I. Call to Order.

II. Minutes.
   • Minutes of the 2015-16 Faculty Senate Meeting #23, March 29, 2016 (vote)

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.
   • Ombuds Introduced – Barb Beatty

VI. Committee Reports.

   Student Code Task Force - introduction (Brandt)
   • FS-16-056: FSH 2400 – University Disciplinary Process for Violations of Student Code of Conduct
   • FS-16-058: FSH 1640.93 Student Disciplinary Review Board & 1640.83 Student Appeal Committee

VII. Special Orders.

VIII. Unfinished Business and General Orders.

IX. New Business.

X. Adjournment.

Professor Randall Teal, Chair 2015-2016, Faculty Senate

Attachments: Minutes of 2015-2016 FS Meeting #23
FS-16-056 & 058
Chair Teal called meeting #23 of the Faculty Senate to order at 3:32. A motion (Anderson/Brown) to approve the minutes from the March 22nd meeting passed without objection.

Chair's Report: Chair Teal reminded Senators that the names of new Senators elected for next year need to be sent to the Office of the Faculty Secretary by April 15th. He also mentioned a request from Alex Roberts from the Dean of Students Office. Mr. Roberts has been asked to do an interview regarding conducting hearings in sexual assault cases as well as the use of transcript notations in cases when a student has been found to have violated our student code. He intends to support both the hearings and the use of transcript notations and hopes to find a faculty member who might present a different perspective.

Provost's Report: Provost Wiencek displayed a draft of the new Strategic Plan which has been submitted. A significant effort was made to reflect the comments received on previous drafts, but obviously not all comments could be incorporated. There are some changes, for instance, the inclusion of sustainability as a principle value. This was on the list, then taken off, and now has been returned because it had significant support. The task force has given the plan a strong endorsement. The Board has a template for all strategic plans. The version presented to the Board will not contain the entire narrative as that which will be made available to the campus community. After the Board approves the plan, a group will be formed to guide the development of the cascading plans.

This process for developing cascading plans probably won’t get started until late summer. The Provost thanked all those who have been involved in the development of the strategic plan.

Provost Wiencek reported on ongoing searches:
- The search for a new Dean of the College of Business and Economics has been completed and Professor Mark Chopin from Northern Arizona University has accepted the position.
- The search for the Dean of the College of Education is underway and finalists for that position will be coming in over the next couple of weeks.
- The search for the Vice President of Research is also underway. The Provost is chairing this search and believes that there is a very strong pool, including candidates from land-grant institutions. On-campus interviews will be conducted before faculty leave campus for the summer.

The Provost also briefly discussed reorganization in the Provost’s Office to address enrollment management. He is planning to develop a Strategic Enrollment Management structure. This new entity will be concerned with student recruitment along with retention services and graduation rates. These services are currently scattered in various places around the University, the plan is to combine these into one organizational structure. They will be launching a search for a Vice Provost for Strategic Enrollment Management and hope to hire a person in the next few months for this new position so that this person can start work in August. A Senator asked if this position was additive, or would people be
leaving. The Provost responded that he was trying to keep the Senate informed, but he wasn’t at liberty to provide all the details. He did note that he felt we were all understaffed across the University, including the Provost’s Office. We are at a point where we need to invest in enrollment management to ensure we have a good organization in this area. There will be reallocations within his budget to accomplish this reorganization.

**Blackboard – ASUI Presentation:** Senator Lindsey LaPrath was invited to present the results of the ASUI’s inquiry into encouraging faculty to use Blackboard for grading. Senator Laprath has been part of an ASUI committee seeking to gather information on this subject. A resolution regarding this issue had been presented to the Faculty Senate earlier this academic year. Since then, ASUI has gathered more data from students, faculty and staff, as well as peer institutions. The issue is being brought back to the Senate to request that a Faculty Senate committee look into the issue with the ultimate goal of encouraging more faculty to post grades on Blackboard. She explained that ASUI had explored faculty concerns and desire to work with faculty to obtain greater utilization of Blackboard for grading purposes. Their report suggests that the use of Blackboard for posting grades will allow students to obtain early and consistent feedback on grades, and that this will positively affect retention rates. The data in the report shows that only 62% of faculty use Blackboard and of those approximately 3/4 use it for grading purposes. In contrast, 94% of students surveyed said they would find it useful to have more of their grades posted on Blackboard.

Senators who commented were generally supportive of the use of Blackboard, but noted:

- It would take some time and support to develop their ability to use all the possibilities of Blackboard.
- Perhaps there were some differences between disciplines that might affect how Blackboard could be used.
- **To what extent would the use of Blackboard for grades really enhance student performance?** Senator Laprath suggested that it would allow for more consistent feedback which would help students to be more motivated in meeting with their professors when they were struggling.
- A Senator noted that in his experience, Blackboard did help in making students aware of missing assignments.

After more discussions, it was moved (Brandt/Folwell) that the question of encouraging the use of Blackboard for grading be forwarded to the Teaching and Advising Committee for further consideration. The proposal passed without objection.

**Committee on Committees Fall 2016-19 Appointments:** Vice Chair Brandt presented the list of faculty who have been appointed to Senate committees for next year. The list was approved without objection.

**FSH 2400—Student Disciplinary Process:** Vice Chair Brandt reported on the activities of a task force designed to review and potentially revise student disciplinary procedures. The task force started out looking at revisions of the student code, but has also considered a more complete overhaul of the process. The goal of these revisions is to bring the UI into compliance with U.S. Department of Education expectations regarding Title IX cases. The task force has also sought to eliminate delays and duplicative procedures, provide due process, and enable both accused students and complaining students to navigate the process more easily. The task force has not made a great deal of progress in realizing these goals. Professor Brandt stated that it is now hoped that the UI General Counsel’s Office and the Dean of Students Office would produce a draft of proposed changes during the summer. After receiving such a draft, the task force would be reconvened and bring the proposals to the Senate early in the fall.
While waiting for a more detailed revision, the task force will be bringing forward a set of stopgap revisions to help our existing code function better. These revisions will be brought to the Senate in the near future and will include:

- Remove the role of Faculty Senate Leadership in screening appeals
- Clean up the language for the standard of review
- Clarify the “preponderance of the evidence” standard
- Implement the Student Appeal Committee
- Permit the SDRB to consider cases in panels of three appointed by the Chair of SDRB.

Senators made several comments and raised some questions with regard to this report.

- **Could the task force consider changes to the “preponderance of the evidence” standard and posting of expulsions on student transcripts?** The Faculty Secretary suggested that the University probably had considerable discretion on whether to post expulsions on transcripts, but could not alter the preponderance of the evidence standard since the Office of Civil Rights has stated that this standard must be used.

- **A Senator noted that it would be desirable if the appeals panels had better access to audio accounts of interviews during the investigation process.** Professor Brandt responded noting that the Dean of Student’s Office is already putting in place improvements to the investigation process, including training. The investigator’s written report will be provided to all parties who will be given an opportunity to provide a written response to the report. The report and any responses will be compiled into one final report that will be provided to reviewers.

- **Can the University reconsider the time frame within which a student falls under the disciplinary process? Is it appropriate to hold students accountable for actions that occurred prior to the student arriving on campus?** Professor Brandt noted that the task force could look at this, but Title IX made it clear that the University has an obligation to provide a safe learning environment. A university’s disciplinary procedure might need to consider taking some action on events that occurred before a student arrived on campus. Another Senator stated that if this is the case, the University needed to make sure that students were appropriately notified upon admission to the University.

- **Why is the role of the Senate Leadership in screening appeals being eliminated?** It was thought that this role could be performed by the newly created Student Appeals Committee, without the intervening role of Senate Leadership.

- **A Senator asked if the task force had considered problems related to a non-native speaking student having an advisor to make their case before the SDRB.** Professor Brandt noted that the student could have an advisor. The issue of the role of advisors, or lawyers, in the process might be revisited when the proposals for revision come forward next fall.

**Adjournment:** With no further business on the agenda, a motion (Folwell/Brewick) to adjourn at 4:36 passed unanimously.

Respectfully submitted,

Don Crowley, Faculty Secretary and Secretary to the Faculty Senate
POLICY COVER SHEET
(See Faculty Staff Handbook 1460 for instructions at UI policy website: www.webs.uidaho.edu/uipolicy)

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

Chapter & Title: FSH 2400 – University Disciplinary Process for Violations of Student Code of Conduct; FSH 1640.93 SDRB, 1640.83 – Student Appeal Committee

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): Student Code Task Force – Liz Brandt/Don Crowley Co-Chairs 4/1/16
(Please see FSH 1460 C)

Telephone & Email:
Phone: __________________________
Email: ebrandt@uidaho.edu crowley@uidaho.edu

Policy Sponsor: (If different than originator.)

Telephone & Email:
Phone: __________________________
Email: __________________________

Reviewed by General Counsel _X__ Yes ____No Name & Date: ____Kent Nelson/Jim Craig on task force_

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.

See attached.

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]

Track # ____________
Date Rec.: __________________________
Posted: t-sheet ________ h/c ________ web ________
Register: __________________________
(Office Use Only)

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

To: Student Disciplinary Task Force  
From: Liz Brandt  
Date: March 28, 2016  
Re: Actions and Roadmap for Moving Forward

1. Immediate Actions.

Draft to implement several actions we agreed to move forward with immediately:

a. Revisions to FSH 2400:
   A. Removing Faculty Senate Leadership screening of appeals
   B. Cleaning up the language for the standard of review
   C. Clarifying the “preponderance of the evidence” standard
   D. Implementing the Student Appeal Committee. We have changed the wording here and refer to the three person groups of the Appeal Committee the “subcommittee.”
   E. Permitting the SDRB to consider cases in panels of three appointed by the chair. We have implemented this change by referring to the small groups of the SDRB as an SDRB Panel.

b. Revisions to FSH 1640 – University Committees:
   A. Revising the proposed Student Appeal Committee – FSH 1640.83
   B. Revising the SDRB – FSH 1640.93

2. Future Actions.

We plan to consider a more substantial revision of the disciplinary procedures. This revision will be prepared by the Office of General Counsel and The Dean of Students Office after participation by key participants in the process in an Institute on Title IX student disciplinary processes. The goal of these revisions will be to bring the UI into compliance with US Dept. of Ed. expectations regarding Title IX cases, to eliminate as many delays and duplicative procedures as possible, to provide due process to students, and to enable both accused students and complaining students to navigate the disciplinary process more easily.

When the revision is prepared, Senate Leadership will reconvene this task force to consider the revision with the plan to present a draft of new procedures to the Senate as early as possible in the Fall Semester 2016. Upon approval by the Senate, we will ask the President to call a special faculty meeting if necessary (depending on the timing of the Senate action) to implement the new code procedures on as expedited a basis as possible.
2400

UNIVERSITY DISCIPLINARY PROCESS FOR VIOLATIONS OF STUDENT CODE OF CONDUCT

PREAMBLE: This section outlines UI’s student disciplinary system to inform students of the University process for resolving alleged violations of the Student Code of Conduct. In July 1993 membership and quorum was changed on the University Judicial Council and July 2008 the committee composition was moved into FSH 1640 Committee Directory. This section dates from the 1979 Handbook with relatively minor revisions as noted until 2014. In 2014 the Dean of Students Office, General Counsel, and a sub-committee of University Judicial Council and Faculty Senate, conducted a thorough review of all policies related to the Student Code of Conduct. All disciplinary language from FSH 2200 Statement of Student Rights and FSH 2300 Student Code of Conduct was consolidated into this policy and updated removing redundancies in policy. The objective is to provide a process that allows for fact-finding and decision-making 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). [rev. 7-08, 7-14]

A. Introduction
B. Judicial and Disciplinary Bodies
C. Procedures
D. Sanctions
E. Interim Suspension

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.

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.

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**B. REVIEWING BODIES.** The disciplinary system consists of the following: SDRB, Faculty Senate Student Appeal Committee, President, and Regents.

**B-1. SDRB.** (see FSH 1640.93)

a. **Scope of Responsibility.**
   1. A review panel of the 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. A review panel of the 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 panel has the full range of sanctions set forth in D below.

**B-2. Faculty Senate Student Appeal Committee.** (see FSH 1640.83580) A three members of the person panel of the Faculty Senate Student Appeal Committee reviews adjudicates requests for review of SDRB decisions that include a sanction of suspension, expulsion, or withholding or revoking a degree.

**B-3. President.** The President’s office adjudicates requests for review of Faculty Senate Student Appeal Committee decisions.
B-4. 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:
   (1) that the determination and sanction imposed by DOS is the final institutional decision,
   (2) that the sanctions go into effect immediately, and
   (3) that the 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
d. **Upon receiving a request for review a SDRB panel may:**
   
   (1) **deny** shall review each the request for a review within 5 days of receipt because and make an initial determination of whether the request fails to meet the requirements above.
   
   (2) **decide** 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 the SDRB panel shall 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) **decide to hold** For reviews that involve a hearing, The Chair of SDRB panel chair will schedule the hearing to occur no later than 10 days after the panel’s 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 panel chair 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 panel chair and the other party by noon pacific time of the day before the hearing. Only materials submitted to both the Chair of SDRB panel chair 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,** Upon receiving notice from DOS, the Chair of SDRB will appoint an SDRB panel of three members and a panel chair. The Chair of SDRB shall promptly notify DOS and the other parties of the members of the panel and the chair.

c. DOS shall be responsible for maintaining a record of all the panels, their assignment, and shall monitor whether the required notifications under the disciplinary process have taken place.

d. **The panel chair 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. The 10 days can be extended under compelling circumstances. Both DOS and the student may have an advisor present at the hearing. However, the SDRB panel chair shall not consider the availability of any advisor in setting the hearing date and time.

e. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both the SDRB panel chair and the other party by noon pacific time of the day before the hearing. Only materials submitted to both the Chair of SDRB panel chair 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, by a preponderance of the evidence (the “standard”), it is more likely than not that the student violated the Code.

a. In hearings involving more than one student, the Chair of the SDRB has the discretion to permit the hearings concerning each student to be conducted before two separate SDRB panels separately.

b. The chair of SDRB panel chair 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 speak against him/herself, in which case the student must promptly notify the chair of SDRB panel chair 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 SDRB panel 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).

d. SDRB DOS 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 panel chair. All oral or written information statements, records, etc., as well as copies of the same, shall be considered by members of the SDRB panel as long as the Chair of SDRB panel chair 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 panel chair 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 panel chair.

f. The Chair of SDRB or any SDRB panel chair 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 panel,
   (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 panel shall make its determination.

i. The Chair of SDRB panel chair 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 panel chair 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 panel chair 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 panel members will have the opportunity to ask questions of any witnesses, except as described in (ii) below.
      ii. When the allegations involve sexual harassment or gender-based harassment, neither the student nor his/her advisor will be permitted to directly question the persons injured by the alleged violation. Instead, questions from the student or his/her advisor may be submitted in writing to the Chair of SDRB panel chair 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 will have the opportunity to make any opening remarks.
   8. The student will have the opportunity to make any closing remarks.
   9. DOS will have the opportunity to respond to the student’s closing remarks.
   10. The SDRB panel 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 Hearing.

a. Within 3 days of completing its adjudication, whether through written submission only or through a hearing, the SDRB panel will issue a written determination of its findings to the student and DOS.
   1. The SDRB panel’s 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 panel decision must
      i. identify the stated basis for SDRB review,
      ii. state the SDRB’s panel’s conclusion as to that basis, and
      iii. identify the facts, conduct, or circumstances it found to support its conclusion.
   3. For SDRB panel review of matters involving sanctions of suspension, expulsion, or withholding or revoking a degree, the SDRB panel decision must
      i. state whether the DOS conclusion that by a preponderance of the evidence (the “standard”) 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 panel 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 panel decision is the final institutional decision and any sanctions go into effect immediately. Such SDRB panel 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 Student Appeal Committee (see FSH 1640.83) pursuant to C-6.

C-6. Requests for Student Appeal Committee Review (see FSH 1640.83) by Faculty Senate.

a. Written requests for an appeal review a faculty senate review must be delivered to DOS no later than 3 days after the student is provided notice of the SDRB panel 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:

(1) that the determination and sanction imposed by SDRB panel is the final institutional decision,
(2) that the sanctions go into effect immediately, and
(3) that student may request a review by the Board of Regents pursuant to C-9.

b. The written request for an appeal review must cite at least one of the below reasons and must provide supporting arguments and documentation as to why a faculty senate appeal 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 and, as a result, the SDRB panel could not reasonably determine that a violation of the Code occurred;
(2) There was clear factual error and, as a result, the SDRB panel 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 panel 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 panel’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 panel 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 chair of the Student Appeal Committee Faculty Senate Leadership shall, within 5 days from receipt of the request, appoint a three member subcommittee of the Student Appeal Committee to consider an appeal (see FSH 1640.83 B-1). The Chair of the Student Appeal Committee shall designate the subcommittee chair from the three members and inform DOS and the parties of the chair and members of the subcommittee. 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. DOS will provide the subcommittee with the audio recording of the SDRB hearing, all submitted material, and the DOS response to the student’s submission within a reasonable amount of time (generally no more than 5 days).
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 members of the Student Appeal Committee 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 SDRB hearing, along with the DOS response to the student’s submission within a reasonable amount of time (generally no more than 5 days). [ed. I-15]

C-7. Results of Faculty Senate Review Panel the Student Appeal Committee Review. The appeal is a review of the materials submitted only. A subcommittee will determine whether the request meets the requirements above in C-6 b. except in extraordinary circumstances, the subcommittee will review all materials submitted, and provide a written decision to both parties within 10 days of receiving all the materials from DOS.

a. For requests that fail to meet the requirements above, the subcommittee will deny the request and inform the student, the SDRB chair, the SDRB panel chair, and DOS of its decision. The determination made by the SDRB panel will become final and the sanctions imposed will become effective immediately as of the original date of the SDRB panel 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.

b. Except in extraordinary circumstances, the review s will review all materials submitted, and provide a written decision to both parties within 10 days of receiving all the materials from DOS. For requests that meets the requirements above in C-6 b.:

1. The review panel’s decision must
   (i) be based on a majority vote,
   (ii) identify the stated basis for faculty senate appeal, the review
   (iii) state the faculty senate panel’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 panel decision,
   (ii) uphold the SDRB panel 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 subcommittee is to uphold the SDRB panel decision the sanctions are effective immediately as of the original date of the SDRB panel 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 panel’s 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 panel’s determination via email.
c. The president has complete discretion whether to engage in any review of the faculty senate subcommittee panel’s 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 panel, faculty Student Appeal Committee subcommittee panel(s), 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:

a. The decision contained clear factual error;

b. 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;

c. New information that could substantially affect the outcome of the decision has been discovered since the determination was made;

d. 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>First Infraction</th>
<th>Sanction</th>
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<tr>
<td>Open container or minor in possession violations.</td>
<td>Completion of educational program.</td>
</tr>
<tr>
<td>Illegal distribution of alcohol.</td>
<td>Completion of community service, period of probation, and educational programs.</td>
</tr>
</tbody>
</table>
Section 2400: University Disciplinary Process for Alleged Violations of the Student Code of Conduct

Second Infraction: Without injury; or without conduct likely to lead to injury.
Sanction: Completion of a treatment and/or educational program.

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

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

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

E. INTERIM SUSPENSION. In certain circumstances, the Dean of Students may impose an interim suspension on a student prior to completing the investigation described in C-1.e. The interim suspension is effective immediately. During the interim suspension, the student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate and as provided in the written notice.

E-1. Interim suspension may be imposed only:

a. To ensure the safety and well-being of members of the University community or preservation of University property;
b. To ensure the student’s own physical or emotional safety and well-being; or
c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

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

a. the reasons for the interim suspension, and
b. information concerning the right to appeal the decision for interim suspension.

E-3. Interim Suspension Review Process:

a. The student must submit a written document to DOS outlining the basis for the review and supporting documentation and/or other information.
b. The DOS will submit all documents received, as well as DOS response, to the Chair of SDRB within 1 day of receiving the student’s documents.
c. The Chair of SDRB and at least two other SDRB members will review all submitted materials and render a decision within 3 days. This decision is a final institutional decision subject to review by the Board of Regents in accordance with C-9.
A. FUNCTION. UI’s disciplinary review process for alleged violations of the Student Code of Conduct is established and maintained for the handling of disciplinary matters concerning UI students (“student” is defined in FSH 2300 I-A-6 and 2400 A-1.) The SDRB is one of the reviewing bodies involved in the review process set out in FSH 2400 which covers any and all matters that are related to and consistent with the Student Code of Conduct (FSH 2300) and the Statement of Student Rights (FSH 2200) are handled by the review process set out in FSH 2400. [rev. 7-14]

B. STRUCTURE AND MEMBERSHIP. The SDRB is broadly representative of the academic community. The SDRB consists of eleven members: five faculty members, two staff, five undergraduate students and one graduate student. The chair is responsible for forming a panel (see B-1 below) and designating the chair. Given the nature of responsibility of the Chair of SDRB, Committee on Committees will first consider a tenured faculty member. Faculty members are selected by the Committee on Committees. Undergraduate student members are appointed by the Associated Students University of Idaho (ASUI) President with the advice and consent of the ASUI Senate. The graduate student is appointed by Graduate & Professional Student Association (GPSA). To allow SDRB members to gather a greater history of and confidence in the disciplinary review process, a two-year term is recommended. To assure a quorum, alternates are appointed to the SDRB from a list of those who have previously served on the SDRB. [rev. 7-14]

B-1. Panel: The chair of the SDRB shall appoint a three person panel from the committee to hear matters presented to the SDRB pursuant to FSH 2400. Each panel will consist of at least one faculty member and, if possible, at least one student. A student may not chair any panel. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under review. C. QUORUM. Five members constitute a quorum. (see FSH 2400 C-5 a(1)). [ed. 7-09, rev. 7-14]

D. SPECIAL CONSIDERATION. Each committee member will be required to participate in Title IX training and other training as needed. Members serving on the SDRB should be aware that federal regulations governing the handling of disciplinary matters recommend a specific hearing time schedule. Therefore, SDRB members may need to be available for approximately two to four hours within as little as five days of a student being notified of the alleged violation of the Student Code of Conduct. [add. 1-14, rev. 7-14]

Student Appeals Committee – FSH 1640.83

A. Function. To conduct a review at the request of a student who wishes to appeal a decision of any panel in matters that include a sanction of suspension, expulsion, or withholding or revoking a degree. A subcommittee (see B-1 below) of the Student Appeals Committee will make a determination as to whether the student’s appeal meets the qualifications as stated in FSH 2400 C-6 and if so, will form a review panel (see B-1 below) from the committee.

B. Structure and Membership. The committee shall be composed of nine members to include six faculty (at least two will be from the current year’s Faculty Senate), two staff, and three students (at least one undergraduate and one graduate student) who will be eligible to serve on a review panel subcommittee as noted in (see B-1 below). The term of membership is three years, with initial terms staggered to form a rotation pattern. Each committee member will be required to participate in Title IX training.

B-1. Review Panel Subcommittee: For each appeal, the Chair of the Student Appeal Committee
shall appoint Faculty Senate Leadership will select a three-member subcommittee and designate a chair, person review panel from the above committee. If possible, each panel subcommittee will consist of at least one faculty member and, if possible, at least one student. A student may not chair any subcommittee. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under review. (one of whom serves as chair) and one student.

C. SPECIAL CONSIDERATION. Each committee member will be required to participate in Title IX training and other training as needed. Members serving on the Student Appeal Committee should be aware that federal regulations governing the handling of disciplinary matters recommend a specific hearing time schedule. Therefore, Student Appeal Committee members may need to be available for approximately two to four hours within as little as five days of a student being notified of a decision of an SDRB panel review.