University of Idaho
2013-2014 FACULTY SENATE AGENDA

Meeting #23

3:30 p.m. - Tuesday, April 8, 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 #22, April 1, 2014 (vote)

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.
   • Report on Reclassification and Presidential Home (Smith)
   • Position Description Questionnaire (Walters)
   • FS-14-044: FSH 3840 – Procedures for Faculty Appeals (Nelson)(FYI)

VI. Committee Reports.

VII. Special Orders.

VIII. Unfinished Business and General Orders.

   University Judicial Council: (Shook)
   • FS-14-001rev: FSH 2300 – Student Code of Conduct (vote)
   • FS-14-043: FSH 2300 – Student Code of Conduct current policy redline (vote)
   • FS-14-027rev: FSH 2305(2400) – Disciplinary Process for Violations of Student Code of Conduct (vote)
   • FS-14-030: FSH 2350 – Sexual Harassment & Sexual Violence Pertaining Specifically to Students (vote)
   • FS-14-042: FSH 2100 – The Student and the University (vote)

IX. New Business.

X. Adjournment.

Professor Trish Hartzell, Chair 2013-2014, Faculty Senate

Attachments: Minutes of 2013-2014 FS Meeting #22
              FS-14-001rev, FS-14-027, 030, 042, 043, 044
Present: Aiken (w/o vote), Awwad-Rafferty, Bird, Cobb, Couture (Boise), Davis, Eckwright (w/o vote), Empey, Flores, Frey, Gunderson, Hartzell (chair), Karsky, Miller, Morra, Ostrom, Pendegraft, Perret, Qualls, Safaii, Stuntzner (Coeur d'Alene), Wolf, Ytreberg

Absent: Brandt, Latrell, Manic, Murphy, Pregitzer, Smith, Stoll

Guests: 9

A quorum being present, Senate Chair Hartzell called the meeting to order at 3:35pm.

Minutes: It was moved and seconded (Frey, Cobb) to approve the minutes of meeting #21. Motion carried.

Chair Hartzell asked senators to make a change to the order of agenda items and move Professor McDaniel up on the agenda. It was moved and seconded (Pendegraft, Awwad-Rafferty) to make the agenda change. Motion carried unanimously.

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

- Congratulations to those senators who were tenured and promoted this spring: Michael Murphy, Robert Perret, SeAnne Safaii and Kat Wolf.
- Senate leadership attended President Staben’s first breakfast for progress on March 30.
- Tobacco Task Force met earlier today. The current proposal is to be a tobacco-free campus by August 24, 2015. This timing will coincide with WSU’s plans for a tobacco-free campus, as well.
- Last week senate approved an online-teaching minor/endorsement proposal from the College of Education. This proposed endorsement was later denied by the Professional Standards Committee due to insufficient credits. As a result, this item will neither be on the agenda for the University Faculty Meeting nor on a General Policy Report at this time. We may see it again in the future after the credit hours problem has been addressed.
- UI Librarian Devin Becker has won the 13th annual A. Poulin, Jr., poetry prize for his first collection *Shame Shame* which comes with an honorarium and book publication by literary publisher BOA Editions, Ltd.
- Chair Hartzell attended the Conciliation Agreement anniversary celebration and Virginia Wolf Awards ceremony at the UI Women’s Center today. Award winners this year: Kaitlin Moroney, Yolanda Bisbee and Deb Payne.
- The 2014 Borah Symposium began today with a Renfrew Colloquium presentation by Jay Winter, professor of history at Yale University. The topic for this year’s symposium is “Legacy of WWI”. Other speakers for the 2014 Borah Symposium include Dr. Priya Satia, Stanford University, General Richard Myers, former chairman of the Joint Chiefs of Staff, and UI professors Rick Spence and Scott Minnich. For more information about these and other events: [http://www.uidaho.edu/class/borah/borah-2014-schedule](http://www.uidaho.edu/class/borah/borah-2014-schedule)
- Professor Scott Gilbert, Swarthmore University, will be giving a talk this evening about the connection between science and religion.
- David Lee-Painter, professor of theatre arts, will be giving a TED (Technology, Entertainment, Design) talk titled “Being the students we hope to develop” on Thursday, April 3, at 12:30 in the Commons Clearwater room.
- Thursday, April 3, is the “Designing for Social Impact” signature event for the College of Art & Architecture. Senator Awwad-Rafferty is the organizer for this daylong interactive symposium. For more information: [http://www.inspiringdesignfutures.org](http://www.inspiringdesignfutures.org)
**Provost’s Report.** Provost Aiken had no additional items for today’s report.

**Dual Career Accommodation Report.** Chair Hartzell then introduced the next agenda item, dual career accommodation. Chair Hartzell noted that Dr. Carmen Suarez, chief diversity officer and associate vice president for student affairs, keeps track of dual career accommodations and in many cases gives final approval of them. Faculty senate is interested in this policy and may want to make improvements to it to ensure that it does not negatively impact any group on campus. Some concerns include the perception that this policy (FSH 3085) takes away FTEs designated for certain programs and may remove staff positions from existing staff who may be interested in applying for a position. Dr. Suarez distributed a dual career accommodation report with data for the past four years and she explained that dual-career academics constitute the majority of accommodations. She added that this is a thorny issue for many institutions of higher education, but that dual career hires are important and even with a policy to guide us, these are handled on a case-by-case basis.

Dr. Suarez responded to senators’ questions and comments as follows:

- **What is the opinion of the Office of Human Rights, Access & Inclusion on strengthening this policy such that accommodations become the norm rather than the exception? Is there a mechanism used by other institutions that might be adapted for use here at UI?** There is no mechanism but UI should “take a bow” for having a policy rather than addressing this on a case-by-case basis. There will always be tension particularly for staff lines when we are either creating a position or filling a vacant position. We do it because dual career accommodations really matter to the institution.

- **How many dual career requests do we not accommodate?** I do not keep track of that but there are two kinds: (1) we provide an accommodation but they do not accept the offer; (2) we do not provide an accommodation for various reasons, such as a lack of money in the department where the person to be accommodated would need to go. The only other place to get money is from the provost who would work with the other vice presidents – sometimes there is no funding for it or sometimes there is no real interest.

- **Could you talk about opportunities presented by our proximity to WSU – another land-grant institution?** Some UI units have very close ties to their colleagues at WSU, but this is not true of all UI units. There is a more robust way to do this with surrounding institutions, such as WSU, Lewis-Clark State College, North Idaho College, and some of the larger private employers, but our efforts need to be more intentional. My office should be leading this but there are time and staffing issues; and faculty senate should lead this effort, too.

- **Could you describe the accommodation made for academic administration in 2013-2014 where the type of accommodation was “staff by search waiver to vacant position”?** This was a vacant position and the unit had the money but had not yet done a search for it. This was a search waiver for a permanent position.

- **As a follow-up to the previous question, this is the type of situation that staff are concerned about – where we give an outside search waiver to a vacant position. It appears that this is the only one that has been handled that way? Correct. Others follow the specific procedures of not going beyond a three-year term employment. It is important to point out that faculty accommodations are all by search waiver.

- **If we were to create a mechanism to generate a pool of money for the provost to use for these accommodations, how much money would we need?** I am not sure that it is necessary to create a pool of money. I know of only a couple of requests that have been turned down and in those cases it was more of a match issue than anything else and the provost would not have been the one to make the accommodation, anyway. The provost has participated in some of these over the past four years.
Chair Hartzell then invited Professor Paul McDaniel, chair of the Faculty Affairs Committee (FAC), to speak about a bundle of five items forwarded by FAC as seconded motions. Professor McDaniel said these originally came to FAC two years ago and the impetus for change had to do primarily with instructors. While working on the policies, FAC found a lack of clarity in some wording about both instructors and clinical faculty.

**FS-14-036: FSH 1565 – Ranks & Responsibilities.** Proposed changes to FSH 1565 include:

- Increase the cap on the number of instructors in units from 15% to 25%. This will enable some units to come into compliance with the cap percentage and those that continue to be out-of-compliance will be closer to compliance. We put the cap at this level because we want to retain tenured faculty at UI and not over-rely on other types of faculty.
- Move language about promotion and review for instructors and clinical faculty to another FSH 3560.
- Provide a definition for the term “instructor.”

Professor McDaniel responded as follows to senators’ questions and comments:

- What would prevent a dean from hiring clinical faculty and avoid the cap on instructors in that way? There is nothing to prevent it. Provost Aiken added that the quality of our instruction and research is dependent upon tenured and tenure-track faculty of professorial ranks. It is in all of our interests to be attentive to this as part of our goal.
- Who oversees enforcement of the cap? Provost Aiken said that the Provost’s Office does not calculate the percentages of instructors in units and that it would be difficult to do so – who do you count? Also, there are no staff to put time into this endeavor.
- A senator observed that in past senate discussions and in this year’s FAC discussions, a goal was to be permissive rather than proscriptive and to give units as much flexibility as possible. Also, policy wording provides for unit bylaws to specify lower cap. Permutations are difficult to legislate and we want to rely upon the good intentions of department chairs, directors and deans to respect the spirit of the policy.
- Another senator expressed concern over how to vote on this item as his unit will continue to be over the cap, even at the new 25% figure.
- A senator noted that faculty in his college had brought this language to the attention of the dean and asked for action in response to it. The college has been waiting for resolution before rewriting college bylaws.

Motion carried 14-0 with six abstentions, including abstentions by senators Flores and Miller.

**FS-14-037: FSH 1590 – Unit Bylaws.** Proposed changes to FSH 1590: Require tenure-track faculty to serve on review committees for non-tenure track faculty. Motion carried, 18-0.

**FS-14-038: FSH 3320 – Annual Evaluation.** Proposed changes to FSH 3320: Add inclusive language ensuring that all faculty go through a review by their peers. Also, tenure-track faculty will be made aware that annual evaluations are included in the promotion and tenure packets. Motion carried, 17-0.

**FS-14-039: FSH 3560 – Promotion.** Proposed changes to FSH 3560:

- Remove mandatory “up-or-out” language for instructors (FSH 3560 D-1). In current policy, after three years instructors are required to go forward for promotion to senior instructor. The 15% cap on instructors affects this matter, too, and as a result this is a policy to which units do not adhere.
- Changes allow an instructor to remain an instructor and not go forward for promotion to senior instructor.
• Instructors, senior instructors, lecturers and clinical faculty qualify for voting privileges and will be subject to periodic performance review by tenure-track faculty.

Professor McDaniel responded as follows to questions and comments:

• Provost Aiken inquired about the review schedules for periodic, third-year, and other reviews for various faculty as proscribed by this policy. It is challenging to know when these various faculty are scheduled for review. Under current policy clinical faculty are supposed to be reviewed and considered for promotion on the same schedule as other faculty. We lack language requiring instructors to be evaluated and we have addressed that problem with this proposed language: “Instructors who do not seek promotion shall be reviewed at the end of their third year (FSH 3570) and at a minimum of every five years thereafter as determined by the unit’s bylaws.”

• Amendments to the clinical faculty policy with the provision for promotion were adopted in spring 2011. In our unit the first cohort of clinical faculty were hired in 2012 and these clinical faculty will be coming up for third-year review in 2014-2015 academic year.

• The first sentence of D-1 reads “Each unit will develop criteria for promotion and review of its instructors which will be consistent with that followed by the unit, college and university for tenure-track faculty.” This may be interpreted to suggest that expectations for tenure-track faculty also apply to instructors. [Another senator agreed this language could be cause for confusion.] The intent was to ensure that instructors have a review process and the criteria based on the information we could put together would be extremely varied. The intent was to allow units to determine appropriate means of evaluation through their bylaws.

FSH 3560 E-1 provides for each unit to establish criteria that are consistent with criteria in FSH 1565 C for promotion in rank. I do not feel the language in D-1 is a serious concern.

A senator proposed the following amendment to D-1 based upon this discussion and based upon parallel construction found in FSH 3560 D-4 (new D-2), Clinical Faculty: keep the language “Each unit will develop criteria for promotion and review of its instructors” and delete the remainder of the proposed language in that sentence.

It was moved and seconded (Cobb, Pendegraft) that we strike the last portion of the first line in D-1 so that it will now read: “Each unit will develop criteria for promotion and review of its instructors.” Motion to amend carried, 18-0. Motion to approve amended FSH 3560 carried, 18-0.

FS-14-040: FSH 3570 – Professional Portfolio. Proposed changes to FSH 3570:

• Added language “as defined in their position description” to sentence about professional portfolios.

• Instructional or extension faculty will show evidence of course content evaluation by tenure-track faculty in their professional portfolios.

Motion carried, 17-0.

Faculty-at-Large – Law Library Faculty. Chair Hartzell invited Professor Ruth Funabiki, UI law library, to speak about a change in College of Law bylaws that has moved UI’s four law librarians from the Faculty-at-Large to the College of Law faculty. Professor Funabiki said the Faculty Affairs Committee (FAC) has reviewed this change and found it consistent with FSH policy and in the best interest of the law library faculty and College of Law. For faculty governance purposes, representation for the law librarians will change from Faculty-at-Large to College of Law. In response to a senator’s question, Chair Hartzell said this change will not affect the number of senators on senate. It was moved and seconded (Cobb, Perret) to endorse this change. Motion carried, 19-0.
FS-14-032. FSH 1640.93 – University Judicial Council. Two items from Committee on Committees (ConC) come as seconded motions. Vice Chair Marty Ytreberg, chair of ConC, spoke briefly about three proposed changes to University Judicial Council (UJC):

- Name change from UJC to Student Disciplinary Review Board (SDRB) – wording change from “council” to “board.”
- Remove “at least two of which must be students” from quorum requirements. There have been times in the past when student committee members were unable to attend hearings which resulted in delays for the process.
- Added language for identifying alternates for SDRB. Alternates will be selected from previous members of UJC/SDRB.
- Minor edit to correct “SDBR” to “SDRB” in B. Structure and Membership.

A senator inquired whether removing the student quorum requirement would result in losing students' voice on SDRB? Vice Chair Ytreberg said the students' voice would remain because SDRB composition is five faculty, five undergraduate students and one graduate student. Motion carried, 20-0.

FS-14-041. FSH 1620 – University-level Committees. This proposed change is to make 1620 conform to today’s approved changes to 1640.93 regarding quorum requirements. Motion carried, 20-0.

FS-14-030: FSH 2350 – Sexual Harassment & Sexual Violence Pertaining Specifically to Students.
FS-14-042: FSH 2100 – The Student and the University.

Chair Hartzell then invited Professor Steve Shook, chair of UJC, to speak about FSH 2300 and FSH 2350. FSH 2300 was introduced at the previous senate meeting and FSH 2300 and FSH 2350 come in tandem. There have been a few language changes to FSH 2300 since last week’s meeting to make it consistent with FSH 2100, FSH 2200 and FSH 2400 – which have already been approved.

Other changes include moving some elements within FSH 2300 to improve the overall flow of the document and changing some language from legal/law-oriented language to disciplinary process language.

General Counsel has looked at this document. The associate dean of students has asked for more specific language in A-1 defining “consent” as well as additional language in A-7.

Chair Hartzell invited Craig Chatriand, associate dean of students, to speak to these additional language change requests. Mr. Chatriand would like to add the following to Article I, A-1: “Consent to any one form of sexual activity is not consent to any other form of sexual activity.” This language is recommended by the association of Title IX administrators. Mr. Chatriand would like to add the following to Article II, A-7: “Being in the presence of others using controlled substances is also a violation of this code.” This is known as “frequenting” when police write a ticket for it and it applies to someone who is engaged with a group that is using drugs, for example.

It was moved and seconded (Cobb, Ytreberg) to accept proposed language modifications in A-1 and A-7.

A senator observed that the suggested language for Article II, A-7 may get us into trouble. The senator is certain that on many occasions he has been in the presence of students who are using drugs. For example, there may be students in his classes who are using drugs. Other students should not be held accountable for the drug-using students’ behavior. We need to word that language very carefully. Professor Shook agreed that the term “frequenting” is an ambiguous term and could lead to a slippery slope in this policy.
After further discussion it was moved to strike the proposed language modifications to Article II, A-7. Motion carried, 19-0.

It was moved to accept the policy with the amendment to A-1. Motion carried, 19-0.

Senators then discussed language in A-7-c which forbids students from possessing or consuming alcoholic beverages under any circumstances in areas open to the public. It was pointed out that this applies even to those students who are 21-years or older. Is this the intent of this policy? Are 21-and-older students not allowed to consume alcoholic beverages in public areas during university events? After further discussion, it was moved and seconded (Pendegraft, Couture) to modify this paragraph with the addition of an introductory phrase “Except at university-sanctioned events,” to the sentence that currently begins “Alcoholic beverages may not be possessed or consumed by any student under any circumstances ... “ Motion carried, 19-0.

It was moved and seconded (Qualls, Davis) to delay voting on all of these items until next week. Motion carried, 18-1.

**Adjournment:** It was moved and seconded (Wolf, Awwad-Rafferty) to adjourn at 5:11pm. Motion carried.

Respectfully submitted,

Gail Z. Eckwright
Secretary to Faculty Senate and Faculty Secretary
POLICY COVER SHEET

(See Faculty Staff Handbook 1460 for instructions at UI policy website: www.webs.uidaho.edu/uipolicy)

[3/09]

Faculty/Staff Handbook [FSH] □ Addition □ Revision* □ Deletion* □ Emergency
Minor Amendment □

Chapter & Title: FSH 3840 – E-3

Minor Amendment □

Chapter & Title:

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to apm@uidaho.edu or fsh@uidaho.edu respectively.

*Note: If revision/deletion request original document from apm@uidaho.edu or fsh@uidaho.edu, all changes must be made using “track changes.”

Originator(s): Kent Nelson March 30, 2014
(Please see FSH 1460 C)

Name Date

Telephone & Email: kentnelson@uidaho.edu 885-6125

Policy Sponsor: (If different than originator.) Greg Walters

Name Date

Telephone & Email: gregwalters@uidaho.edu April 4, 2014

Reviewed by General Counsel ___ Yes ___ No Name & Date: ____________________________

I. Policy/Procedure Statement: Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

FSH 3840 (Faculty Grievances) has an out dated section that indicates a faculty has the right to appeal to the Regents as part of the University’s grievance process; citing to RGPIIM2. However, in 2011, the Regents/SBOE passed a revision to this policy clearly stating that the decision of the University chief executive officer is the final decision on all human resource matters and there is no appeal to the board.

II. Fiscal Impact: What fiscal impact, if any, will this addition, revision, or deletion have?

III. Related Policies/Procedures: Describe other policies or procedures existing that are related or similar to this proposed change.

IV. Effective Date: This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: ____________________________________________

Policy Coordinator
Appr. & Date: ____________________________
[Office Use Only]

FSH
Appr. ____________
FC ____________
GFM ____________
Pres./Prov. ____________
[Office Use Only]

APM
F&A Appr.: ____________
[Office Use Only]

Track #: ____________
Date Rec.: ____________
Posted: t-sheet ____________
h/c ____________
web __________________
Register: __________________
(Office Use Only)
E. PROCEDURES FOLLOWING THE HEARING. [ren. 7-08]
E-1. The findings and recommendations of the hearing board are reported promptly in writing to the faculty member, his or her departmental administrator and dean, the provost, and the president. [rev. 7-99, ed. 7-02, ren. 7-08]
E-2. The president, following receipt of the report of the hearing board, has the responsibility of promptly responding in writing—and in any case within 45 days—to the faculty member, and the hearing board, and of providing a statement of the rationale for his or her decision. [rev. 7-99, ed. 7-02, ren. 7-08]
E-3. **No Appeal to the Regents.** The Regents have delegated authority for personnel matters to the president (RGPIIB2b), specifically stating that employee grievances are not appealable to the Board. (RGPIIM2)RGPIIM2.b. A nonclassified employee may elect to petition the Board to review any final personnel related decision of the chief executive officer. Any written petition must be filed in the Office of the State Board of Education within fifteen (15) calendar days after the employee receives written notice of final action under the internal procedures of the institution, agency, school, or office. The Board may agree to review the final action, setting out whatever procedure and conditions for review it deems appropriate, or it may choose not to review the final action. The fact that a written petition has been filed does not stay the effectiveness of the final decision nor does it grant a petition for review unless specifically provided by the Board. Board review is not a matter of right. An employee need not petition the Board for review in order to have exhausted administrative remedies for the purposes of judicial review. [add. 7-02, ren. 7-08]
E-4. The chair of the board shall report annually to the Faculty Senate regarding the nature of the matters considered by the board during the preceding year. [add. 7-99, ren. 7-02, 7-08, ed. 6-09]
1. Classified Employees

Provisions for grievance and appeals procedures for classified employees are provided for in Chapter 53, Title 67 Idaho Code and the rules of the State Division of Human Resources. The University of Idaho shall, to the extent practical, provide for similar grievance and appeals procedures for its classified employees.

2. Non classified Employees (including Faculty Employees)

Each institution and agency must establish internal policies and procedures to provide for grievances and appeals for human resource matters. Such policies and procedures shall be forwarded to the Executive Director for review and maintenance on file in the Office of the State Board of Education. Internal procedures must include the following elements:

a. provision for informal resolution;
b. procedures for filing a formal, written complaint;
c. reasonable time requirements;
d. a description of the hearing body; and
e. requirements for retention of records.

Pursuant to Board Policy II.B.2.b., the Board delegates authority for personnel management to the chief executive officers. Accordingly, human resource matters are not appealable to the Board.
1. Nothing herein may be construed to be in limitation of the powers of the Board as defined by Sections 33-3006, 33-3104, 33-2806, and 33-4005, Idaho Code, or as otherwise defined in the Idaho Constitution or Code.

2. Delegation of Authority

   a. The Board delegates all authority for personnel management not specifically retained to the executive director and the chief executive officers consistent with the personnel policies and procedures adopted by the Board. In fulfilling this responsibility, the executive director and chief executive officers, or their designees, may exercise their authority consistent with these policies and procedures. Provided, however, that the Board retains the authority for taking final action on any matter so identified anywhere in these policies and procedures.

   b. Within the general delegation of authority in the preceding paragraph a. above, the chief executive officers shall have the authority to manage, supervise and control the personnel and human resources of the institutions and agencies. Organizational structure, duty assignments, place of work, shift placement, salaries, work hour adjustments, benefit determinations, reductions in force and all similar and related work place decisions are the prerogative of the chief executive officers except or unless as limited by other applicable provisions of Board or institutional policy.

   c. Without limiting the general description of b. above, the authority delegated to each chief executive officer includes the authority, in the chief executive officer's discretion, to reduce expenditures to respond to financial challenges (without a financial exigency declaration by the Board) and to maintain sound fiscal management. In such cases, the chief executive officer may take employment actions which are uniform across the entire institution, or uniform across institution budgetary units, but may not include actions requiring a financial exigency declaration by the Board. Such actions may include work hour adjustments such as furloughs or other unpaid leave as long as such are uniform across budgetary units or uniformly tiered as applied to certain salary levels or classifications. Work hour adjustments may be pro-rated based on annual salary levels to equitably reduce the financial hardship of the adjustments on lower level employees. Institutions shall adopt internal policies for implementing the employment actions in a manner consistent with the Board’s policies and procedures, and furnish these policies to the Board.

   d. In implementing any such actions described in the preceding paragraph c. above, the institution shall seek the input from the faculty, non-classified staff and classified staff employee groups. Such groups will be given at least twenty-one (21) calendar days to provide their input on the proposed actions as provided for
in the policies of the institution. The institution shall, once such input is taken and considered by the chief executive officer, establish procedures that provide for at least thirty (30) days written notice prior to the effective date of the action and an opportunity for an affected employee to be heard. The notice must include the effective date of the employment action, a statement of the basis for the employment action, and a description of the process to be heard. Such process shall be comparable to the process for review described in Board Policy II.N.7.a. The employee may contest the action only based on whether the action, with respect to that employee, violates the procedural requirements of this policy, applicable institutional policy or constitutional or statutory protections for that employee. The employee may not challenge the chief executive officer’s determination that a reduction in budgetary expenditures is necessary, nor contest the chief executive officer’s chosen means of addressing the reduction need, unless such means violate constitutional or statutory protections for the employee.

3. Specifically Reserved Board Authority

(Note: This is not an exclusive or exhaustive list and other reservations of Board authority may be found in other areas of these policies and procedures.) Board approval is required for the following:

a. Position Authorizations

   Any position at a level of vice-president (or equivalent) and above, regardless of funding source, requires Board approval.

   Agenda Item Format: Requests for new position authorizations must include the following information:
   i. position title;
   ii. type of position;
   iii. FTE;
   iv. Term of appointment;
   v. Effective date;
   vi. approximate salary range;
   vii. funding source; and
   viii. a description of the duties and responsibilities of the position.

b. The initial appointment of an employee to any type of position at a salary that is equal to or higher than 75% of the chief executive officer’s annual salary.

c. The employment agreement of any head coach or athletic director (at the institutions only) longer than one year, and all amendments thereto.
d. The criteria established by the institutions for initial appointment to faculty rank and for promotion in rank, as well as any additional faculty ranks and criteria as may be established by an institution other than those provided for in these policies (see subsection II. G.) Any exceptions to the approved criteria also require Board approval.

For the procedures established for periodic performance reviews of tenured faculty members see subsection II. G.
PREAMBLE. The university disciplinary system is part of the educational process of students focusing on behavior within a community. Sanctions are imposed for violations to the Student Code of Conduct to teach students how to be better and more responsible members of a community. Sanctions also serve to protect the UI community. The Student Code of Conduct is UI's manifestation of Section III, P-12, of the State Board of Education's Governing Policies and Procedures which states: 'Each institution will establish and publish a statement of student rights and a code of conduct. The code of student conduct must include procedures by which a student charged with violating the code receives reasonable notice of the charge and is given an opportunity to be heard and to present testimony in his or her defense. Such statements of rights and codes of conduct, and any subsequent amendments, are subject to review and approval by the chief executive officer.' The original of this code was created during the 1969-1970 school year. It was amended, at the suggestion of an ad hoc Faculty Senate committee in July 1992, July 1993, July 1998 (Article II), and July 2005 (Article II, Section 2). Unless otherwise noted, the text is as of July 1996. For further information, contact the Dean of Students (208-885-6757).

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

A. Definitions:

A-1. Consent: as used in this code, is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent. Consent to any one form of sexual activity does not imply consent to any other form of sexual activity.

A-2. DOS: the Office of the Dean of Students, which is responsible for the administration of the Student Code of Conduct, and includes the Dean of Students and his/her designees.

A-3. Disciplinary action: any sanction imposed for misconduct pursuant to FSH 2400.

A-4. Educational Setting: refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

A-5. Policy: the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Hall Handbook, the Apartment Handbook, the University web pages and computer use policy, and Graduate/Undergraduate Catalogs.

A-6. Student: includes all persons admitted to the University, either full-time or part-time, to pursue undergraduate, graduate, or professional studies, and includes non-degree seeking students. The following persons are also considered “students”:
   a. Persons who withdraw after allegedly violating the Student Code of Conduct;
   b. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;
   c. Individuals participating in the American Language and Culture Program;
   d. Individuals participating in Independent Study of Idaho sponsored by the University of Idaho or taught by a University of Idaho instructor.
A-7. Student Code of Conduct: herein referred to as “Code”.

A-8. University Official: includes any person employed or contracted by the University performing assigned duties.

B. Standards of Behavior. Attendance at the University of Idaho is optional and voluntary. When students enroll at the University, they voluntarily accept obligations of performance and behavior that are consistent with the University’s lawful mission, processes, and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

By enrolling at the University of Idaho, students voluntarily accept responsibility for compliance with all University policies, including but not limited to this Code. Disciplinary action may also be taken for any violation of local ordinances, state or federal law, or on or off campus conduct that adversely affects the University community or the pursuit of the University’s lawful educational mission, process, or function. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.

C. Purpose of the Code. The purpose of the Code 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. Extensive, organized, serious, or repeated violations of this Code are taken into account when determining sanctions.

D. Interpretation and Revision. Any question of interpretation regarding the Code shall be determined at the discretion of DOS in consultation with General Counsel. The Code shall be reviewed periodically under the direction of DOS.

E. Affirmative Action and Equal Opportunity. Please refer to FSH 3060 and 3065 for other relevant policies and procedures.

F. Nondiscrimination. Please refer to FSH 3200, 3210, 3215 for other relevant policies and procedures.

G. Applicability of the University Student Code of Conduct. The Code applies to students pursuant to FSH 2100.

ARTICLE II- PROSCRIBED CONDUCT.

A. Rules and Regulations. The following list describes actions that detract from the effectiveness of a University community and for which students are subject to disciplinary action. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary process outlined in FSH 2400:

A-1. Academic Dishonesty. Academic honesty and integrity are core values at a university and the faculty finds that even one incident of academic dishonesty may merit expulsion. Instructors and students are jointly responsible for maintaining academic standards and integrity in university courses. In addition to any disciplinary sanctions imposed under the Code, additional consequences for academic dishonesty may be imposed by the course instructor, including issuing a grade of “F” in the course. Any grade issued by the course instructor, whether as a result of academic dishonesty or not, constitutes an academic evaluation and is not disciplinary action. All instructors must report incidents of academic dishonesty to DOS by email or using the reporting form on DOS website. Acts of academic dishonesty include but are not limited to the following:

a. Cheating includes, but is not limited to, the following:

(1) using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations or other assignments, including copying from another’s quiz, test, examination, or other assignment or allowing another to copy from one’s own quiz, test,
A-2. Misuse of University Resources or Property, or Personal Property of others.

a. Theft or other abuse of University computer facilities or resources. This includes, but is not limited to, any of the following:

(1) Unauthorized entry into, or transfer of, a file.
(2) Using another individual's identification and/or password.
(3) Using computing computer facilities or resources:
   (i) to interfere with the work of another student, faculty member or University official,
   (ii) to send obscene or abusive messages,
   (iii) to interfere with the normal operation of the University computing system or resources, or
   (iv) in violation of copyright laws.
(4) Any violation of the University Computer Use Policy.

b. Attempted or actual theft of or damage to property of the University or of another person.

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

d. Unauthorized entry into or use of any University building, facility, vehicle, equipment room or area, including, but not limited to, unauthorized entry into any private office or space of a member of the faculty, staff, or student body, heating tunnels, elevator shafts, shops, mechanical rooms, trunk rooms, storerooms, roofs, fire escapes, and other restricted areas identified in APM 35.35.E.
e. Building or setting fire(s) without proper authorization as required by APM 35.25.

f. Removing or otherwise tampering with fire equipment or fire-alarm systems, or failure to promptly vacate building(s) when a fire alarm sounds.

g. Possessing or using firearms, explosives, other weapons, projectile or explosive devices, explosive substances, or dangerous chemicals in violation of APM 35.35 H.

A-3. Threat of Harm or Actual Harm to a Person's Physical or Mental Health or Safety. Living together in a university community requires respect for the rights of fellow members of that community to pursue their academic goals and to participate in lawful campus or University activities. As in any community, certain forms of responsible conduct must be adhered to in order to ensure the physical functioning and safety or security of that community.

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

b. Persistent or severe, verbal abuse, threats, intimidation, harassment, coercion, bullying, derogatory comments, vandalism, or other conduct that threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm. A single instance may be considered severe enough to merit sanctions.

c. Hazing, which includes, but is not limited to, any action or participation in any activity that (i) causes or intends to cause physical or mental discomfort or distress, (ii) may demean any person, regardless of location, intent or consent of participants, or (iii) destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are also violations of this rule.

d. Sexual misconduct, which is a broad term encompassing any non-consensual contact of a sexual nature (see Article I, Section A-1, for the definition of consent). Sexual misconduct may vary in severity, and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct (see APM 95.20 for more information about resources available and procedures for responding to sexual misconduct APM 95.20):

(1) Unwelcome sexual conduct. This includes, but is not limited to,

(i) touching an unwilling or non-consensual person’s intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same);

(ii) touching an unwilling or non-consensual person with one’s own intimate parts;

(iii) forcing an unwilling or non-consensual person to touch another’s intimate parts;

(iv) indecent exposure, which includes, but is not limited to, exposing one’s own intimate parts to an unwilling or non-consensual person; and

(v) voyeurism, which includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio, video, or photographic record of another person without his/her prior knowledge and without his/her effective prior consent when such a recording is likely to cause injury or distress to the other person, or involves the other person’s intimate parts or sexual conduct.
(2). Sexual violence, which refers to physical sexual acts perpetrated against another person’s will or where another person is incapable of giving consent or is incapacitated. This includes, but is not limited to,

(i) rape, which includes, but is not limited to, the unwilling or non-consensual penetration of another person’s bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another person’s mental or physical condition (such as intoxication, age, or disability) of which the assailant was aware or should have been aware;

(ii) sexual assault, which is the unwilling or non-consensual penetration of any bodily opening of another person with any object or body part;

(iii) sexual battery; and

(iv) sexual coercion.

All acts of sexual violence are also forms of sexual harassment.

e. Sexual harassment, which is defined as unwelcome conduct of a sexual nature (see FSH 3205 for the requirements of the consensual relationship policy). It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

(1) Submission to or rejection of such conduct or communication is a term or condition of educational benefits, employment, academic evaluations, or other opportunities;

(2) Submission to such conduct or communication has the purpose or effect of substantially interfering with a student’s education;

(3) Such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile or offensive educational environment or negatively affecting a student’s educational opportunities. A single instance may be considered severe enough to merit sanctions.

f. Gender-based and sexual orientation harassment (see FSH 3215), which is defined as any act of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex, sex-stereotyping, gender, or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

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


a. Discrimination, which includes conduct that violates the Board of Regent’s or the University’s nondiscrimination and antidiscrimination policies contained in FSH 3200, 3210, 3215.

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

A-5. Disruption, Obstruction, or Interference with Normal University Activities. Members of the University community have the right to a campus that is free from unreasonable disruption, obstruction, or interference. It is a violation of the Code to engage in any of the behavior described below.
a. Disrupting or obstructing normal University activities, including, but not limited to, all academic activities, University facilities or resources, disciplinary proceedings, University administration, and fire, police, or emergency services.

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

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

d. Obstruction of the free flow of pedestrian or vehicular traffic on campus.

e. Disorderly conduct, which is behavior that is disorderly, lewd, indecent, or a breach of peace.

f. Abuse of the student conduct system, which includes, but is not limited to, any of the following:

   (1) Failure to cooperate with DOS’s investigation, except when doing so would require the student to testify against himself or herself where the student failed to notify DOS that the student will not cooperate for this reason;

   (2) Falsifying, distorting, or misrepresenting information provided to DOS;

   (3) Disrupting or interfering with DOS’s investigation;

   (4) Making false allegations;

   (5) Attempting to discourage an individual’s proper participation in, or use of, the student conduct system;

   (6) Harassment (verbal or physical) or intimidation of any person participating in DOS’s investigation prior to, during, or after the investigation concludes;

   (7) Failure to comply with the sanction(s) imposed pursuant to FSH 2400.

g. Influencing or attempting to influence another person to commit any violation of the Code.

h. Failure to appear or refusal to speak as a witnesscooperate, which occurs when a student fails to appear or refuses to speak as a witness at a disciplinary proceeding or review, unless such testimony would require the student to testify against himself or herself, and fails to promptly notify the chair of SDRB that the student will not appear or speak for this reason.

A-6. Housing and Living Groups. Violations of any rules imposed by University Housing or living groups are also violations of the Code.


a. Smoking in violation of APM 35.28.

b. Using, possessing, manufacturing, cultivating, selling, or distributing any state or federally controlled drug, substance, or paraphernalia, including, but not limited to, marijuana, heroin, narcotics, or other controlled substances, in violation of any applicable law or University policy. Inhaling or ingesting any substance (e.g., nitrous oxide, glue, paint, etc.) that is intended to alter a student’s mental state without a prescription is also prohibited. See the University’s Drug and Alcohol Abuse Prevention and Education publication (available through the Office of the Dean of Students) for more information.

c. Consuming, possessing, manufacturing, or distributing alcoholic beverages in violation of any applicable law or University policy on public intoxication (see APM 80.01 for alcohol permit requirements). Alcoholic
beverages may not, in any circumstance, be consumed, or possessed by, or distributed to, any person under twenty-one (21) years of age. **Except at university sanctioned permitted events pursuant to APM 80.01.** Alcoholic beverages may not be possessed or consumed by any student under any circumstances on campus in areas open to the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of University-owned buildings or grounds.

**d. Public intoxication.**

**A-8. Violation of Laws or University Policy.** Any violation of University policy is a violation of the Code.

1. Any violation of federal law, state law, or local ordinance occurring on campus or on any University property is a violation of the Code.

2. Any violation of University policy is a violation of the Code.

**B. Violation of Law and University Discipline.**

**B-1.** University disciplinary action may be instituted against a student accused of conduct that potentially violates both the criminal law and this Code independent of the status of any civil or criminal litigation in court or criminal arrest and prosecution. When allegations include sexual harassment, sexual violence, sexual orientation, or gender-based harassment, University disciplinary action will be carried out promptly. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

**B-2.** When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense also gives rise to University disciplinary action, the University may advise off-campus authorities of the existence of the Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with University rules policies or sanctions. Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
PREAMBLE. The university disciplinary system is part of the educational process of students focusing on behavior within a community. Sanctions are imposed for violations to the Student Code of Conduct to teach students how to be better and more responsible members of a community. Sanctions also serve to protect the UI community. The Student Code of Conduct is UI's manifestation of Section III, P-12, of the State Board of Education's Governing Policies and Procedures which states: 'Each institution will establish and publish a statement of student rights and a code of conduct. The code of student conduct must include procedures by which a student charged with violating the code receives reasonable notice of the charge and is given an opportunity to be heard and to present testimony in his or her defense. Such statements of rights and codes of conduct, and any subsequent amendments, are subject to review and approval by the chief executive officer.' The original of this code was created during the 1969-1970 school year. It was amended, at the suggestion of ad hoc Faculty Senate committee in July 1992, July 1993, July 1998 (Article II), and July 2005 (Article II, Section 2). Unless otherwise noted, the text is as of July 1996. For further information, contact the Dean of Students (208-885-6757).

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

A. Definitions:

A-1. Consent: as used in this code, is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

A-2. DOS: the Office of the Dean of Students, which is responsible for the administration of the Student Code of Conduct, and includes the Dean of Students and his/her designees.

A-3. Disciplinary action: the process undertaken to resolve allegations of violations of the Student Code of Conduct, any sanction imposed for misconduct pursuant to FSH 2400.

A-4. Educational Setting: refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

A-5. Policy: the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Hall Handbook, the Apartment Handbook, the University web pages and computer use policy, and Graduate/Undergraduate Catalogs.

A-6. Student: includes all persons admitted to the University, either full-time or part-time, to pursue undergraduate, graduate, or professional studies, and includes non-degree seeking students. The following persons are also considered "students":

a. Persons who withdraw after allegedly violating the Student Code of Conduct;

b. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;

c. Individuals participating in the American Language and Culture Program; and

d. Individuals participating in Independent Study of Idaho sponsored by the University of Idaho or taught by a University of Idaho instructor.
Student as used in this code means:
a. all persons taking UI courses, both full-time and part-time and/or
b. all persons who are not officially enrolled for a particular term but have a continuing relationship with UI or
   intend to enroll in the next semester. (This provision is intended to include within the definition of students,
   those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and
   students who are first time enrollees who engage in misconduct prior to the time of enrollment.)

A-7. Student Code of Conduct: herein referred to as “Code”.

A-8. University Official: includes any person employed or contracted by the University, performing assigned
   administrative or professional responsibilities/duties.

A-9. University Premises: all land, buildings, facilities, and other property (including adjacent streets and
   sidewalks) in the possession of or owned, used, or controlled by (i) the University, and (ii) student groups or
   organizations.

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

C. Purpose of the Code. The purpose of the Code 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. Extensive, organized, serious, or repeated
   violations of this code Code are taken into account when determining sanctions.

D. Interpretation and Revision. Any question of interpretation regarding the Code shall be determined at the
   discretion of DOS in consultation with General Counsel. The Code shall be reviewed periodically under the
   direction of DOS.

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

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

G. Applicability of the University Student Code of Conduct. The Code applies to students pursuant to the
   jurisdiction outlined in FSH 2100. It shall apply to conduct that occurs on University premises and to off-campus
   conduct that adversely affects the University community and/or the pursuit of its objectives. DOS shall decide
   whether conduct that has occurred off-campus adversely affects the University community or the pursuit of the
   University’s lawful educational mission, process, or function, on a case-by-case basis, in its sole discretion.

Commented [TA(9): See G second paragraph below.

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   need to define this

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   a,c,d,e

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   the Code (DOS DRAFT) was a comprehensive single
   document. Now the process and appeal rights are
   contained in FSH 2305

Commented [CG(13]: This language is in FSH 2100.B

Commented [TA(14]: Last sentence comes from Current
   Code 2300 XI 9

Commented [TA(15]: Current 2300 Article I 1,a&b &
   2100 B.

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Each student shall be responsible for his/her conduct at all times from the time the university grants admission through the actual awarding of a degree. This includes the period before classes begin or after classes end, and periods between terms of actual enrollment. Conduct that is not discovered until after a degree is awarded is also included.

H. Failure to Appear.

It is a violation of this code for a student to fail to appear or refuse to give testimony at a hearing, unless such testimony would force the student to testify against himself or herself.

ARTICLE II: PROSCRIBED CONDUCT.

A. Rules and Regulations.

The following list describes actions that detract from the effectiveness of a University community and for which students are subject to disciplinary action. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary process outlined in FSH 2400.

- Academic Dishonesty. Academic honesty and integrity are core values at a university and the faculty finds that even one incident of academic dishonesty may merits expulsion. Instructors and students are jointly responsible for maintaining academic standards and integrity in university courses. In addition to any disciplinary sanctions imposed under the Code, additional consequences for academic dishonesty may be imposed by the course instructor, including issuing a grade of “F” in the course. Any grade issued by the course instructor, whether as a result of academic dishonesty or not, constitutes an academic evaluation and is not disciplinary action.

  a. Cheating, plagiarism, or other forms of academic dishonesty. Cheating includes, but is not limited to, the following:
     (1) using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations or other assignments, including copying from another’s quiz, test, examination, or other assignment or allowing another to copy from one’s own quiz, test, examination, or other assignment;
     (2) using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
     (3) the acquisition, without permission, of tests or other academic material belonging to the instructor or another member of the University faculty or staff; and
     (4) engaging in any behavior specifically prohibited by the instructor in the course syllabus or in class discussion.

  b. Plagiarism includes, but is not limited to, the following:
     (1) using, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment;
     (2) using the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor.

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

  d. Forging, alteration, Altering, reproduction, reproducing, removal, destroying, or misuse, misusing of any University document, record, or instrument of identification.
e. Violating any provision of university policy regarding intellectual property and research. All data acquired through participation in University research programs is the property of the University and must be provided to the principal investigator. In addition, collaboration with the Office of Research and Economic Development for the assignment of rights, title, and interest in patentable inventions resulting from the research is also required [see Faculty-Staff Handbook 5400].

f. Instructors and students are responsible for maintaining academic standards and integrity in their courses. In addition to any disciplinary sanctions imposed under the Code, additional consequences for academic dishonesty may be imposed by the course instructor; such consequences may include a grade of "F" in the course.

g. Instructors must report incidents of academic dishonesty to DOS by email or reporting form on DOS website [see FSH 2400 for disciplinary process of code violations].

A-2. Misuse of University Resources or Property, or Personal Property of others on University Premises.

a. Theft or other abuse of University computer facilities and/or resources, including but not limited to:
   (1) Unauthorized entry into, or transfer of, a file.
   (2) Use of another individual’s identification and/or password.
   (3) Use of computing facilities and/or resources:
      (i) to interfere with the work of another student, faculty member or University official,
      (ii) to send obscene or abusive messages,
      (iii) to interfere with the normal operation of the University computing system, or
      (iv) in violation of copyright laws.
   (4) Any violation of the University Computer Use Policy.[ADD LINK TO POLICY]

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

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

d. Unauthorized entry into or use of any University building, facility, vehicle, equipment room or area, including, but not limited to, unauthorized entry into any private office or space of a member of the faculty, staff, or student body, heating tunnels, elevator shafts, shops, mechanical rooms, trunk rooms, storerooms, roofs, and fire escapes, and other restricted areas identified in FSHAPM 35.35.E.

e. Building or setting fire(s) on University premises without proper authorization as required by (see APM 35.25).

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

g. Possessing or using firearms, explosives, other weapons, projectile or explosive devices, explosive substances, or dangerous chemicals on University premises are subject to regulations per in violation of APM 35.35 on weapons and explosives.[H]

A-3. Threat of Harm or Actual Harm to a Person’s Physical or Mental Health or Safety. Living together in a university community requires respect for the rights of fellow members of that community to pursue their academic goals and to participate in lawful campus or University activities. As in any community, certain forms of responsible conduct must be adhered to in order to ensure the physical functioning and safety or security of that community.
a. Physical violence of any nature against any person, on or off campus. Physical violence includes, but is not limited to, (i) fighting; (ii) assault; (iii) battery; (iv) the use of a knife, gun, or other weapon except in reasonable self-defense; (v) physical abuse; (vi) restraining or transporting someone against his/her will; or (vii) any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.

b. Persistent or severe, verbal abuse, threats, intimidation, harassment, coercion, bullying, derogatory comments, vandalism, or other conduct that threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm. A single instance may be considered severe enough to merit sanctions.

c. Hazing, which includes, but is not limited to, any action or participation in any activity that (i) causes or intends to cause physical or mental discomfort or distress, and (ii) may demean any person, regardless of location, intent or consent of participants, or (iii) destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are also violations of this rule.

d. Sexual misconduct, which is a broad term encompassing any non-consensual contact of a sexual nature. Sexual misconduct may vary in severity, and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct (see for more information about resources available and procedures for responding to sexual misconduct APM 95.20):

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

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

All acts of sexual violence are also forms of sexual harassment.

e. Sexual harassment, which is defined as unwelcome conduct of a sexual nature (see FSH 3205 for the requirements of the consensual relationship policy; It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct or communication of a sexual nature when [see FSH 3205].)
(1) Submission to or rejection of such conduct or communication is a term or condition of educational benefits, employment, academic evaluations, or other opportunities;

(2) Submission to such conduct or communication has the purpose or effect of substantially interfering with a student's education;

(3) Such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile or offensive educational environment or negatively affecting a student's educational opportunities. A single instance may be considered severe enough to merit sanctions.

f. Gender-based and sexual orientation harassment (see FSH 3215), which is defined as any act of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, gender, or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

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


a. Discrimination, which includes conduct that violates the Board of Regent’s or the University’s nondiscrimination and antidiscrimination policies contained in (FSH 3200, 3210, 3215):

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

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

A-5. Disruption, Obstruction, or Interference with Normal University Activities. Members of the University community have the right to lawful freedom of movement on campus that is free from unreasonable disruption, obstruction, or interference to lawful use of property, facilities, or parts of the University, and to lawful ingress to and egress from the University’s physical facilities. It is a violation of the Code to engage in any of the behavior described above to violate any of the above rights of the University community by the following:

a. Disruption or obstruction of normal University activities, including, but not limited to, all academic activities, using any University facility, facilities or resources, disciplinary proceedings, University administration, and fire, police, or emergency services on University premises.

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

c. Failure to comply with directions of University, law enforcement, fire department, or other government officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
d. Obstruction of the free flow of pedestrian or vehicular traffic on University premises.

e. Disorderly conduct, which is defined as behavior that is disorderly, lewd, indecent, or a breach of peace on University premises or at functions sponsored by, or participated in by, the University or members of the University community.

f. Abuse of the student conduct system, which includes, but is not limited to, the following:
   (1) Failure to cooperate with DOS’s investigation, except as specifically permitted by this Code when doing so would require the student to testify against himself or herself;
   (2) Falsifying, distorting, or misrepresenting information provided to DOS;
   (3) Disrupting or interfering with DOS’s investigation;
   (4) Making false allegations;
   (5) Attempting to discourage an individual’s proper participation in, or use of, the student conduct system;
   (6) Harassment (verbal or physical) and/or intimidation of any person participating in DOS’s investigation prior to, during, and/or after the investigation concludes;
   (7) Failure to comply with the sanction(s) imposed under the Code pursuant to FSH 2400.

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

h. Failure to appear or cooperate, which occurs when it is a violation of this code for a student to fail to appear or refuses to speak or testify at a hearing or review, unless such testimony would require the student to testify against himself or herself.

A-6. Housing and Living Groups. Violations of any rules imposed by University Housing or living groups are also violations of the Code.


a. Smoking in violation of APM 35.28.

b. Illegally using, possessing, manufacturing, cultivating, selling, or distributing any state or federally controlled drug, substance, or paraphernalia, including, but not limited to, marijuana, heroin, narcotics, or other controlled substances, in violation of any applicable law or University policy. Inhaling or ingesting any substance (e.g., nitrous oxide, glue, paint, etc.) that is intended to alter a student’s mental state is also prohibited. See the University’s Drug and Alcohol Abuse Prevention and Education publication (available through the Office of the Dean of Students) for more information.

c. Consuming, possessing, manufacturing, or distributing alcoholic beverages in violation of any applicable law or University policy on University premises (except as expressly permitted by University policy or regulation), or public intoxication (see APM 80.01 for alcohol permit requirements). Alcoholic beverages may not, in any circumstance, be consumed, or possessed by, or distributed to, any person under twenty-one (21) years of age. Alcoholic beverages may not be possessed or consumed by any student under any circumstances on campus in areas open to, and most commonly used by, the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of University-owned buildings or grounds.

b. Violation of Law and University Discipline.

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Commented [TA(56)]: Could we include language that allows us to have jurisdiction over the Greek yards, which is university property: including the immediate grounds around student fraternities, sororities and co-op housing.

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B-1. University disciplinary action may be instituted against a student accused of conduct that potentially violates both the criminal law and this Code (that is, if both possible violations result from the same factual situation), independent of the status of any civil or criminal litigation in court or criminal arrest and prosecution. Disciplinary action under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of DOS. When allegations include sexual harassment, sexual violence, sexual orientation or gender-based harassment, in which case University disciplinary action will be carried out promptly. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

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

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Chapter Two: Student Affairs Policies

Student Code of Conduct

Preamble. The university disciplinary system is part of the educational process of students focusing on behavior within a community. Sanctions are imposed for violations to the Student Code of Conduct to teach students how to be better and more responsible members of a community. Sanctions also serve to protect the UI community. The Student Code of Conduct is UI’s manifestation of Section III, P-12, of the State Board of Education’s Governing Policies and Procedures which states: ‘Each institution will establish and publish a statement of student rights and a code of conduct. The code of student conduct must include procedures by which a student charged with violating the code receives reasonable notice of the charge and is given an opportunity to be heard and to present testimony in his or her defense. Such statements of rights and codes of conduct, and any subsequent amendments, are subject to review and approval by the chief executive officer.’ The original of this code was created during the 1969-1970 school year. It was amended, at the suggestion of an ad hoc Faculty Senate committee in July 1992, July 1993, July 1998 (Article II), and July 2005 (Article II, Section 2). Unless otherwise noted, the text is as of July 1996. For further information, contact the Dean of Students (208-885-6757).

Contents:

Article I. Scope of the Code
Article II. Academic Honesty
Article III. Physical Abuse, Hazing, or Harassment (ed. 7-00)
Article IV. Campus Disorder and Disruption
Article V. Housing and Living Groups
Article VI. Physical Safety and Welfare
Article VII. Discrimination
Article VIII. Drugs and Alcohol
Article IX. Aiding, Soliciting, and Attempt
Article X. Judicial Proceedings
Article XI. Range of Sanctions
Appendix to the Student Code of Conduct

Article I—Scope of the Code.

1. This document is a codification of disciplinary regulations enacted to govern the conduct of students on campus or at authorized UI activities in accordance with FSH 2100. Disciplinary regulations govern the conduct of students on campus and/or at authorized UI activities [rev. 2300, Section III]. The inclusion of, or failure to include, regulations pertaining to academic matters or to motor vehicles shall not affect any regulation, or the enforcement of any regulation, now or hereafter enacted by UI or any college or department thereof pertaining to academic matters or to motor vehicles.

2. Concurrent Jurisdiction.

a. Acts in violation of federal, state, or municipal laws come under the jurisdiction of UI only when they are also in violation of this code.

b. When Dean of Students (hereafter DOS) is informed that criminal charges are being brought against a student for conduct that also violates the Student Code of Conduct, DOS may file disciplinary charges against a student and investigate the incident. DOS has discretion to wait a reasonable period of time before requesting a hearing or final resolution of the disciplinary charges if it is in the best interest of the university disciplinary process to await the outcome of the criminal charges. [ed. 8-07]
d. If a student is convicted of a crime prior to the university disciplinary hearing, the Student Disciplinary Review Board (University Judicial Council hereafter UJC) shall accept as fact that the student had engaged in conduct that constitutes the crime.

e. The disposition of criminal charges against the student, if determined prior to the university disciplinary hearing, shall be taken into account by the UJC in determining sanctions against that student. [See 2300, Article XI, Section 5.]

3. Definitions:

a. Disciplinary action: the process undertaken to resolve allegations of violations of the Student Code of Conduct.

Incapacitation: a state where a person cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (i.e., having the capacity to consent means understanding the who, what, when, where, and how of a sexual interaction).

Knowing. As used in this code, the terms “knowledge” and “knowingly,” when referring to causing consequences, means that the person is aware that his or her conduct will probably cause the consequence described in the code.

Student. Student as used in this code means:

1. all persons taking UI courses, both full-time and part-time and/or
2. all persons who are not officially enrolled for a particular term but have a continuing relationship with UI or intend to enroll in the next semester. [This provision is intended to include within the definition of students, those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and students who are first-time enrollees who engage in misconduct prior to the time of enrollment.]

Policy: the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Hall Handbook, the Apartment Handbook, the University web pages and computer use policy, and Graduate Undergraduate Catalog.

University official: includes any person employed or contracted by the University, performing assigned administrative or professional responsibilities.

University Premises/Campus. Campus means:

1. all land, buildings, facilities, and other property -- including adjacent streets and sidewalks -- in the possession of or owned, used, or controlled by UI.
2. all land, buildings, facilities, and other property (including adjacent streets and sidewalks) -- used as residences or on the possession of or owned, used, or controlled by (i) the University, and (ii) student groups or organizations associations recognized by UI.

ARTICLE II—ACADEMIC HONESTY. [section renumbered 8-07]

1. Cheating on classroom or outside assignments, examinations, or tests is a violation of this code.

2. Plagiarism, falsification of academic records, and the acquisition or use of test materials without faculty authorization are considered forms of academic dishonesty and, as such, are violations of this code.

3. Because academic honesty and integrity are core values at a university, the faculty finds that even one incident of academic dishonesty seriously and critically endangers the essential operation of the university and may merit expulsion.

[rev. 7-98]
The operation of UI requires the accuracy and protection of its records and documents. To use, make, forge, print, reproduce, copy, alter, remove, or destroy any record, document, or identification used or maintained by UI violates this code when done with intent to defraud or misinform.

All data acquired through participation in UniversityUI research programs is the property of the University and must be provided to the principal investigator. In addition, collaboration with the University Office of Research and Economic DevelopmentOffice for the assignment of rights, title, and interest in patentable inventions resulting from the research is also required [see FSH 5400 A through E].

Entrance without proper authority into any private office or space of a member of the faculty, staff, or student body is a violation of this code.

It is also a violation to “hack” or make unauthorized use of any computer or information system maintained by the university or a member of the faculty, staff, or student body. [rev. 7-05]

Instructors and students are responsible for maintaining academic standards and integrity in their classes. Consequences for academic dishonesty may be imposed by the course instructor. Such consequences may include but cannot exceed a grade of “F” in the course. The instructor should attempt to notify the student of the suspected academic dishonesty and give the student an opportunity to respond. The notice and the opportunity may be informal and need not be in writing. Penalties for any disciplinary infraction must be judicially imposed. [See 1640.02 C-5] [rev. 7-98]

Instructors may report incidents of academic dishonesty to the dean of students. Upon receiving such a report, the dean of students shall provide the student with written notice that a report has been made and an opportunity to meet with the dean to discuss the report. The dean of students shall maintain the report and any record of the meeting for a period of time deemed appropriate by the dean. The dean of students shall maintain the report and any record of the meeting for a period of time deemed appropriate by the dean. [add. 7-98]

ARTICLE III--PHYSICAL ABUSE, HAZING, OR HARASSMENT. [section renumbered 8-07]

Living together in a university community requires respect for the rights of fellow members of that community to pursue their academic goals and to participate in lawful campus or UI activities.

Harassment;

Hazting;

Detention;

Threats;

Intimidation;

Coercion;

Physical abuse; or

Similar actions, undertaken knowingly, are violations of this code.

ARTICLE IV--CAMPUS DISORDERS AND DISRUPTION.

Members of the UI community have the right to lawful freedom of movement on campus, to lawful use of property, facilities, or parts of UI, and to lawful ingress to and egress from the institution’s physical facilities. It is a violation of this code to violate the above rights of the university community by:
a. knowingly hindering entrance to, exit from, or normal use of any UI facility or part thereof;  
b. remaining in any UI building or failing to disperse from a crowd or group after being advised by any law enforcement personnel or UI official to leave or disperse (see Appendix, paragraph 5);  
c. knowingly creating noise, including the use of noisemaking or amplifying devices, which interferes with the academic process or violates another person’s privacy;  
d. knowingly interfering with reasonable use of UI driveways, parking lot, or sidewalks;  
e. knowingly interfering with authorized events on property owned or controlled by UI or in UI facilities;  
f. knowingly interfering with law enforcement personnel, public safety personnel, or UI officials in the lawful conduct of their duties; or  
g. knowingly obstructing or disrupting teaching, research, or other academic activities. [Idaho Code 33-3715 and 33-3716, though not part of this code, are appended for information.]

ARTICLE V--HOUSING AND LIVING GROUPS. [section renumbered 8-07]  
1. The internal regulation of residence halls shall primarily be the responsibility of the individual living-group organization. Such regulations must conform to the Statement of Student Rights; violations of those regulations may also be violations of this code.  
2. Living groups may also set internal regulations governing hours and areas of public access provided that such regulations do not condone the violation of a student’s right to privacy in his or her own rented space.  
3. UI dwellings are regulated only by this code and the housing contract. Provisions of the housing contract may not violate the Statement of Student Rights or the stipulations of this code. [It must be recognized, nonetheless, that UI dwellings are also regulated by applicable municipal, state, and federal laws and regulations.]  
4. Sanctions available to the living groups range from warning through probation. In addition, fines not in excess of $200 and/or restitution for damage or loss may be levied. Sanctions affecting the student’s residence in UI housing may also be imposed as outlined in Article XI.

ARTICLE VI--PHYSICAL SAFETY AND WELFARE. [section renumbered 8-07]  
1. As in any community, certain forms of responsible conduct must be adhered to in order to ensure the physical functioning and safety of that community.  
2. The need to safeguard the property of the university community requires that it is a violation of this code to engage in the unauthorized entry or unauthorized attempted entry into or on any facility or area on campus, including but not limited to heating tunnels, elevator shafts, shops, mechanical rooms, trunk rooms, storerooms, roof, and fire escapes.  
3. Possessing, giving to another, making, or causing to be made any key or other access device to UI property or facilities without proper authorization is a violation of this code.  
4. Theft or misappropriation of UI property and theft or misappropriation of the private property of any person occurring on campus are violations of this code.  
5. Knowingly damaging, destroying, or defacing UI property or property that is owned by others and located on campus are violations of this code.  
6. Protecting the university community against fire is a major concern. Smoking is prohibited in all university buildings except full-time residential facilities. It is also prohibited in official meetings and hearings of UI units and bodies. [For details of the UI policy on smoking, see Section 6380 of the Faculty-Staff Handbook.]  
7. Building or setting fires on University premises property owned or controlled by UI without proper authorization are a violation of this code. [ed. 8-07]  
8. Removing or otherwise tampering with fire equipment or fire-alarm systems, or failure to vacate buildings promptly.
when fire alarms sound are violations of this code.

9. Firearms also may endanger the safety of the university community when improperly handled. "Firearms" as used in the code means any instrument used in the propulsion of shot, shell, or bullets, or other harmful objects by the action of gunpowder exploded within it, by the action of compressed air within it, by the power of springs and including what are commonly known as air rifles, BB guns, and pellet guns.

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

11. In UI residence halls firearms must be kept in an area authorized by the Housing Office.

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

13. Other explosive substances are also prohibited on campus, except as approved by the safety officer. Exceptions to the above may be made for supervised UI courses.

14. Unauthorized uses of dangerous projectile or explosive devices, including but not limited to sling shots, crossbows, catapults, and devices which cause dangerous chemical reactions, are violations of this code.

15. It is a violation of this code to:
   a. knowingly gain unauthorized access to computer-based information or information resources;
   b. knowingly, without authorization, destroy, alter, dismantle, disfigure, prevent rightful access to, or otherwise interfere with computer-based information or information resources;
   c. knowingly violate, without authorization, the privacy of individuals or entities that are creators, authors, users, or subjects of the information resources.

ARTICLE VII—DISCRIMINATION.

1. Any violation of the basic right of a human being is contrary to the very nature of a university. The regents’ antidiscrimination policy is as follows:

   a. Practices or regulations that discriminate on the basis of race, color, national origin, religion, sex, age, disability, or status as a Vietnam-era veteran, or each of these bases is defined by law, are neither condoned nor permitted in any area of UI operations, including personnel appointments, student admissions, housing assignments, use of dining halls, classrooms, or other facilities, or in any activities of the faculty, staff, or students that may be commonly regarded as sponsored or sanctioned by UI.

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

2. Any student conduct that violates this policy shall, upon due proof, be a violation of this code.

ARTICLE VIII—DRUGS AND ALCOHOL. [section renumbered 8-07]

1. The sale, use, or possession of illegal drugs is a violation of this code.

2. Sale or illegal possession of illegal consumption of alcoholic beverages is prohibited in facilities owned, leased, or operated by UI and on campus grounds.
3. Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to and most commonly used by the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of UI-owned buildings or grounds.

4. UI’s primary role in handling matters involving the use or potential use of drugs or alcohol by its students is that of counseling. However, in appropriate situations, the full range of sanctions may be applied.

ARTICLE IX--AIDING, SOLICITATION AND ATTEMPT.

A person is in violation of this code if he or she:

1. intentionally aids or abets another in the commission of any offense(s) mentioned in this code;

2. requests, hires, encourages, or otherwise solicits another person to commit any offense mentioned in this code, either intending that the other person commit the offense or with the knowledge that the other person intends to commit the offense;

3. attempts to commit any offense mentioned in this code.

ARTICLE X--JUDICIAL PROCEEDINGS.

1. Any member of the university community may file a complaint against any student for misconduct. Such complaints shall be prepared in writing and directed to the office of Dean of Students (DOS). Any complaint should be submitted as soon as possible after discovery of the alleged misconduct, preferably within thirty days. DOS may investigate to determine if the complaint has merit. [ed. 8-07]

2. DOS, or its representatives, may file charges on behalf of the university against a student accused of violating the Student Code of Conduct. In no event shall DOS file charges more than one year after DOS has discovered the alleged misconduct, although the summons can be served after the one year period if the charges were filed within the one year period. [ed. 8-07]

3. All charges, including amended charges, shall be presented to the accused student in writing. The accused student shall be deemed to have been “notified” of the charges, amended charges, notice of the hearing date and any changes in the hearing date, by any of the following methods:

a. hand-delivered notice; or

b. proof of the mailing of a certified, registered letter containing such information, sent to either the campus address or the home address that the student provided the university registrar in the student’s registration documents; or

c. if receipt for the certified, registered letter is not returned with a signature within three weeks, then the accused student may be notified by proof of the mailing of a certified, nonregistered letter to the student’s campus or home address, and the hearing date shall be set not less than five nor more than fifteen calendar days after the last date that the postal service attempted to deliver the certified, nonregistered letter.

4. A disciplinary hearing may be waived and informal disposition of disciplinary action may be made by an agreed settlement, in writing, between the student charged with code violations and the dean for Dean of Students or the dean’s designee. The sanctions imposed in the agreed settlement will be effective upon signature of the parties, do not depend upon the approval of the UJC SCRB, and shall have full force and effect as if the sanctions had been imposed by the UJC SCRB. The Dean of Students shall, on a regular basis, inform the UJC of any agreed settlements entered into with students during the academic year. [ed. 8-07]

5. A student suspected of violating this code shall be informed of the right to remain silent. This information shall be provided in the notice of the charges, in any summons, at any meeting with DOS, and at any hearing conducted by the UJC SCRB. [ed. 8-07]
The disciplinary hearing shall occur not less than five nor more than fifteen calendar days after the accused student has been notified in writing of all charges, including amended charges. Maximum time limits for scheduling of hearings may be extended at the discretion of the Dean of Students, or the dean’s designee, as long as the hearing will be prompt. The accused student and DOS may agree to a specific hearing date. The accused student may waive his or her right to a prompt hearing. The accused student may request the chairperson of the UJCSCRB to reschedule the hearings. [ed. 8-07]

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 has the right to be assisted by any advisor he or she chooses at his or her own expense. The advisor may be an attorney. The advisor will be permitted to speak and to participate directly in the hearing.

The university, if it is filing charges against the student, may be represented by any advisor it chooses. The student charged with the violation has the right to object to the admission of testimony and evidence.

The accused student, the party filing charges against the accused student, and the UJCSCRB shall have the right to present witnesses and evidence and shall have the right to be present and hear and question adverse witnesses, as well as the right to object to the admission of testimony and evidence.

Relevant evidence is not admissible. All evidence, pertinent records, exhibits, and written statements, as well as copies or recordings of such evidence, may be accepted as evidence at the discretion of the chairperson of the UJCSCRB. Hearsay evidence is admissible if it is of the type commonly relied upon by prudent persons in the conduct of their affairs.

All questions of procedure and evidence are subject to the final decision of the chairperson of the UJCSCRB.

Generally, the hearing shall be conducted in the following order:

a. The chairperson of the UJCSCRB shall determine whether the accused student has requested a public or a private hearing, shall state for the record the names and roles of the persons present at the hearing, and shall remind the accused student of the right to an advisor, of the right to refuse to testify, and that the refusal to testify shall not be considered as evidence against him or her. [See 2200.]
b. The party filing charges and the accused student shall have the opportunity to present opening statements in which they summarize the evidence they intend to present to the UJCSCRB.
c. The party filing charges shall present its evidence first, and the accused student shall have the right to present his or her evidence afterwards.
d. Following the presentation of evidence, the party filing charges shall have the opportunity to summarize the evidence presented. Afterwards, the accused student shall have the opportunity to summarize the evidence presented.
e. After the presentation of evidence and summaries, the UJCSCRB shall make its decision in a closed session.

The UJCSCRB shall determine by majority vote whether the student has violated each section of the Student Code of Conduct which the student is charged with violating. The chairperson of the UJC or the designee in the event of absence of the chairperson is permitted to vote only in the event of a tie vote. The burden of proof shall be upon the party bringing the charges against the accused student. The UJCSCRB’s conclusion shall be made on the basis of whether it is more likely than not that the accused student violated a specific provision or provisions of the Student Code of Conduct.

If the UJCSCRB concludes that the accused student did violate a provision or provisions of the Student Code of Conduct which the student is charged with violating, then the UJCSCRB shall state in writing the name of the violation(s) found and the findings of fact upon which the conclusion is based. The UJCSCRB’s decision shall be final, and may not be appealed. [ed. 8-07, 6-09]
15. The UJCSCRB shall maintain a single verbatim record, such as a tape recording, of all hearings. The record shall be the property of the university.

16. The failure of an accused student to appear at a hearing 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 UJCSCRB. [ed. 7-00, 8-07] Failure to appear after being summoned may be a separate violation of the Student Code of Conduct, as we believe. If the accused student fails to appear at the hearing after proper notification, the party filing charges against the accused student shall present the evidence in support of the charges, and the UJC SCRB shall conclude based on the evidence whether it is more likely than not that the accused student had violated the Student Code of Conduct. If the UJC SCRB concludes that the student had violated the Student Code of Conduct, the UJC SCRB 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 SCRB.

17. Failure to comply with any procedural rule may render invalid the decision of the UJC SCRB if such failure materially prejudiced the rights of a party.

18. All members of the university community are encouraged to assist the parties and the UJC SCRB in determining whether the accused student violated the Student Code of Conduct. The chairperson of the UJC SCRB, or the chairperson’s designee, shall have the authority to issue a summons commanding a student to appear at a hearing and to testify. Such a 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 shall inform the student that it is a violation of the Student Code of Conduct to fail to appear or to refuse to testify, unless such testimony would force the student to testify against himself or herself.

19. 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 disrupt, impede, threaten, or disregard the lawful procedures or sanctions of the UJC SCRB. It is a further violation of this code to fail to appear or to refuse to testify, unless such testimony would force the student to testify against himself or herself.

[ARTICLE XI--RANGE OF SANCTIONS]

When the Dean of Students determines it is necessary to stop a violation of the Student Code of Conduct, as permitted under the Statement of Student Rights [2200, Section IV, Para. 1], the Dean of Students (or a designee), with the concurrence of the chair of the UJC, if and when he or she is available, may impose an interim university or residence hall suspension prior to the hearing before the UJCSCRB. As soon as is practicable, the student subjected to an interim suspension shall be provided notice of the reasons for the university’s action and shall be accorded the normal procedures of the UJC, including the filing of a complaint and the right to a hearing.

Intermediate suspension may be imposed only to ensure the safety and well-being of members of the university community or preservation of property, to ensure the student’s own physical or emotional safety and well-being, or if the student poses a definite threat of disruption of or interference with the normal operations of the university.

During the interim suspension, the student shall be denied access to the residence halls and/or the campus (including classes) and all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Students (or a designee), with the concurrence of the chair of the UJC, if and when he or she is available, may determine to be appropriate. [ed. 8-07]
Sanctions that may be imposed are listed here in order of their severity:

a. warning;
b. probation (with terms and length as determined by the UJCSCRB);
c. withheld suspension (failure to comply with the terms of probation results in immediate suspension from UI);
d. suspension (removal from UI for a specific length of time, e.g., semester or academic year);
e. expulsion (indefinite removal from UI).

Before the UJCSCRB may impose a sanction of withheld suspension, suspension, or expulsion, the UJCSCRB must make a specific finding in writing that the student’s misconduct seriously and critically endangered the essential operation of UI or the safety of members of the university community [see 2200, IV-9].

In addition to the sanctions enumerated in paragraph 1, the UJCSCRB may impose any combination of the following and may include them as terms of probation:

a. community service (to be performed for a specified period of time under the direction of the Dean of Students);
b. restitution of damages;
c. special sanctions deemed appropriate and reasonable by the UJCSCRB (e.g., counseling, restrictions on behavior, or requiring letters of apology to be written);
d. administrative fee not exceeding $25;
e. penalties for disruption of the judicial process range from warning through suspension, depending on the severity of the offense.

When appropriate, a student may be given the option of working off the equivalent of restitution for UI at the minimum wage.

If sanctions, including community service hours and restitution imposed by the UJCSCRB, have not been completed or if sanctions agreed to by a student in an agreed settlement have not been completed, UI, at the discretion of the Dean of Students or the dean’s designee, may deny a student the privilege of reregistering, may hold transcripts and/or diplomas, and may refuse to release information based on the student’s record. [ed. 8-07]

Sanctions affecting a student’s residence in UI-controlled housing may be imposed. These sanctions are loss of privileges within the living group and temporary or permanent removal from UI-controlled housing.

Sanctions already imposed by civil or criminal process are taken into account when any UI sanction is imposed.

Extensive, organized, serious, or repeated violations of this code are taken into account when determining the appropriate sanction.

The Regents of UI adopted guidelines for enforcing campus alcohol regulations which include sanctions for violation of these regulations. Minimum sanctions for violations of Article VIII, Sections 1 and 2 of the Student Code of Conduct are listed below. These sanctions will be minimum standards and more severe sanctions may be applied. [See next page.]

### First Infraction

<table>
<thead>
<tr>
<th>Infraction</th>
<th>Sanction</th>
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<tbody>
<tr>
<td>1. Open container or minor in possession violations.</td>
<td>1. Referral to judicial council for education programs and payment of administrative costs.</td>
</tr>
<tr>
<td>2. Illegal distribution of alcohol.</td>
<td>2. Referral to judicial council with sanctions to include community service, period of probation, administrative costs, and education programs.</td>
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### Second Infraction

<table>
<thead>
<tr>
<th>Infraction</th>
<th>Sanction</th>
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</thead>
<tbody>
<tr>
<td>1. Without injury, or without</td>
<td>1. Referral to judicial council or similar authority for action which</td>
</tr>
<tr>
<td>conduct likely to lead to injury.</td>
<td>must include a treatment and/or education program.</td>
</tr>
<tr>
<td>2. With injury, or conduct likely</td>
<td>2. Referral to the proper administrative body of the institution for</td>
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<tr>
<td>to lead to injury.</td>
<td>action must include notification to the criminal justice system,</td>
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<td></td>
<td>strict probation, and, a treatment or education program.</td>
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### Third Infraction

<table>
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<tr>
<th>Infraction</th>
<th>Sanction</th>
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<tbody>
<tr>
<td>1. Without injury, or without</td>
<td>1. Referral to the appropriate administrative body of the institution</td>
</tr>
<tr>
<td>conduct likely to lead to injury.</td>
<td>for appropriate action, which must include, at least, suspension from</td>
</tr>
<tr>
<td>2. With injury, or conduct likely</td>
<td>school for one semester.</td>
</tr>
<tr>
<td>to lead to injury.</td>
<td>2. Referral to the appropriate administrative body of the institution</td>
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<td></td>
<td>for appropriate action, which must include, at least, referral to the</td>
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<tr>
<td></td>
<td>criminal justice system and expulsion from the institution for one year.</td>
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**APPENDIX TO THE STUDENT CODE OF CONDUCT**

1. Idaho Code, section 33-3715: “The legislature, in recognition of unlawful campus disorders across the nation which are disruptive of the educational process and dangerous to the health and safety of persons and damaging to public and private property, establishes by this act criminal penalties for conduct declared in this act to be unlawful. However, this act shall not be construed as preventing institutions of higher education from establishing standards of conduct, scholastic and behavioral, reasonably relevant to their lawful missions, processes, and functions, and to invoke appropriate discipline for violations of such standards.”

2. Idaho Code, section 33-3716: “No person shall, on the campus of any community college, junior college, college, or university in this state, hereinafter referred to as ‘institutions of higher education,’ or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education, willfully deny to students, school officials, employees, and invitees: (a) lawful freedom of movement on campus; (b) lawful use of property, facilities, or parts of any institution of higher education; or (c) the right of lawful ingress [to] and egress [from] the institution’s physical facilities.

3. No person shall, on the campus of any institution of higher education, or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of such institution in the lawful pursuit of his educational activities, through the use of restraint, abduction, coercion, or intimidation, or when force and violence are present or threatened.

4. No person shall willfully refuse or fail to leave the property of, or any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education upon being requested to do so by the chief administrative officer, his designee charged with maintaining order on the campus and in its facilities, or a dean of such college or university, if such person is committing, threatens to commit, or incites others to commit, any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

5. Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the
redress of grievances, including any labor dispute between the institution of higher education and its employees.

(6) "Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars ($500), or imprisoned in the county jail for a period not to exceed one (1) year, or by both such a fine and imprisonment."
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 and attend scheduled meetings with the student. Students should choose an advisor who is available to attend any scheduled meetings, because advisor availability is not considered in scheduling meetings.

b. Days: days when the university is open for business, not including Saturday, Sunday, and University holidays. Time deadlines may be extended during breaks, University holidays, and for extenuating circumstances (e.g., non-Moscow locations) at the Dean of Students’ discretion.

c. DOS: the Office of the Dean of Students, which is responsible for the administration of the Student Code of Conduct, and includes the Dean of Students and his/her designees.

d. “Educational Setting” refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

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

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

g. Interviews/meetings/hearings: Students at the Moscow campus will meet in person with DOS or hearing boards. Students at other locations will have the option to connect with DOS or hearing boards via visual medium (i.e. Lync or Skype). Exceptions may be made for extenuating circumstances.
h. **Notice:**

(1) 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*).

(2) Students who do not have an official email account will receive notice via any email account the student provided the university.

(3) Notice is deemed received the day after it is sent by email.

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

j. **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”:

(1) Persons who withdraw after allegedly violating the Student Code of Conduct;

(2) Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;

(3) Individuals participating in the American Language and Culture Program.

(4) Individuals participating in Independent Study of Idaho sponsored by the University of Idaho or taught by a University of Idaho instructor.

k. **Student Code of Conduct:** herein referred to as “Code” (see FSH 2300).

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

m. **UI’s Office of General Counsel:** herein referred to as “General Counsel” and includes any staff members.

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

8. **REVIEWING BODIES.** The disciplinary system consists of the following: SDRB, Faculty Senate, President, and Regents.

B-1. **SDRB.** (see FSH 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.

(b) Any alleged violation of ASUI rules and regulations not specifically designated to be adjudicated elsewhere.

(c) Any matter that a living-group disciplinary body declines to adjudicate.

(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 SDRB decisions that include a sanction of suspension, expulsion, or withholding or revoking a degree.
B-4. President. The President’s office adjudicates requests for review of Faculty Senate decisions.

B-5. Board of Regents. The Board of 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 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.

      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.

      4) When the allegations in a student’s complaint include Sexual Harassment or Gender-Based Harassment, DOS must investigate the incident and take immediate steps to protect the persons who were injured by the alleged violation in the Educational Setting.

      5) DOS may delay fact-finding while law enforcement authorities are gathering evidence; once notified that law enforcement has completed gathering evidence, DOS must promptly resume fact finding. DOS may not await the ultimate outcome of a law enforcement investigation or the filing of charges before resuming or beginning fact finding.

   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 the student (see C-1. b above). Except where the student agrees otherwise, the meeting with DOS may be scheduled no sooner than 2 days after receiving notice by email.

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. When allegations include sexual harassment or gender based harassment, both parties should receive periodic updates from DOS. 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, any sanction(s) and information referencing this policy and timeframe.

(1) If the student accepts the determination made by DOS and the sanctions imposed, the student will sign an agreement to that effect within 5 days of receiving notice of the determination and sanctions. 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 within 5 days of receiving notice of the determination and sanctions, then:
   (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.

(4) When allegations include sexual harassment or gender based harassment both parties receive a response regarding the outcome of the complaint within 10 business days following the decision.

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 receives notice of the determination and sanctions via email. Any student who fails to submit the written request for a SDRB review by the deadline will be informed by DOS of the following in a Failure to Seek Review Letter:
   (i) that the determination and sanction imposed by DOS is the final institutional decision,
   (ii) that the sanctions go into effect immediately, and
   (iii) that student may request a review by the Board of Regents pursuant to C-9.

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 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 pursuant to 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 may 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 a hearing is necessary because 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 pacific time of the day before the hearing. Only materials submitted to both the Chair of SDRB and the other party by the deadline may be introduced and considered at the hearing. The hearing will be conducted in accordance with C-4.

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 inculminate, speak against him/herself, in which case the student must promptly notify the chair of SDRB that the student will not appear or speak for this reason;
   (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.

When a student notifies the chair of SDRB pursuant to (1) above, the chair shall promptly notify both parties.

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 allegations of failure to appear (see FSH 2300 Article I.A-5.h.4).

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 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,
   (7) persons who reported or were injured by the alleged violation, and their advisor,
   (8) except for the student and the persons who were injured by the alleged violation, witnesses are allowed only during their testimony,
   (9) any person approved by the chair.

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 (ii) below.
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.

(7) DOS and SDRB members will have the opportunity to ask questions of any witnesses.

(8) DOS will have the opportunity to make any closing remarks.

(9) The student will have the opportunity to make any closing remarks.

(10) DOS will have the opportunity to respond to the student’s closing remarks.

(11) The SDRB shall meet in a closed session to discuss and make its decision. The chair of the SDRB, or the designee in the event of absence of the chair, 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:

      (i) uphold the decision and sanction(s),

      (ii) uphold the decision but revise the sanction(s),

      (iii) return the matter to DOS for reinvestigation and reconsideration, or

      (iv) dismiss the decision and the sanction(s) after consulting with General Counsel.

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 pursuant to 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 pursuant to C-6.

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. Any student who fails to submit the written request for a faculty senate review by the deadline will be informed by DOS of the following in a Failure to Seek Review Letter:
(i) that the determination and sanction imposed by SDRB is the final institutional decision,
(ii) that the sanctions go into effect immediately, and
(iii) that student may request a review by the Board of Regents pursuant to C-9.

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) Sanctions imposed by the SDRB 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 SDRB’s 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) There was substantial procedural error that materially impacted the SDRB decision 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 will become final and the sanctions imposed will become
effective immediately as of the original date of the SDRB determination, this is deemed a final
institutional decision, and the student may request a review by the Board of Regents in
accordance with C-9.
(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 sanction(s),
   (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 immediately 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.

   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.

   e. The president will provide a written decision to both parties.

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.

C-10. Requests for Review by DOS. DOS may request a review of any decision of the SDRB, faculty senate, and President in the same fashion as that provided to a student in C-6, C-8, and C-9 asserting any of the following:

   (1) The decision contained clear factual error;
   (2) Sanctions imposed by the decision are insufficient for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;
   (3) New information that could substantially affect the outcome of the decision has been discovered since the determination was made;
   (4) The decision contained substantial procedural error.

C-11. DISCLOSURE OF OUTCOME INVOLVING SEXUAL HARASSMENT AND GENDER BASED HARASSMENT.

   a. Both parties will be notified, in writing, of the outcome of an alleged violation and any review. “Outcome” for these purposes means whether the harassment was found to have occurred. The
University will only disclose information to the harassed student about the sanctions imposed when they directly relate to the harassed student, such as a sanction of no contact with the complainant.

b. When the allegations include a crime of violence or a non-forcible sex offense (as defined by FERPA), the University will disclose to the alleged victim of such crime or offense the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The University may disclose to anyone, upon written request, the final results of a disciplinary proceeding if the University determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies. “Final results” for these purposes means the name of the accused student, any violation found to have been committed, and any sanction imposed against the accused student by the University.

c. When the allegations include a sex offense (as defined by FERPA), both parties must be informed of the outcome of any institutional disciplinary proceeding (APM 95.20). “Outcome” for these purposes means the University’s final determination with respect to the alleged sex offense and any sanctions imposed.

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>
<thead>
<tr>
<th>Infraction</th>
<th>Sanction</th>
</tr>
</thead>
<tbody>
<tr>
<td>First infraction:</td>
<td>Open container or minor in possession violations.</td>
</tr>
<tr>
<td>Sanction:</td>
<td>Completion of educational program.</td>
</tr>
<tr>
<td>First infraction:</td>
<td>Illegal distribution of alcohol.</td>
</tr>
<tr>
<td>Sanction:</td>
<td>Completion of community service, period of probation, and educational programs.</td>
</tr>
<tr>
<td>Second Infraction:</td>
<td>Without injury; or without conduct likely to lead to injury.</td>
</tr>
<tr>
<td>Sanction:</td>
<td>Completion of a treatment and/or educational program.</td>
</tr>
<tr>
<td>Second Infraction:</td>
<td>With injury; or conduct likely to lead to injury.</td>
</tr>
<tr>
<td>Sanction:</td>
<td>Notification to the criminal justice system, strict probation, and, a treatment or educational program.</td>
</tr>
<tr>
<td>Third Infraction:</td>
<td>Without injury; or without conduct likely to lead to injury.</td>
</tr>
<tr>
<td>Sanction:</td>
<td>Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.</td>
</tr>
<tr>
<td>Third Infraction:</td>
<td>With injury; or conduct likely to lead to injury.</td>
</tr>
<tr>
<td>Sanction:</td>
<td>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.</td>
</tr>
</tbody>
</table>

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.
PREAMBLE. In March of 2012 President M. Duane Nellis, enacted the following policy (in the form of an emergency policy pursuant to FSH 1460 C-3) to implement revisions to University Policy addressing claims of Sexual Harassment (including Sexual Violence) and claims of Gender-Based Harassment to conform to legal requirements promulgated by the U.S. Department of Education.[rev. 5-12]

NOTE: The following policy will apply to claims of Sexual Harassment (including Sexual Violence) and claims of Gender-Based Harassment whether occurring on or off campus. The terms of this policy supplement current University policy regarding Sexual Harassment, and supersede any contrary terms in any current University policy (including any contrary terms in FSH 2200 - Statement of Student Rights; FSH 2300 - Student Code of Conduct; FSH 2450 - Appeals to Faculty Senate in Disciplinary Cases; FSH 3215 – Non-Discrimination on the Basis of Sexual Orientation and Gender Identity/Expression; FSH 3220 – Sexual Harassment).[rev. 5-12]

A. DEFINITIONS.

A-1. "Gender-Based Harassment" includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

A-2. "Sexual Harassment" is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual Violence is a form of Sexual Harassment.

A-3. "Sexual Violence" refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall within the definition of Sexual Violence, including but not limited to rape, sexual assault, sexual battery, and sexual coercion. All such acts of Sexual Violence are forms of Sexual Harassment.

A-4. "Educational Setting" refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

B. REPORTING SEXUAL VIOLENCE. For information and resources available for survivors of sexual violence, please see the Administrative Procedure Manual (APM) 95.20 at http://www.uihome.uidaho.edu/default.aspx?pid=120297

C. JURISDICTION. In accordance with FSH 2100, the jurisdiction of University of Idaho disciplinary regulations shall expand to govern conduct when such conduct constitutes Sexual Harassment or Gender-Based Harassment that may have continuing adverse effects in the Educational Setting.

D. VIOLATIONS OF THE STUDENT CODE OF CONDUCT.
Sexual Harassment and Gender-Based Harassment are violations of the Student Code of Conduct (see FSH 2300).

Because campus security and safety are critical to the essential operation of the University, even a single violation of the Student Code of Conduct’s prohibition of Sexual Harassment or Gender-Based Harassment may merit expulsion.

E. CHARGES OF SEXUAL HARASSMENT OR GENDER BASED HARASSMENT.

E-1. When the allegations in a student’s complaint include Sexual Harassment or Gender-Based Harassment, the Dean of Students office (“DOS”) must investigate the incident and take immediate steps to protect the complainant in the Educational Setting. This applies whether the alleged conduct occurred on or off campus.

E-2. A preponderance of the evidence (more likely than not) standard will be used to evaluate allegations of Sexual Harassment or Gender-Based Harassment.

E-3. The DOS may determine to temporarily delay fact-finding in an investigation regarding Sexual Harassment or Gender-Based Harassment while law enforcement authorities are gathering evidence; but once notified that law enforcement has completed gathering evidence, the DOS must promptly resume fact finding. The DOS may not await the ultimate outcome of a law enforcement investigation or the filing of charges before resuming or beginning fact finding.

E-4. Both parties must be afforded similar and timely access to any information that will be used at the hearing, other than each party’s work product (or that of the party’s advisor), consistent with FERPA and other relevant laws, including any recognized privilege.

F. RIGHT TO A HEARING.

F-1. The University Judicial Council (“UJC”) (see FSH 2400 B-2 & 1640.92) hearing shall be private when the matter involves charges of Sexual Harassment or Gender-Based Harassment.

F-2. During a hearing involving charges of Sexual Harassment or Gender-Based Harassment, neither the accused student nor his or her representative will be permitted to directly question the complainant(s). Instead, such persons may submit written questions to the chair of the UJC (“Chair”), who will ask questions the Chair determines to be appropriate.

G. TYPICAL TIMEFRAME OF THE PROCESS. (see FSH 2300.X). A typical timeframe for the complaint investigation and hearing procedure is as follows: (1) The University investigation of the complaint is generally completed within 60 calendar days following receipt of a complaint; (2) Both parties receive a response regarding the outcome of the complaint within 10 business days following the UJC’s decision; (3) Either party may appeal the UJC’s decision within 14 calendar days in accordance with the Appeals provision below. Both parties should receive periodic updates from the DOS. A number of factors may influence the timeframe of any particular complaint investigation and hearing procedure; this typical timeframe is provided for informational purposes only and does not bind the University to this timeframe for any particular complaint.
H. APPEALS. (see FSH 2450)

H-1. Either party has the right to appeal the decision of the UJC by notifying the Office of the Faculty Secretary to that effect in writing, within 14 calendar days following receipt by the party of the written decision of the UJC. Parties wishing to appeal must include valid contact information. Appeals may be sent to: Office of the Faculty Secretary, P.O. Box 441106, Moscow, ID 83844-1106.

H-2. A subsequent hearing before the UJC or another board as the result of an appeal by either party, shall not be considered a second “trial” for purposes of FSH 2200 IV(10).

H-3. This Section H specifically supersedes any contrary provision of FSH 2450, including, specifically, subsection D-10.

I. DISCLOSURE OF OUTCOME OF DISCIPLINARY PROCEEDING.

I-1. Both the complainant and the accused student will be notified, in writing, of the outcome of a complaint and any appeal. “Outcome” for these purposes means whether the harassment was found to have occurred. The University will only disclose information about the sanctions imposed when they directly relate to the harassed student, such as a sanction of no contact with the complainant.

I-2. When the allegations include a crime of violence or a non-forcible sex offense (as defined by FERPA, see APM 95.15), the University will disclose to the alleged victim of such crime or offense the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The University may disclose to anyone, upon written request, the final results of a disciplinary proceeding if the University determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies. “Final results” for these purposes means the name of the accused student, any violation found to have been committed, and any sanction imposed against the accused student by the University. [rev. 5-12, ed. 10-12]

I-3. When the allegations include a sex offense (as defined by FERPA, see APM 95.15), both the complainant and the accused student must be informed of the outcome of any institutional disciplinary proceeding (APM 95.20 G-2) brought against the accused student. “Outcome” for these purposes means the University’s final determination with respect to the alleged sex offense and any sanctions imposed against the accused student. [ed. 5-12, ed. 10-12]
THE STUDENT AND THE UNIVERSITY

PREAMBLE: This section deals with certain general topics of interest to UI students. Section A is original to the 1979 Handbook. Section B was added July 1996, B-1-5 revised in July 1998 and in 2006 edited to reflect changes in university committees listed in FSH 1640. In 2009 this section was revised to refer individuals to each respective committee as listed in FSH 1640. For further information, contact the Dean of Students (208-885-6757). [rev. 7-98, 7-06, 2-09]

A. MUTUAL RESPONSIBILITY. By matriculating-enrolling at the University of Idaho, students voluntarily accept responsibility for compliance with all university policies and as well as local ordinances, state laws, and federal laws. Each student shall be responsible for his/her conduct at all times from the time the university grants admission through the actual awarding of a degree. This includes the period before classes begin or after classes end, and periods between terms of actual enrollment. Conduct that is not discovered until after a degree is awarded is also included. [rev. 1-14]

The university’s part is to carry out its commitment to higher education, to fulfill its responsibilities in pursuit of the academic goals and objectives of all members of the university community, and to meet its obligation to provide an atmosphere in which students will have an opportunity to be heard in matters affecting their welfare. The university reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Students shall have the rights and responsibilities outlined of due process and appeal as described in this policy and in FSH 2200, 2300, 2350, and 2400 and 2450. [rev. 1-14]

B. STATEMENT OF STUDENT VALUES (passed by ASUI Senate in April 2014). The Statement of Student Values is a step toward formally conveying our common University of Idaho educational and community goals. The Statement articulates the community we aspire to be, expresses our shared values, unites us as Vandals, and encourages collaboration with faculty, staff and the administration.

We come together as Vandals, a diverse community embracing individuality and striving for equity. We hold each other accountable to conduct ourselves with integrity and honesty, to foster excellence in education both in and outside the classroom, and to treat each other with respect.

BC. JURISDICTION. Disciplinary action may be taken for (1) any violation of local ordinances, state or federal law; (2) on campus conduct that violates the Student Code of Conduct; and (3) off campus conduct that violates the Student Code of Conduct and that adversely affects the university community or the pursuit of the university’s educational mission, process, or function, as determined by the Dean of Students. Students may be subject to civil and criminal penalties in addition to any university sanctions for the same violation. University proceedings may occur before, during, or after any civil or criminal actions are concluded and are not subject to challenge based on the action or inaction of any non-university authorities. [add. 1-14]

CD. UI COMMITTEES DEALING WITH STUDENT CONCERNS. The following university-level standing committees (given along with their functions) are of particular interest to UI students. Further information on these committees, along with a full listing of other university-level standing committees, is to be found in Faculty-Staff Handbook section 1640. [ren. 1-14]

CD-1. ACADEMIC HEARING BOARD (AHB) [1640.02]:
CD-2. ACADEMIC PetITIONS COMMITTEE (APC) [1640.04]:
CD-3. ADMINISTRATIVE HEARING BOARD (AdHB) [1640.06]:
DC-4. ADMISSIONS COMMITTEE [1640.08]:
DC-5. AMERICANS WITH DISABILITIES ACT ADVISORY COMMITTEE [1640.10]:
CD-6. HONORS PROGRAM COMMITTEE [1640.53]: [ed. 6-09]
CD-7. INFORMATION TECHNOLOGY COMMITTEE [1640.55]
CD-8. UBUNTU [1640.58]:
CD-9. OFFICER EDUCATION COMMITTEE [1640.64] [see also 1565 F]:
CD-910. PARKING COMMITTEE [1640.66]:
CD-10. STUDENT DISCIPLINARY REVIEW BOARD (SDRB) [1640.93, 2400 B-2] [ren. 6-09]

CD-11. STUDENT FINANCIAL AID COMMITTEE [1640.84] [see also 2900]:

CD-12. TEACHER EDUCATION COORDINATING COMMITTEE [1640.86] [see also 4300 E]:

CD-13. TEACHING AND ADVISING COMMITTEE [1640.87]

CD-14. UBUNTU [1640.58]:

CD-15. UNIVERSITY COMMITTEE FOR GENERAL EDUCATION [1640.89]

CD-165. UNIVERSITY CURRICULUM COMMITTEE [1640.91] [see 1540 B and C, 4110, and 4120]:[ren. 6-09]

C-16. UNIVERSITY JUDICIAL COUNCIL (UJC) [1640.93, 2400 B-2] [ren. 6-09]