UDCSDRB could not reasonably determine that no new information that could substantially affect the outcome of DOS's investigation and determination has been discovered since the determination was made. (NOTE: The information must have been unavailable at the time of DOS's investigation. Failure to inform DOS of information that was available is not grounds for requesting additional review under this provision);
   - UDCSDRB could not reasonably determine that DOS did not commit a substantial procedural error that materially impacted its investigation and determination to the student's detriment.

3. DOS shall provide the Faculty Secretary Senate Leadership with all received requests for additional senate review, along with a statement of whether DOS believes each received request meets the requirements above.

4. The Faculty Senate Leadership shall review each request for additional review within 5 days of receipt and make an initial determination of whether the request meets the requirements above. (1) For requests that fail to meet the requirements above, the Faculty Senate Leadership will deny the request and inform the student, the Chair of UDCSDRB, and DOS of its decision. The determination made by the UDC and the sanctions imposed will become final, this is deemed a final institutional decision, and the student may request a review by the Board of Regents in accordance with C-9, within 5 days of receiving notice of the Faculty Senate Leadership denial.

   (2) For requests that meet the requirements above, the Faculty Senate Leadership will, within 10 days from receipt of the request, appoint five-three of its members to review the request for additional review as a review panel. The chair may not be a student. One of the non-student members is designated as chair of the review panel. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under additional review.

   (3) The additional senate review by the review panel is a review of the materials submitted only; there is no hearing, unless two of the three panel members agree, although the panel may request additional materials from the parties.

   (4) DOS will provide the senate review panel with the transcript/audio recording of the UJC hearing, is provided to the panel along with the DOS response to the student's submission within a

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**Comment [at71]:** 2450 D-1 two week to 3 days

**Comment [at72]:** DOS & 2450 D-5, and 2200 IV 11 c

**Comment [at73]:** 2450 D-5 – appellant submits a brief

**Comment [at74]:** (1) through (5) 2200 IV 11 a-d and DOS version, 2450 D-10

**Comment [at75]:** New.

**Comment [at76]:** First portion in “e” is new

**Comment [at77]:** comes from 2450 D-2

**Comment [at78]:** New, replaces 2450 D-4, D-5, D-7, D-8

**Comment [at79]:** DOS & 2450 D-6
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reasonable amount of time (generally no more than 5 days), and to both parties by Student Advisory Services.

C.7. Results of Additional Faculty Senate Review Panel by Faculty Senate.

a. Except in extraordinary circumstances, the review panel will review all materials submitted and provide a written decision to both parties within 10 days of receiving all the materials from DOS.

(1) The faculty review panel’s decision must (i) be based on a majority vote, (ii) identify the stated basis for faculty senate review, (iii) state the faculty senate’s conclusion as to that basis, and (iv) identify the facts, conduct, or circumstances it found to support its conclusion.

(2) The review panel can: (i) uphold the UDC/SDRB decision, (ii) uphold the UDC/SDRB decision but revise the sanctions, or (iii) return the matter to DOS for reinvestigation and reconsideration. Or to SDRB for reconsideration, or (iv) The review panel may dismiss the decision and the sanctions only after consulting with UI’s Office of General Counsel.

b. If the decision of the senate review panel is to uphold the UDC/SDRB decision the sanctions are effective immediately as of the original date of the UDC/SDRB/DOS determination.

C.8. Request for Additional Review by the President.

a. Students whose sanctions include suspension, expulsion, or withholding or revoking of a degree may request additional review of the faculty senate decision by the president of the faculty senate decision.

b. Written requests for additional review by the president are accepted and must be delivered to both DOS and the President’s office no later than 3 days after the student is provided notice of the faculty senate determination via email, or 5 days after the student is provided notice of the faculty senate determination via regular mail.

c. The president has complete discretion whether to engage in any additional review of the faculty senate decision, including what materials to consider and from whom.

d. The president’s decision after a review, or the president’s decision to decline to engage in any review, is the final institutional decision.

C.9. Requests for Review by the Board of Regents. Any student may appeal a final institutional decision to the Board of Regents in accordance with Idaho State Board of Education Governing Policies and Procedures Section III.P.18.

D. Sanctions

D.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. **Administrative fees**: Minimum of $150.

h. **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.

i. **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.

j. **University Expulsion**: Permanent separation of the student from the University.

k. **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.

l. **Withholding Degree**: The University may withhold awarding a degree otherwise earned until the completion of all sanctions imposed.

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

**D-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.

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

**D-5.** The Regents of UI adopted guidelines for enforcing campus alcohol regulations and restrictions which include sanctions for violation of these regulations and restrictions. Minimum sanctions for violations of Article VIII, Sections 1 and 2 of the Student Code of Conduct are listed below. These sanctions below are the representative minimum sanctions imposed on students who have violated alcohol restrictions as described in the Student Code of Conduct standards and more severe sanctions may be applied. [See next page.]

**D-6.** The University may notify parents of students under the age of 21 when a student has been found to have committed a drug or alcohol-related violation. Sanctions for Alcohol Related Violations: The student will be responsible for administrative and educational costs of any and all sanctions imposed for alcohol related violations.

**D-7.** Sanctions imposed for alcohol related violations:

<table>
<thead>
<tr>
<th>First Infraction</th>
<th>Sanction</th>
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<tbody>
<tr>
<td>Open container or minor in possession violations.</td>
<td>Completion of educational program.</td>
</tr>
<tr>
<td>Illegal distribution of alcohol.</td>
<td>Completion of community service, period of probation, and educational programs.</td>
</tr>
</tbody>
</table>

**Second Infraction**: Without injury; or without conduct likely to lead to injury.

<table>
<thead>
<tr>
<th>Sanction</th>
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<tr>
<td>Completion of a treatment and/or educational program.</td>
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<table>
<thead>
<tr>
<th>Second Infraction</th>
<th>Sanction</th>
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<tr>
<td>With injury; or conduct likely to lead to injury.</td>
<td>Completion of a treatment and/or educational program.</td>
</tr>
</tbody>
</table>
Sanction: Notification to the criminal justice system, strict probation, and, a treatment or educational program.

Third Infraction: Without injury; or without conduct likely to lead to injury.
Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.

Third Infraction: With injury; or conduct likely to lead to injury.
Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, referral to the criminal justice system and expulsion from the institution for one year.

**E. Interim Suspension**

In certain circumstances, the Dean of Students may impose an interim suspension on a student prior to completing the investigation described in C-1 e. The interim suspension is effective immediately. During the interim suspension, the 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.

**E-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;

c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

**E-2.** A student placed on interim suspension shall be given written notice of this action, which shall include:

a. the reasons for the interim suspension, and

b. information concerning the right to appeal the decision for interim suspension.

**E-3.** Interim Suspension Review Process:

a. The student must submit a written document to DOS outlining the basis for the review and supporting documentation and/or other information.

b. The DOS will submit all documents received, as well as DOS response, to the Chair of UDCSDRB within 1 day of receiving the student’s documents.

c. The Chair of UDCSDRB and at least two other UDCSDRB members will review all submitted materials and render a decision within 3 days. This decision is a final institutional decision subject to review by the Board of Regents in accordance with C-9 but not subject to further review.