PREAMBLE

The community of scholars at the University of Nebraska–Lincoln is dedicated to personal growth and academic excellence. By choosing to join the community, each member agrees to comply with certain standards of civilized behavior; and therefore, the University of Nebraska–Lincoln adopts this Student Code of Conduct, in order that it might:
(1) promote a campus environment that supports its educational, research, and outreach missions; (2) protect the members of the community and its resources from disruption and harm; (3) provide a guide to appropriate individual and group behavior; and (4) foster ethical standards and civic virtues, all in keeping with the STUDENT STATEMENT OF VALUES adopted by the Association of Students of the University of Nebraska–Lincoln on January 15, 2014.

All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in the “University of Nebraska–Lincoln Response to Allegations of Student Sexual Conduct”, adopted pursuant to Board of Regents Policy 5.3.3, attached to this Student Code as Appendix “A,” or as Appendix “A” may be hereafter amended.

STUDENT STATEMENT OF VALUES

We the students of the University of Nebraska–Lincoln, as the Cornhusker community, are true to the values we uphold. We treat each other and ourselves with respect; we are dependable, following through on obligations; we are committed, faithful to a cause that is greater than ourselves; we are diligent citizens, engaging in service and our community; we share a caring spirit, demonstrating interest and concern; and we are open-minded, valuing the ideas of others; we engage in responsible social conduct that reflects credit upon the University community and model good citizenship in any community. We work with integrity to fulfill the mission of higher education and strive for excellence while forever carrying the banner of UNL.

Still, on our journeys toward becoming the best versions of ourselves, we learn from the mistakes we make. Furthermore, we understand that rules, regulations, and sanctions do not exist merely as punitive measures, but rather as guiding principles leading us toward success. This Code of Conduct seeks to create standards, consistent with our values, of the highest order to which we hold our peers and ourselves.

ARTICLE I: DEFINITIONS

1. The terms “University” and “UNL” mean the University of Nebraska–Lincoln.

2. The term “student” includes all persons enrolled at the University, either as a resident student or an on-line student, whether full-time or part-time. The term “student” also includes:
a. A person who withdraws from enrollment at the University after allegedly violating the Student Code, but before the offense is adjudicated;

b. A person once enrolled as a student, not officially enrolled for a particular term in which an offense is committed, but who has a continuing relationship with the University;

c. A person living in any University residence hall or family housing, although not enrolled at the University; and

d. A person participating as a learner in a program sponsored by the University, even if such program is conducted away from University premises, in any location, including other states and countries.

3. The term “faculty member” means any person hired by the University to conduct classroom, research, or teaching activities or who is otherwise considered by the University to be a member of its faculty.

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

5. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Dean of Students.

6. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or affiliated with the University (e.g., Greek Houses, Residence Halls, University vehicles, or off-campus research facilities, including adjacent streets and sidewalks).

7. The term “RSO” means any recognized student organization with any number of persons who have complied with the formal requirements for University recognition.

8. The term “shall” is used in the imperative sense.

9. The term “may” is used in the permissive sense.

10. The term “school day(s)” refers to those days during the Fall semester and the Spring semester when classes are in session.

11. The term “policy” means the written regulations of the University and the University of Nebraska as found in, but not limited to, the Student Code, Residence Life Handbook, the University of Nebraska and the University of Nebraska–Lincoln web pages, and computer use policy (Executive Memorandum No. 16), and Graduate/Undergraduate Bulletins.
12. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community also submitted the charge.

13. The term “Respondent” means any student or RSO accused of violating this Student Code.

14. The term “Conduct Officer” shall mean the Dean of Students or a University official authorized by the Vice Chancellor for Student Affairs to impose sanctions upon students or RSOs found to have violated the Student Code of Conduct or other published University policies and regulations prescribing standards of student conduct.

15. The terms “Disciplinary Procedures” or “University Disciplinary Procedures” refers to the provisions which comprise the hearing process described in Article IV of this Student Code.

16. The terms “Conduct Board” and “University Conduct Board” refer to that body of students and faculty selected pursuant to the provisions of Article IV, paragraph 10.1, which presides over hearings conducted as part of the Disciplinary Procedures.

17. The terms “Appeals Board” and “University Appeals Board” refer to that body of students and faculty selected pursuant to the provisions of Article IV, paragraph 11.1, which hears appeals of the decisions made by the Conduct Board.

ARTICLE II: STUDENT CODE AUTHORITY

1. The Dean of Students is that person designated by the University to be responsible for the administration of the Student Code and is authorized by the Vice Chancellor for Student Affairs, as the Conduct Officer, to impose sanctions upon students or RSOs found to have violated the Student Code or other published University policies and regulations prescribing standards of student conduct.

2. Decisions made by the University Conduct Board, or if appealed, then by the University Appeals Board, shall be final. No other UNL or University of Nebraska appeal is available.
3. ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the University Student Code

1. The Student Code shall apply to conduct that occurs:
   a. On University premises, including all University of Nebraska locations, physical campuses and any University affiliated programs located in other states or countries.
   b. Off University premises, if the conduct is determined by the Dean of Students to adversely affect the University community, its members, its reputation or the pursuit of its objectives.

2. The Student Code applies to student conduct which occurs from the time of enrollment through the actual awarding of a degree, even if the conduct occurs prior to the start of classes or is discovered after a degree is awarded.

3. An RSO is responsible for a member’s conduct from the time the student is admitted to membership until the earlier of the student’s permanent termination from membership or is awarded a degree.

All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in the “University of Nebraska–Lincoln Response to Allegations of Student Sexual Conduct”, adopted pursuant to Board of Regents Policy 5.3.3, attached to this Student Code as Appendix “A,” or as Appendix “A” may be hereafter amended.

B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

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

   Cheating: Copying or attempting to copy from an academic test or examination of another student; using or attempting to use unauthorized materials, information, notes, study aids or other devices for an academic test, examination or exercise; engaging or attempting to engage the assistance of another individual in misrepresenting the academic performance of a student; or communicating information in an unauthorized manner to another person for an academic test, examination or exercise.

   Fabrication or Falsification: Falsifying or fabricating any information or citation in any academic exercise, work, speech, research, test or examination. Falsification is the alteration of information, while fabrication is the invention or counterfeiting of information.
Plagiarism: Presenting the work of another as one's own (i.e., without proper acknowledgment of the source) and submitting examinations, theses, reports, speeches, drawings, laboratory notes or other academic work in whole or in part as one's own when such work has been prepared by another person or copied from another person. Materials covered by this prohibition include, but are not limited to, text, video, audio, images, photographs, websites, electronic and online materials, and other intellectual property.

Abuse of Academic Materials: Destroying, defacing, stealing, or making inaccessible library or other academic resource material.

Complicity in Academic Dishonesty: Helping or attempting to help another student to commit an act of academic dishonesty.

Falsifying Grade Reports: Changing or destroying grades, scores or markings on an examination or in a faculty member's records.

Impermissible Collaboration: Collaborating on any academic exercise, work, speech, test or examination unless expressly authorized by the faculty member. It is the obligation of the student to know whether collaboration is permitted.

Misrepresentation to Avoid Academic Work: Misrepresentation by fabricating an otherwise justifiable excuse such as illness, injury, accident, etc., in order to avoid or delay timely submission of academic work or to avoid or delay the taking of a test or examination.

Other: Academic units and members of the faculty may prescribe and give students prior notice of additional standards of conduct for academic honesty in a particular course, and violation of any such standard of conduct shall constitute misconduct under this Student Code and the University Disciplinary Procedures.

Any student found guilty of academic dishonesty may be subject to both academic and disciplinary sanctions.

a. In cases where a faculty member finds that a student has committed any act of academic dishonesty, the faculty member may, in the exercise of his or her professional judgment, impose an academic sanction as severe as giving the student a failing grade in the course. Before imposing an academic sanction the faculty member shall first attempt to discuss the matter with the student. If deemed necessary by either the faculty member or the student, the matter may be brought to the attention of the student's major adviser, the faculty member's department chairperson or head, or the dean of the college in which the student is enrolled. When academic sanction is imposed which causes a student to receive a lowered course grade, the faculty member shall make a report in writing of the facts of the case and the academic sanction imposed against the student to the faculty member's department chairperson or head and to the Conduct Officer. The student shall be
provided with a copy of this report. Further, the faculty member may recommend
the institution of disciplinary proceedings against the student for violation of this
Student Code, if the faculty member in the exercise of his or her professional
judgment believes that such action is warranted.

b. In cases where a faculty member's finding of academic dishonesty is admitted by the
student and an academic sanction is imposed by the faculty member, which the
student believes to be too severe, the student shall have the right to appeal the
severity of the academic sanction through the applicable grade appeal procedure.

c. In cases where a faculty member's finding of academic dishonesty is disputed by the
student, the matter shall be referred to the Conduct Officer for disposition in
accordance with the University Disciplinary Procedures. Any academic sanction
imposed by the faculty member shall be held in abeyance pending a final decision
under the University Disciplinary Procedures. If it is determined through these
procedures that the student did not commit academic dishonesty, the faculty
member's academic sanction shall be set aside. If it is determined that the student
committed academic dishonesty, the faculty member's academic sanction shall be
imposed in addition to any disciplinary sanction which may be imposed under the
University Disciplinary Procedures.

d. The provision of this Student Code relating to academic dishonesty and the
procedures applicable thereto do not apply to law students in the College of Law,
who are governed by the Honor Code of the College of Law, which may be found
on the College of Law’s official website.

2. Furnishing false information to any University official, faculty member, or office.

3. Forgery, alteration, or misuse of any University document, record, or instrument of
identification.

4. Disruption or obstruction of teaching, research, administration, disciplinary
proceedings, and other University activities on or off-campus, including its public
service functions on or off-campus, or of other authorized non-University activities.

5. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or
other conduct that threatens or unreasonably endangers the mental or physical
health, safety or reputation of any person or oneself, including any such conduct
achieved through means of social media or any other means of electronic
communication.

6. Attempted or actual theft of and/or damage to property of the University or property
of a member of the University community on or off campus.
7. Hazing, defined as any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any student organization. Such hazing activity shall include, but not be limited to, whipping, beating, branding, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment of the performance of any act which endanger the physical or mental health or safety of any person.

8. Improper Initiation Rituals, more specifically described as, intentionally adopting or implementing a practice of activity for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or RSO that requires exertion or deprivation or embarrassment over a sustained period of time that can reasonably be expected to interfere with a student’s academic performance, or if publicly known could reasonably be expected to diminish the reputation of the group, RSO, or the University, whether within or outside of the University. Any practice or activity that is not publicly advertised in advance of its implementation shall be presumed to violate this section and the group or RSO shall have the burden of showing that its practice or activity does not violate this section. The express or implied consent of the victim will not be a defense.

9. Failure to comply with directions of University officials or law enforcement officers acting in the course and scope of their University job duties and/or failure to identify oneself to these persons when requested to do so.

10. Unauthorized possession, duplication or use of keys and/or keycards to any University premises or unauthorized entry to or use of University premises.

11. Violation of any UNL or University of Nebraska policy, rule, or regulation published in hard copy or available electronically on the UNL or University of Nebraska websites.

12. Violation of any federal, state or local law.

13. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances, or drug paraphernalia, except as expressly permitted by law.

14. Use, possession, manufacturing, or distribution of alcoholic beverages on University premises (except as expressly permitted by the University), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age in the State of Nebraska.
a. UNL Student Diversion Policy

(Seeking emergency treatment for alcohol poisoning or drug reactions)

1. Students calling 911 (or similar police/emergency medical services) to assist another person experiencing adverse drug reactions or acute alcohol poisoning or other serious alcohol-related injury are eligible to participate in an alternative to normal Student Code procedure. Students seeking to participate in this alternative must meet with a designated Dean of Students staff member to honestly and openly discuss the circumstances surrounding the incident and the decision to call 911/seek emergency medical services.

2. Students who receive emergency medical assistance for acute alcohol poisoning or a serious alcohol-related injury are eligible for an alternative to the normal Student Code procedure. In lieu of discipline, the student must pay for and complete the Brief Alcohol Screening and Intervention for College Students (BASICS) program or such other similar program designated by the University. In addition, the student shall complete such further recommendations made by professional staff as a result of BASICS evaluation, provided that the recommendations do not violate the student’s rights, including but not limited to those rights set forth in the Americans with Disabilities Act.

3. Students who qualify for and complete these alternative requirements will have their Student Code charges set aside and the incident will not be recorded in the behavioral conduct record of the student, provided the student commits no additional major violations of the Student Code within a twelve month period.

b. Procedure

1. In order for this policy to be in effect, emergency medical services (e.g. 911) must be summoned and must respond directly to the situation.

2. Students will receive a letter from the Dean of Students or appropriate Residence Hall Director informing them of misconduct charges. Upon meeting with the designated Dean of Students staff member, it will be determined if the student may be eligible for the UNL Student Diversion Policy.

3. If the student is deemed eligible for the UNL Student Diversion Policy by the Dean of Students staff member, then upon the student
fulfilling the requirements of the policy, the student’s record will
indicate no violation of the Student Code.

While the policy diverts penalties within the Disciplinary Procedures, students may
still be charged by law enforcement officials with violations of federal, state or local laws.

15. Illegal or unauthorized possession of firearms, explosives, other weapons, or
dangerous chemicals on University premises or, the use of any such item, even if
legally possessed, in a manner that harms, threatens or causes fear to others.

16. Participating in an on-campus demonstration, riot or activity that infringes, or incites
others to infringe, on the rights of other members of the University community,
including, but not limited to, the ability to legally express oneself, to attend classes
or other University activities and programs, or to engage in one’s University job
duties.

17. Obstruction of the free flow of pedestrian or vehicular traffic on University Premises
or at University sponsored or supervised functions.

18. Conduct that is disorderly or indecent, including public urination; breach of peace;
or aiding, abetting, or procuring another person to breach the peace on University
premises or at functions sponsored by, or participated in by, the University or
members of the University community.

A person commits disorderly conduct if she or he:

a. Engages in fighting, assault and battery;

b. Makes unreasonable noise and continues to do so after being asked to stop;
or

c. Disrupts a lawful assembly of persons.

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

a. Unauthorized entry into a file, to copy, use, read, or change the contents, or
for any other purpose.

b. Unauthorized transfer of a file.

c. Use of another individual’s identification and/or password.
d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.

e. Use of computing facilities and resources to send obscene or abusive messages.

f. Use of computing facilities and resources to interfere with normal operation of the University computing system.

g. Use of computing facilities and resources in violation of copyright laws.

h. Any violation of the University Computer Use Policy (Executive Memorandum No. 16).

20. Smoking in any University facility or vehicle. (The University Tobacco Free Campus Policy is found at www.unl.edu.)

21. Turning in false fire alarm or bomb threat or misusing fire safety equipment on University Premises, including any student housing unit is a Student Code violation.

22. Failing to report a fire or any other extremely dangerous condition when known or recognized on the campus.

23. Violation of any student housing unit policy or regulation. (The Housing Rights and Responsibilities policy is found at www.unl.edu.)

24. Sexual assault or any other uninvited behavior of a sexually explicit nature including but not limited to sexual harassment, dating or domestic violence, and stalking. All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth the “University of Nebraska–Lincoln Response to Allegations of Student Sexual Conduct,” adopted pursuant to Board of Regents Policy 5.3.3, attached to this Student Code as Appendix “A,” or as Appendix “A” may hereafter be amended.

25. Abuse of the University Disciplinary Proceedings, including but not limited to:

a. Failure to obey the notice from a Conduct Board or University official to appear for a meeting or hearing as part of the Disciplinary Proceedings.

b. Falsification, distortion, or misrepresentation of information before a Conduct Board.
c. Disruption or interference with the orderly conduct of a Conduct Board proceeding.

d. Filing a malicious or frivolous complaint.

e. Attempting to discourage an individual’s desire or efforts to engage in a permitted participation or use of the Disciplinary Procedures.

f. Attempting to influence the impartiality of a member of a Conduct Board prior to, and/or during the course of, the Conduct Board proceeding.

g. Harassment (verbal or physical) and/or intimidation of a member of a Conduct Board prior to, during, and/or after a disciplinary proceeding.

h. Failure to comply with the sanction(s) imposed under the Student Code.

C. Violation of Law and University Discipline

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 is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student 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 on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and other members of the University community remain free to interact with governmental representatives as they deem appropriate.

D. Referral to Civil or Criminal Authorities

When circumstances warrant, the University administration will refer acts of misconduct to appropriate civil or criminal justice authorities.

ARTICLE IV. Student Code of Conduct Disciplinary Procedures

1. General.

1.1 Right to Disciplinary Proceeding. Except in cases of temporary suspension ordered by the Chancellor or Vice Chancellor for Student Affairs as hereafter provided, suspension, expulsion or other disciplinary sanction for misconduct may not be imposed without a disciplinary proceeding in accordance with these Disciplinary Procedures.
1.2 Student Court Jurisdiction. Nothing in these Disciplinary Procedures shall affect the jurisdiction of the Student Court of the Association of Students of the University of Nebraska (ASUN) with respect to ASUN constitutional matters, RSOs and other non-disciplinary student matters.

1.3 Disciplinary Procedures of Subordinate Conduct Boards. All subordinate conduct boards shall model their disciplinary procedures insofar as possible after these Disciplinary Procedures. See Section 13 relating to subordinate conduct boards.

1.4 Conduct Officer. The Conduct Officer shall mean the Dean of Students or a University official authorized by the Vice Chancellor for Student Affairs to impose sanctions upon students or RSOs found to have violated the Student Code or other published University policies and regulations prescribing standards of student conduct.

2. Rights of the Complainant and the Respondent

2.1 Complaint. Any member of the University community may file a written misconduct complaint against a student or RSO alleging misconduct under the Student Code or other policy. Misconduct complaints shall be filed in the Office of Student Affairs.

2.2 Responsibility of the Conduct Officer. If the Conduct Officer determines that the misconduct alleged in a complaint warrants the institution of disciplinary proceedings, he or she shall insure compliance with these Disciplinary Procedures.

2.3 Disqualification of Conduct Officer. In the event the Conduct Officer may be a material witness in any disciplinary proceeding or for any reason cannot perform his or her duties under these Disciplinary Procedures, the Vice Chancellor for Student Affairs shall appoint an acting Conduct Officer to perform such duties.

2.4 Review of Complaint. The Conduct Officer shall make a preliminary investigation of each complaint to determine whether it may be disposed of without institution of disciplinary proceedings. Within 20 school days after receipt of a written misconduct complaint against a student or RSO, the Conduct Officer must decide on one of three courses of action: (a) dismiss the complaint, (b) propose an administrative disposition to the student or RSO, or (c) initiate a disciplinary proceeding before the University Conduct Board or a subordinate conduct board.

2.5 Informal Meeting. The Conduct Officer may conduct an informal meeting with a student or RSO accused of misconduct to discuss the misconduct
alleged. Prior to any such informal meeting the student or RSO accused of misconduct shall be appraised in writing of the following:

a. The source and nature of the misconduct complaint which has been filed.
b. That the student or RSO is entitled to be accompanied by legal counsel or an adviser at the expense of the student or RSO at any meeting or hearing relevant to the misconduct alleged in the complaint.
c. That the student or RSO is under no obligation at any time to admit the misconduct alleged or to make any other statement at any meeting or hearing relevant to the misconduct alleged.
d. That any statement that the student or any representative of the RSO may make can be used against the student or RSO under these Disciplinary Procedures.

During any such informal meeting, the Conduct Officer may proceed with administrative disposition of a complaint pursuant to Section 4.2 of these Disciplinary Procedures if the Conduct Officer determines that administrative disposition is appropriate and if the same is accepted by the student or RSO as provided in Section 4.2.

2.6 Failure to Appear. If a student or RSO accused of misconduct fails to appear at an informal meeting requested by the Conduct Officer, the Conduct Officer may initiate disciplinary proceedings before the University Conduct Board or a subordinate conduct board.

3. Temporary Suspension.

Pending initiation of disciplinary proceedings by the Conduct Officer, the Chancellor or Vice Chancellor for Student Affairs may at any time temporarily suspend a student from the University or deny a student readmission when the Chancellor or Vice Chancellor for Student Affairs finds and believes from information coming to his or her attention that the presence of the student on the University campus would seriously disrupt the University or constitute a danger to the health, safety or welfare of other persons, the student, or property of the University or members of the University community. If a student is temporarily suspended by the Chancellor or Vice Chancellor for Student Affairs, the Chancellor or Vice Chancellor for Student Affairs shall promptly instruct the Conduct Officer to initiate appropriate disciplinary proceedings against the student within two (2) working days after temporary suspension is imposed. If a student placed on temporary suspension is ultimately found not guilty of misconduct, such student shall be allowed if at all possible to make up academic work missed while on temporary suspension.


4.1 General. If the Conduct Officer determines that the institution of a University disciplinary proceeding for alleged misconduct is in the best
interests of the University and/or the University community, such proceeding
shall be instituted against the student or RSO accused of misconduct in
accordance with the procedures for administrative disposition or the
procedures for conduct board disposition hereinafter provided.

4.2 Administrative Disposition. The Conduct Officer, in the exercise of his or
her reasonable judgment and when agreed to in writing by the student or
RSO, shall have authority by administrative disposition of a disciplinary
proceeding to impose any of the disciplinary sanctions provided in Sections
7. The proposed administrative disposition shall list all Student Code
violations with which the student or RSO is being charged as a result of the
alleged misconduct. Where an administrative disposition proposed by the
Conduct Officer is not accepted in writing by the student or RSO, the student
or RSO shall have the right to have the matter of the alleged misconduct
referred to the University Conduct Board. The student or RSO shall have
three (3) school days within which to accept or reject an administrative
disposition proposed by the Conduct Officer. If the student or RSO fails to
accept or reject the proposed administrative disposition within such three day
period, rejection will be presumed and the matter shall be referred to the
University Conduct Board or a subordinate conduct board as provided in
Section 4.3.

4.3 Conduct Board Disposition. If a student or RSO rejects administrative
disposition of a disciplinary proceeding proposed by the Conduct Officer,
the Conduct Officer shall institute a disciplinary proceeding against the
student or RSO before the University Conduct Board or before a subordinate
conduct board for the misconduct alleged in the complaint. The disciplinary
proceeding so instituted shall be limited to those Student Code violations
listed in the rejected administrative disposition, unless new evidence
becomes available after the administrative disposition was rejected. Further,
the Conduct Officer in the exercise of his or her reasonable judgment may
institute a disciplinary proceeding for alleged misconduct directly before the
University Conduct Board or before a subordinate conduct board without
first offering administrative disposition to a student or RSO accused of
misconduct.

4.4 Jurisdiction. The University Conduct Board shall have general original
jurisdiction under these Disciplinary Procedures to hear and decide any
disciplinary proceeding against a student or RSO accused of misconduct.
The subordinate conduct boards shall have limited original jurisdiction to hear
and decide disciplinary proceedings according to their respective
disciplinary procedures. (See Section 13.1(e) relating to jurisdiction of
subordinate conduct boards.)
5. University Conduct Board Procedure

5.1 Notice. All disciplinary proceedings before the University Conduct Board shall be instituted by written notice delivered to the student accused of misconduct or delivered to an officer of the RSO accused of misconduct. Such written notice shall contain the following information:

a. Source of the misconduct complaint.
b. Statement of alleged facts constituting misconduct under the Student Code or other policy.
c. Citation of the specific provision(s) of the Student Code of Conduct or other policy alleged to have been violated.
d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented in support of the alleged misconduct.
e. Date, time and place of the hearing before the Conduct Board. Each hearing shall be at least three (3) school days after the date of receipt of the written notice.
f. A statement that the student or RSO accused of misconduct may be accompanied by legal counsel or other adviser at the hearing before the Conduct Board, to be provided at the expense of the student or RSO, and that such legal counsel or adviser may advise the student or RSO, but may not directly participate in the hearing.
g. That the student or RSO accused of misconduct is under no obligation to admit the truth of the alleged misconduct or to make any other statement at the hearing relevant to the alleged misconduct, and that refusal to testify or make a statement will not be considered as an indication of guilt.
h. That the student or RSO accused of misconduct has the right to inspect before the hearing in the office of Student Affairs ends to present at the hearing, and that the student or RSO will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.

5.2 Failure to Appear. The student accused of misconduct or a student officer of the RSO accused of misconduct will be expected to be present at the hearing before the Conduct Board. If the student or a student officer of the RSO fails to appear at the time and place designated for the hearing, the Conduct Board shall proceed with the hearing if a majority of the Conduct Board members present are satisfied that the student or RSO has received written notice as required by Section 5.1. The Conduct Board will then proceed in the absence of the student or RSO and render a decision, based upon the information presented at the hearing.
5.3 Quorum. Every student or RSO accused of misconduct in disciplinary proceedings before the Conduct Board is entitled to a hearing by a quorum of the Conduct Board. A quorum will consist of at least two faculty members and three student members of the Conduct Board. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Conduct Officer may stipulate and agree in writing that the Conduct Board hearing may be conducted and the case may be decided by those Conduct Board members present even though a quorum has not been established. If there is no such stipulation, the hearing shall be rescheduled as soon as is reasonably possible.

5.4 Status Pending Conduct Board Proceedings. The status of a student accused of misconduct shall not be altered and the right of a student to be present on campus and to attend classes shall not be suspended during the time of any pending disciplinary proceeding against the student unless the Chancellor or the Vice Chancellor for Student Affairs determine that suspension of the student is required for compelling reasons, including but not limited to the protection of the health, safety or welfare of the student, other persons, or the property of the University and/or the members of the University community. The status of an RSO accused of misconduct shall not be altered pending any disciplinary proceeding, unless the Chancellor or the Vice Chancellor for Student Affairs determines that suspension of the RSO from the University is required for compelling reasons in order to protect the health, safety or welfare of the members of the University community, their property or that of the University.

5.5 Disqualification of a Conduct Board Member

a. If any member of the Conduct Board believes that associations, relationships, or other circumstances exist such that he or she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Conduct Board member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Conduct Board for a particular proceeding if the member in the exercise of reasonable discretion believes there may be an appearance of impropriety by serving as a member of the Conduct Board for that proceeding. The foregoing shall not relieve the Conduct Board from the requirement of maintaining a quorum as required by Section 5.3 above.

b. At the beginning of any hearing before the Conduct Board, prior to any presentation of pertinent information related to the alleged misconduct, each member of the Conduct Board shall state and affirm on the record that to the best of their knowledge and belief,
he or she is able, and knows of no reason why, he or she would be
unable, or would be perceived as unable, to render a fully fair and
impartial decision for the matter before the Conduct Board.

5.6 Conduct Board Hearings Closed. All hearings of the Conduct Board shall be
private and closed to the public; provided that the Complainant, the
Respondent and their advisors, if any, shall be allowed to attend the entire
portion of the hearing at which information is presented. Admission of any
other person to the hearing shall be at the discretion of the Conduct Board in
consultation with the Conduct Officer. Neither the Complainant, nor the
Respondent, nor their advisors, if any, shall be allowed to attend the
deliberations of the Conduct Board.

5.7 Right to Separate Hearing. In any proceeding involving more than one
Respondent, any Respondent may request and the Conduct Board, at its
discretion may grant, a separate disciplinary proceeding before the Conduct
Board.

5.8 Hearings During 15th Week, Finals Week and Summer Sessions. Conduct
Board hearings may not be available during the last two weeks of each
semester (15th Week and Finals Weeks) and during summer school sessions.
During these time periods the Vice Chancellor for Student Affairs may
designate one or more hearing officers who shall be authorized to serve as
the Conduct Board, to conduct hearings and render decisions in disciplinary
proceedings in accordance with the procedures governing the Conduct Board
to the extent reasonably applicable.

5.9 Decisions. The Conduct Board shall render a written decision in each
proceeding in accordance with the requirements of Sections 7.1 and 7.2 of
these Disciplinary Procedures.

6. Rules Applicable to the Conduct Board Hearing

6.1 Pertinent Information and Summary Presentations. Pertinent information related to
the alleged misconduct shall be submitted in the following order: (i) information
presented by the Conduct Officer in relation to the alleged misconduct, (ii)
information presented by the student or RSO accused of misconduct, and (iii) further
information or explanation presented by first, the Conduct Officer, followed by the
accused student or RSO, such presentations to be confined to rebutting the other’s
information presented at the hearing. After the presentation of all pertinent
information, the Conduct Officer shall be given the opportunity to make a
presentation summarizing the information and position of the University, followed
by a presentation by the student or RSO summarizing the Respondent’s position.
6.2 Witnesses. The Conduct Board, the Complainant and the Respondent may arrange for witnesses to present pertinent information to the Conduct Board. Witnesses will provide information to and answer questions from the Conduct Board. Questions may be suggested by the Complainant or the Respondent to be answered by each other or by other witnesses. This will be conducted by the Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Conduct Board.

6.3 Attorney or Adviser Not Allowed to Participate in Hearing. An attorney or other adviser for a Complainant or a Respondent may be present at the hearing solely to advise, and may not directly participate in the hearing. Without limiting the generality of the foregoing sentence, an attorney or other adviser shall not be permitted to make oral presentations or arguments, ask questions of the Conduct Board examine or cross-examine a witness, or object to testimony of a witness or to introduction of other evidence. Failure of an attorney to abide by this section may result in a ruling against the Attorney’s client for noncompliance with these Disciplinary Procedures. Each of the Complainants and Respondents are expected to present their own pertinent information and, therefore, advisors are not permitted to speak or to participate directly in any hearing before the Conduct Board.

6.4 Evidentiary Rules. Formal rules of process, procedure, and technical rules of evidence, like those applied in criminal or civil court, are not used, nor are they applicable, in proceedings before the Conduct Board. Incompetent, irrelevant, immaterial and unduly repetitious information may be excluded. The Conduct Board shall in its sole discretion determine whether information shall be heard at the hearing and/or considered in its deliberations.

6.5 Verbatim Record. The Conduct Board shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University. Copies of such record may be obtained by a Respondent upon payment of the cost of duplication and used only for the purpose of an appeal under these Disciplinary Procedures or as otherwise required by law. In no event shall the record of a Conduct Board hearing be used in a manner which violates the privacy or other rights of any student, University employee or other person, whether such rights are set forth in law or the policies of the University/University of Nebraska. Any form of distribution of the recording, other than as permitted above, shall constitute a separate and actionable violation of the Student Code.

7. Conduct Board Decisions. The Conduct Board’s decision shall be made on the basis of whether it is more likely than not that the Respondent violated the Student Code. After hearing and considering the pertinent information presented, the Conduct Board shall, by a majority vote, render a decision as follows:
a. Not In Violation. Misconduct has not been proved; or

b. In Violation. Misconduct has been proved. In this case the Conduct Board may decide not to impose a disciplinary sanction, if mitigating circumstances warrant that no sanction be imposed, or it may decide to impose one or more, or any combination, of the disciplinary sanctions as follows:

1. Warning—A notice in writing to the Respondent that the Respondent is violating or has violated specific designated sections of the Student Code.

2. Probation—A written reprimand for violation of specific designated sections of the Student Code. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Respondent is found to violate the terms of the probation or any provision of the Student Code during the probationary period.

3. Loss of Privileges—Denial of specified privileges for a designated period of time.

4. Fines—Previously established and published fines may be imposed.

5. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

6. Discretionary Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.

7. Residence Hall Suspension—Separation of the Respondent from the residence halls for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.


9. University Suspension—Separation of the Respondent from the University for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
10. University Expulsion—Permanent separation of the Respondent from the University.

11. 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.

12. Withholding Degree—The University may permanently withhold awarding a degree, or withhold the award of a degree pending the completion of the Disciplinary Procedures, including the completion of all sanctions imposed, if any.

7.2 Written Decisions; Delivery. The Conduct Board shall render its decisions in writing within ten (10) school days after the conclusion of a hearing. Each decision shall contain findings of fact as well as the Conduct Board’s disposition of the proceeding and shall be delivered to the Office of the Vice Chancellor for Student Affairs together with the verbatim record of the Conduct Board hearing. Within one school day of rendering the decision, a copy of the decision shall be mailed to the Respondent by U.S. post at the address of record as verified at the hearing, or e-mailed to an address designated by the Respondent at the hearing.

In disciplinary proceedings involving crimes of violence, the Conduct Officer will if, requested by the alleged victims, disclose to the alleged victims whether the Respondent was found in violation of the Student Code. The disciplinary sanctions imposed on any Respondent may be disclosed to the victims at the discretion of the Conduct Officer. Violations of the Student Code which may be considered crimes of violence include, but are not limited to, physical abuse, sexual assault, and hazing.

8. Procedural Interpretation; Supplemental Rules

Questions of interpretation arising with respect to the Student Code and its Disciplinary Procedures shall be determined in the discretion of the Conduct Officer. The Conduct Board may adopt supplemental rules and regulations, not in conflict with the provisions of these Disciplinary Procedures, which the Board shall determine to be necessary for the fair and impartial conduct of its proceedings.

9. Rehearing

A student or RSO found in violation of the Student Code by the Conduct Board may petition the Conduct Board to rehear the proceedings upon the discovery of new and
pertinent information within 90 days from the date of the decision of the Conduct Board, except that in cases of suspension a petition for rehearing request may be filed anytime during the term of suspension, and in cases of expulsion there shall be no time limit on the filing of a petition for rehearing. The Conduct Board will judge the sufficiency of the new information, and no appeal may be taken from its decision to either grant or deny the request to rehear the disciplinary proceedings. If a rehearing is granted, the verbatim record of the original hearing shall be fully admissible and considered by the Conduct Board. In order to prevail, the Respondent must demonstrate that, based upon the new information, the original decision is wrong and should be modified or rescinded.

10. Conduct Board Composition and Term of Office

10.1 Membership. The University Conduct Board shall have five student members and four faculty members. The ASUN Senate shall provide the Chancellor with fifteen recommendations from which he or she will select five regular student members and five alternate student members to serve on the Conduct Board. The Faculty Senate shall provide the Chancellor with twelve recommendations from which he or she will select four regular faculty members and four alternate faculty members to serve on the Conduct Board. All members shall attend a Conduct Board training session prior to serving on the Conduct Board.

10.2 Vacancies. Vacancies on the Conduct Board, including temporary vacancies, may be filled by the Vice Chancellor for Student Affairs or his or her designee from the list of alternate members appointed by the Chancellor. Should the need arise, the Faculty Senate and the ASUN Senate shall at the request of the Chancellor submit additional lists of alternate members to the Chancellor. Should the Faculty Senate or the ASUN Senate refuse or for any reason fail to submit any of the above-mentioned lists of alternate members to the Chancellor when requested, the Chancellor shall directly make any appointment required to fill a vacancy on the Conduct Board.

10.3 Term of Office. Student members of the University Conduct Board shall be appointed for a term of one academic year from the first day of Fall term classes extending through the last day of Spring term classes. Faculty members shall be appointed for a term of three academic years, with at least one new three-year term commencing each year. Members may be reappointed provided their names are included on the lists submitted to the Chancellor pursuant to Section 10.1. Members may not serve more than two consecutive terms.

10.4 Chairperson. The Conduct Board shall select a student chairperson and a faculty chairperson, either of whom may preside at Conduct Board hearings.
10.5 Removal from the Conduct Board. If any of the following situations occur, a member may be removed from the Conduct Board by the Vice Chancellor for Student Affairs:

a. A member fails to respond to meeting notices more than twice in a single semester.

b. A student member is found to be in violation of the Student Code.

c. A member is found to be in violation of the privacy or other rights of any member of the University community who is involved in a disciplinary proceeding, whether such rights are set forth in law or the policies of the University/University of Nebraska.

The Vice Chancellor for Student Affairs determines, in his or her discretion, that a member has engaged in conduct that so adversely impacts and reflects upon the member’s honesty, integrity, or moral values, so as to render him or her unable to meaningfully and credibly participate in the hearing, deliberations, or decision of the Conduct Board.

11. Appeals and University Appeals Board Procedure.

11.1 Right of Appeal. A student or RSO found in violation of the Student Code by the University Conduct Board or any subordinate Conduct Board shall have the right to appeal to the University Appeals Board which has exclusive appellate jurisdiction in all disciplinary proceedings.

11.2 Timeliness. Any appeal must be submitted in writing to the University Appeals Board and received in the Office of the Vice Chancellor for Student Affairs within fourteen (14) calendar days after the date of mailing or e-mailing the Conduct Board decision to the Respondent.

11.3 Issues to be Considered on Appeal. The Appeals Board will consider only the following issues on appeal:

a. That the information presented to and received by the Conduct Board was not sufficient to support its decision.

b. That sanctions imposed by the Conduct Board were excessive and not in keeping with the gravity of the misconduct.

c. That the Conduct Board failed to follow the Disciplinary Procedures and that as a result of such failure the student or RSO did not receive a fair and impartial hearing.

An appeal which does not clearly raise in writing one or more of the three issues listed above shall be dismissed without further consideration. The Appeals Board shall limit its review to the issue or issues raised in the written appeal and no others. The Appeals Board shall complete its review
11.4 Oral Presentations. In considering an appeal, the Appeals Board may ask either the student or RSO making the appeal and the Conduct Officer to make an oral presentation. In this case the student or RSO making the appeal shall first make an oral presentation followed by an oral presentation by the Conduct Officer. The Appeals Board may ask questions of all parties.

11.5 Record of Proceedings Before the Conduct Board. Upon request by the Appeals Board, the Conduct Officer shall deliver to the Appeals Board the record of the Conduct board proceedings, including the recording of the Conduct Board hearing.

11.6 Disposition by Appeals Board. After reviewing an appeal complying with the requirements of Section 11.3, the Appeals Board may decide as follows:

a. Affirm the Conduct Board decision, or
b. Modify or rescind any sanction imposed by a Conduct Board if the Appeals Board finds that good cause exists for the modification or rescission.

11.7 Status Pending Appeals Board Proceedings. Any sanctions imposed by a Conduct Board shall be suspended until an appeal is decided by the University Appeals Board. The status of a student shall not be altered and the right of a student to be present on campus and to attend classes shall not be suspended during the time of any appeal proceeding, unless the Chancellor or the Vice Chancellor for Student Affairs determines that suspension of the student is required for compelling reasons, including but not limited to the protection of the health or safety or welfare of the student, other persons, or property of the University and/or the members of the University community. The status of an RSO shall not be altered pending any appeal proceedings, unless the Chancellor or Vice Chancellor for Student Affairs determines that suspension of the RSO from the University is required for compelling reasons in order to protect the health, safety or welfare of the members of the University community, their property, or that of the University.

11.8 Quorum. A quorum will consist of one faculty member and two student members. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Conduct Officer may stipulate and agree in writing that the appeal may be heard by those Appeals Board members present even though a quorum has not been established. If there is no such stipulation, the proceeding shall be rescheduled as soon as is reasonably possible.

11.9 Disqualification of an Appeals Board Member. If any member of the Appeals Board believes that associations, relationships, or other circumstances exist such that he or
she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Appeals Board member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Appeals Board for a particular appeal proceeding if the member in the exercise of reasonable discretion believes there may be an appearance of impropriety by serving as a member of the Appeals Board for that appeal proceeding. The foregoing shall not relieve the Appeals Board from the requirement of maintaining a quorum as required by Section 11.8 above.

11.10 Attorney or Adviser Not Allowed to Participate. An attorney or other adviser for a Complainant or Respondent may be present at any proceedings of the Appeals Board solely to advise, but may not directly participate in the proceedings. Without limiting the generality of the foregoing sentence, an attorney or other adviser shall not be permitted to make oral presentations, arguments, or ask questions of the Appeals Board. The Complainants and Respondents are expected to present their own appeal and, therefore, advisors are not permitted to speak or to participate directly in any proceeding before the Appeals Board.

11.11 Verbatim Record. The Appeals Board shall make a confidential verbatim record of its proceedings. Such verbatim record shall be made by such method of recording or recording devices the University deems suitable. The recording shall be the property of the University.

11.12 Appeals During 15th Week, Finals Week and Summer Sessions. Appeals Board hearings may not be available during the last two weeks of each semester (15th Week and Finals Week) and during summer school sessions. During these time periods the Vice Chancellor for Student Affairs may designate one or more hearing officers who shall be authorized to hear appeals and render decisions in accordance with the procedures governing the Appeals Board to the extent such procedures are reasonably applicable.

11.13 Appeals Board Proceedings Closed. All proceedings of the Appeals Board shall be private and closed to the public; provided that the Complainant, the Respondent and their advisors, if any, shall be allowed to attend the entire appeal hearing.

11.14 Appeals Board Decision. The decisions of the Appeals Board shall be final and may not be further appealed within UNL or the University of Nebraska.

12. Appeals and Board Composition and Term of Office.

12.1 Membership. The University Appeals Board shall have four student members and three faculty members. The ASUN Senate shall provide the Chancellor with eight recommendations from which he or she will select four regular student members to serve on the Appeals Board. The Faculty Senate shall provide the Chancellor with six recommendations from which he or she
will select three faculty members to serve on the Appeals Board. Members shall attend a Conduct Board training session prior to serving on the Board.

12.2 Term of Office. Members of the University Appeals Board shall be appointed for a term of one academic year. Members may be reappointed provided their names are included on the lists submitted to the Chancellor pursuant to Section 11.1. Members may not serve more than two consecutive terms.

12.3 Chairperson. The Appeals Board shall select a student chairperson and a faculty chairperson, either of whom may preside at Appeals Board hearings.

12.4 Removal from the Appeals Board. If any of the following situations occur, a member may be removed from the Appeals Board by the Vice Chancellor for Student Affairs:

a. A member fails to respond to meetings notices more than twice in a single semester.

b. A student member is found to be in violation of the Student Code.

c. A member is found to be in violation of the privacy or other rights of any member of the University community who is involved in a disciplinary proceeding, whether such rights are set forth in law or the policies of the University/University of Nebraska.

13. Subordinate Conduct Board Structure

Subordinate Conduct Boards. The Vice Chancellor for Student Affairs may require that Subordinate Conduct Boards be established by the Director of University Housing in conjunction with the Residence Hall Association, and by the Director of Greek Affairs in conjunction with the Interfraternity Council and the Panhellenic Association. The disciplinary procedures under which a Subordinate Conduct Board will function must be in conformity with these Disciplinary Procedures and shall not become effective until approved by the Vice Chancellor for Student Affairs. All Subordinate Conduct Boards shall be established in accordance with the following requirements:

a. Composition. Student members of a subordinate Conduct board shall be nominated by members of the cognizant student governing or coordinating body and appointed by the Vice Chancellor for Student Affairs. Faculty and staff members of a Subordinate Conduct Board shall be nominated by the cognizant director (University Housing or Greek Affairs) and appointed by the Vice Chancellor for Student Affairs.

b. Term of Office. Members of the subordinate Conduct board shall be appointed for a term of one academic year beginning the first day of Fall term classes and extending through the last day of Spring term classes. Each
member has the obligation to attend an orientation session to be held before
the first case may be heard.

c. Quorum. Each Subordinate Conduct Board will establish its own rules with
respect to the quorum required to conduct a hearing.

d. Staff Adviser. Subordinate Conduct Boards will have staff advisers from the
appropriate departments within the Office of Student Affairs.

e. Jurisdiction. Each Subordinate Conduct Board will have limited original
jurisdiction as provided in its disciplinary procedures over alleged violations
of the Student Code, University policies and rules of specific student groups,
e.g. Residence Halls or Greek sororities and fraternities. The specific
jurisdiction and issues relating to interpretation of jurisdiction, of any
Subordinate Conduct Board shall be decided by the Vice Chancellor for
Student Affairs.

f. Decision. After hearing a case, a Subordinate Conduct Board may decide as
follows:

1. Not Responsible. Misconduct has not been proved; or

2. Responsible. Misconduct has been proved. In this case a
Subordinate Conduct Board may decide not to impose a
disciplinary sanction, if mitigating circumstances warrant that no
sanction be imposed, or it may decide to impose one or more of
the following disciplinary sanctions:

a. Warning: A notice in writing to the Respondent that the
Respondent is violating or has violated specific
designated sections of the Student Code or other
applicable rules.

b. Restitution: Compensation for loss, damage, or injury. This
may take the form of appropriate service and/or monetary or
material replacement.

c. Conduct Probation: A written reprimand for violation of
specific designated sections of the Student Code or other
applicable rules. Probation is for a designated period of time
and includes the probability of more severe disciplinary
sanctions, if the Respondent is found to violate the terms of
the probation or any provision of the Student Code or
applicable rule, during the probationary period.

d. Behavioral Requirement: A directive to engage in a certain
behavior, such as service or denial of privileges, provided that
the sanction do not violate a students’ rights, including but not limited to the Americans with Disabilities Act (e.g. required mental health counselling.)
e. Appeals. Appeals from decisions of a Subordinate Conduct Board may be made to the University Appeals Board in accordance with Section 11 of these Disciplinary Procedures.

14. Disciplinary Records

Transcripts of University academic records will not include information concerning disciplinary action, except in cases of expulsion. Information from disciplinary and counseling files will not be made available to unauthorized persons without the express written consent of the person involved, or as otherwise authorized, or required by law. Disciplinary records shall be destroyed seven years after the last sanction was imposed, except in case of expulsion, where disciplinary records shall be permanently maintained. Notwithstanding the foregoing, records of Honor Code violations of the College of Law shall be maintained only as provided by said Honor Code.

15. Readmission After Expulsion

Any student who has been expelled from the University under these Disciplinary Procedures may at any time after seven (7) years from the date of expulsion request readmission to the University by written petition to the Vice Chancellor for Student Affairs, who may or may not grant readmission at his or her discretion.

ARTICLE V: INTERPRETATION AND REVISION

Any question of interpretation or application of the Student Code shall be referred to the Dean of Students or his or her designee for final determination.
I. Introduction

a. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by Federal law.

b. Sexual harassment is misconduct in violation of University policy and state and federal law that the University will take action to eliminate, prevent, and redress once the University knows it has occurred.

c. The University will investigate reported allegations of sexual harassment and may take appropriate action even if the alleged victim or Complainant does not wish to pursue formal charges. Any response by the University may be hindered by the alleged victim’s or Complainant’s desire for anonymity and/or inaction.

d. Sexual harassment of a student may be investigated by the University whether it is alleged to have been committed on or off campus.

e. Any person can complain of sexual harassment of a student. Complaints of sexual harassment may be made using the University’s internal processes at the same time that criminal complaints or charges are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary charges are independent of any criminal or external investigation.

f. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced.
g. Complaints regarding sexual harassment of a student by a student at the University of Nebraska – Lincoln can be made to:

Student Affairs Officer
Jake Johnson
Assistant Vice Chancellor
106 Canfield Administration Building
402-472-2021
mhecker2@unl.edu

Title IX Coordinator
Tami Strickman
Associate to the Chancellor
128 Canfield Administration Building
402-472-3417
lcrump1@unl.edu

Human Resources Officer
Bruce Currin
Assistant Vice Chancellor
407 Canfield Administration Building
402-472-3105
bcurrin1@unl.edu

h. Complaints regarding sexual harassment of a student by faculty or staff at the University of Nebraska – Lincoln can be made to:

Human Resources Officer
Bruce Currin
Assistant Vice Chancellor
407 Canfield Administration Building
402-472-3105
bcurrin1@unl.edu

Title IX Coordinator
Tami Strickman
Associate to the Chancellor
128 Canfield Administration Building
402-472-3417
lcrump1@unl.edu

Student Affairs Officer
Jake Johnson
Assistant Vice Chancellor
University of Nebraska–Lincoln
106 Canfield Administration Building
402-472-2021 mhecker2@unl.edu
i. University policy prohibits retaliation against any person making a complaint of sexual harassment or against any person cooperating in the investigation, including but not limited to witnesses. The prohibition of actual or threatened retaliation applies to third parties as well as students.

j. In addition to formal University proceedings, victims of sexual harassment may seek counseling and health services if needed.

II. Definitions

a. “Administrative Resolution” is at least one meeting between the Conduct Officer and a Respondent and the Complainant to determine whether a student has violated the Code and to impose sanction(s), if warranted.

b. The term “advisor” means any person, including legal counsel, who assists the Respondent, Complainant or Conduct Officer during a Conduct proceeding.

c. The term “Appeals Board” means persons authorized by the Student Affairs Officer to determine on appeal whether a student has violated the Code and/or to recommend the imposition of one or more sanctions.

d. The term “Code” means the campus Student Code of Conduct.

e. The term “Complainant” means any person who comes forward to the Student Affairs Officer, Title IX Coordinator or Human Resource Officer to complain of sexual harassment by a student, member of the University community or a third party.

f. The term “Conduct Board” means persons authorized by the Student Affairs Officer to determine whether a student has violated the Code and to impose sanction(s), if warranted. The Conduct Board must include one or more student members when sanctions of suspension or expulsion are involved.¹

¹ Section 5.4(e) of the Bylaws of the Board of Regents requires “a hearing before a regularly constituted board in all cases involving expulsion or suspension.”
g. The term “Conduct Officer” means a University official authorized by the Student Affairs Officer to impose sanctions upon students found to have violated the Code.

h. The term “in violation” means that it is more likely than not\(^2\) that a student committed one or more violations of the Code.

i. The term “may” is used in the permissive sense.

j. The term “member of the University community” includes any person who is a student, staff, faculty member, University official, or any other person employed by, or acting on behalf of the University. A person’s status in a particular situation shall be determined by the Conduct Officer.

k. The term “not in violation” means that it is more likely than not that a student did not commit one or more violations of the Code.

l. “Respondent” is any student who is charged with having violated one or more provisions of the code.

m. “Retaliation” includes intimidation, threats, harassment, and other adverse action threatened or taken against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting of sexual harassment.

n. “Sexual harassment” is unwelcome conduct or behavior of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence, sex without consent or by force, threat of force, or intimidation (i.e. stalking). Sexual harassment includes but is not limited to:

   i. Non-consensual touching and/or fondling
   ii. Forcing an unwilling person to touch another’s intimate parts
   iii. Sodomy, sexual penetration, or intercourse without consent
   iv. Sodomy, sexual penetration, or intercourse when a person is mentally or physically incapable of resisting or giving

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\(^2\) By making a finding of whether it is more likely than not that a violation did or did not occur, a “preponderance of the evidence” standard is being used.
consent (e.g., due to the use of alcohol, drugs, or inability to appraise the nature of his or her conduct)

v. Sodomy, sexual penetration, or intercourse committed under conditions of force, threat, or fear

vi. Other unwanted sexual advances, whether physical, verbal, or communicative (e.g., harassment using computer technology, or recording, photographing, or transmitting images of a private sexual activity), not otherwise specified.

o. The term “shall” is used in the imperative sense.

p. The term “student” includes all persons taking courses at the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether or not they reside in the University residence halls. Persons who withdraw after having allegedly committed sexual harassment, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered “students.”

q. The “Student Affairs Officer” is the person authorized by the University and the University Chancellor to be responsible for the administration of the Code, and in certain circumstances includes his or her designee.

r. The “Title IX Coordinator” is the individual designated by the campus to respond to allegations of sexual harassment by students, and in some circumstances can include his or her designee.

s. The term “University” means University of Nebraska.

t. The term “University business day” means any calendar day where the campus offices are open for business and classes are in session, excluding weekends and national holidays.

u. The term “University official” includes any person employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules.
v. The term “University premises” includes all land, buildings, facilities, University approved housing and other property in the possession of, or owned, used, or controlled by the University, including adjacent streets and sidewalks.

III. Intake Records and Reports of Investigations

a. Written records regarding reports or complaints of sexual harassment shall be kept by the University office that receives a report or formal complaint of sexual harassment.

b. Written records will contain, at a minimum, the following information:

   i. The name and sex of the alleged victim of sexual harassment and, if different, the name and sex of the Complainant;
   ii. A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
   iii. The date that the formal complaint or other report was made to the University;
   iv. The date the Respondent was interviewed;
   v. The names and sex of all persons alleged to have committed the alleged sexual harassment;
   vi. The names and sex of all known witnesses to the alleged incident(s);
   vii. The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
   viii. Any written statements of the Complainant (or victim, if different from the Complainant) regarding the alleged incident(s);
   ix. The date on which the University deferred either its investigation or disciplinary process because the Complainant filed a criminal or external administrative complaint and, as applicable, the date on which the University resumed its investigation or its disciplinary process;
   x. The outcome of the University investigation and, if any, disciplinary sanctions;
   xi. The response of University personnel including any interim and permanent steps taken with respect to the Complainant and the Respondent; and

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3 The record should note whether the alleged victim of sexual harassment or the Complainant wishes to remain anonymous.
xii. A narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.  

xiii. Copies of all reports will be sent to the office of the Title IX Coordinator.

c. Upon receipt of a sexual harassment complaint or report, the University will provide the Complainant a written notice describing the options of pursuing a criminal complaint with a law enforcement agency, filing an administrative charge with an external agency, and/or using the University’s investigation and disciplinary processes. The Complainant may go forward with one or more options at the same time, but the University’s investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

i. The Complainant must determine, in writing, if he or she wishes to pursue a complaint with an Administrative resolution or a Conduct Board hearing. If he or she does not wish to pursue the complaint and/or requests that his or her identity remain anonymous, the Student Affairs Officer will make note of that wish in the report. Regardless of the Complainant’s choice, the University is still required to investigate the complaint. The Student Affairs Officer will inform the Complainant if the University cannot ensure anonymity.

ii. If the Complainant wishes to pursue an Administrative resolution, the Student Affairs Officer will forward the complaint to a Conduct Officer to determine the desire of both parties to continue with the Administrative resolution process as described in Section VII, determine the Respondent’s plea, conduct an independent investigation of the complaint, and impose sanctions as necessary.

iii. If the Complainant wishes to pursue a Conduct Board hearing, the Student Affairs Officer will forward the complaint to a Conduct Officer to initiate the formal complaint proceedings described in Section VIII.

d. Any member of the University community may submit allegations against any student for violation(s) regarding sexual harassment. Allegations shall be prepared in writing and directed to the Student Affairs Officer for his/her consideration of filing charges. The Student Affairs Officer shall then direct the allegation(s) to a Conduct Officer for investigation. Any allegation should be submitted as soon as possible
after the alleged misconduct takes place, preferably within, but not limited to, seven (7) University business days after the misconduct occurred.

e. The Conduct Officer shall conduct an investigation to determine if the allegation(s) have merit, determine if the allegations warrant a Conduct proceeding, and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Conduct Officer and the Complainant. Such disposition shall be final and there shall be no subsequent proceedings. The Conduct Officer shall have sixty (60) calendar days to conclude an investigation\(^4\) of the allegations, and may be permitted a longer period under extraordinary circumstances, but must inform both parties in writing of the extension of the timeline.

IV. Interim Actions

a. “No contact” directives are to be issued in writing to persons involved in any alleged sexual assault promptly after the University receives notice of a complaint. Respondents and the Complainant will both be expected to abide by the terms of no contact directives and may go through disciplinary proceedings should they violate the directives.

b. Students who have been sexually harassed or Complainants have access to other available University assistance in changing academic and living situations after an alleged incident, if so requested by the student or Complainant and if such changes are reasonably available. Accommodations to minimize burden on the student or Complainant may include:

i. Change of an on-campus student’s housing to a different oncampus location;

ii. Assistance from the University in completing the relocation;

iii. Arranging to end a University housing contract and/or adjusting a student account balance for refund;

iv. Rescheduling an exam, paper, or assignment;

v. Taking an incomplete in a class;

\(^4\) See DCL page 12. A maximum timeframe of 60 days for the initial investigation is allowed. This time frame is different and independent from University business days, and is not affected by closing of administrative offices, class schedules, or national holidays.
vi. Transferring between class sections;

vii. Temporary withdrawal;

viii. Alternative course completion options.

ix. Arranging to complete a course or lectures via distance education methods with the assistance of technology.

c. Any student charged with sexual harassment has the right to maintain status as a student and attend classes while the case is pending final resolution within the University Conduct process, unless it is determined by the Student Affairs Officer or his/her designee that the student’s continued participation as a student, whether inside or outside of the classroom, would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any alleged victim, or any member of the University community.

d. Pending completion of an investigation or University Conduct Proceedings, the Student Affairs Officer may at any time temporarily suspend a student when the Student Affairs Officer finds and believes from information coming to his or her attention that the presence of the Respondent on the University premises would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any alleged victim, or any member of the University community. The Student Affairs Officer should work with the appropriate Dean in making the decision to discontinue the Respondent’s continued participation as a student prior to the completion of the formal proceedings.

e. During the suspension described in this article, the Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the student might otherwise be eligible, as the Student Affairs Officer may determine to be appropriate.

f. If a student placed on interim suspension is ultimately found “not in violation” of the Code, such student shall be allowed, at the reasonable discretion of the appropriate faculty, to make up academic work missed while on suspension.
V. General Procedural Provisions

a. The Conduct Officer, Conduct Board, and Appeals Board, in addition to allegations of sexual harassment, can hear any allegations of any other violations of the Student Code of Conduct committed by the Respondent that is directly related to the alleged sexual harassment. If the Conduct Officer, Conduct Board, or Appeals Board determines the Respondent violated other provisions of the Student Code of Conduct, they may impose proper sanctions.

b. Any student involved in a Conduct proceeding has the right to confidentiality as mandated by the Family Educational Rights and Privacy Act of 1974 (FERPA) and implementing regulations.

c. No process implemented by this Procedure shall be open to the public, including Administrative Resolutions, Conduct Board Hearings, and Appeals.

d. In such cases when a student fails to appear before the Conduct Officer, Conduct Board, or Appeals Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled.

e. In all cases, whether the Respondent is present or not, the evidence in support of the allegations shall be presented and considered.

f. The Conduct Officer’s, the Conduct Board’s, or the Appeals Board’s determination of the merits of each case shall be made on a preponderance of the evidence standard, meaning it is more likely than not that the Respondent violated the Code.

g. The burden of proof shall rest upon the Conduct Officer or Complainant bringing the charge. A Respondent is presumed not to be in violation of the Code until proven otherwise.

VI. Rights of the Complainant and the Respondent

a. Both a Respondent and the Complainant have the right to see all charges in written form.
b. Both the Respondent and the Complainant have a right to confidentiality during these proceedings to the extent possible. However, the duty of confidentiality does not preclude the University from conducting a meaningful investigation or reporting such incidents as required. The duty of confidentiality shall also extend to all persons involved in processing the complaint and the investigation. The Complainant has a right to anonymity only to the extent that the Complainant does not wish to file an official complaint with the University or does not wish the University to take any action against the Respondent in regard to the complaint.

c. All charges shall be presented to the Respondent and the Complainant in written form by a University official or the Conduct Officer within seven (7) University business days after the investigation is complete.

d. Both a Respondent and the Complainant have a right to prepare a written statement in advance of a hearing. Both parties will have the right to view each other’s statement.

e. The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.

   i. The role of the advisor is limited in that they may only confer privately with the party they are representing and cannot directly address any other member for the Conduct proceeding. The only appropriate role for the advisor is to provide advice to the party who has requested his/her presence in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, he/she may be barred from the Conduct proceedings.

f. A Respondent and the Complainant have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.

   i. Students will not be allowed to ask each other questions directly, but the questions shall be addressed to the Chair of the Conduct Board, who will determine if the question is appropriate, and then ask the witness
g. A Respondent and the Complainant have the right to inspect all documents used as evidence and a list of all witnesses for the hearing in advance of the hearing.

h. The Respondent may not be found to have violated the Code solely because the student failed to appear for a Conduct hearing or before a Conduct Officer.

i. A Respondent and the Complainant have the right to be notified of the decision rendered.

j. A Respondent and the Complainant have the right to request an appeal.

VII. Administrative Resolution Procedures

a. Both the Complainant and the Respondent may elect to dispose of the claim administratively. This meeting will be scheduled not less than three (3), nor more than fourteen (14) University business days after the Conduct Officer’s investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility, or the Respondent may deny responsibility but the Conduct Officer determines by an independent investigation that it was more likely than not the Respondent violated the Code. In either situation, the Conduct Officer could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a formal hearing and without any further rights of appeal to either party. Mediation shall not be used to resolve sexual assault complaints.

b. If either the Complainant or the Respondent objects to the finding of liability or the proposed sanction, he or she may appeal the decision to the Conduct Board to determine liability and/or the proper sanction within seven (7) University business days of delivery of the decision to the Respondent or the Complainant.

c. If the Conduct Officer determines it is more likely than not the Respondent did not violate the Code, the Conduct Officer may decide to dismiss the complaint and not pursue a sanction. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal to either party. If the Complainant objects, he or she may appeal that
decision administratively to the Student Affairs Officer within seven (7) University business days, who will either affirm the Conduct Officer’s determination, or refer the complaint to the Conduct Board. The Student Affairs Officer’s decision will be final.

VIII. Student Conduct Board Hearings

a. Both a Respondent and the Complainant shall have the right to attend a pre-hearing meeting to discuss the issues and facts that will be presented at the hearing, to exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. The meeting will not be used to settle the issue of whether or not the violation was committed or to challenge any recommended sanctions. This meeting shall be held at least two (2) days prior to the scheduled Conduct Board hearing. Failure for either party to attend the meeting will not affect the parties’ rights at the Conduct Board hearing.

i. Students will be instructed about the use of past sexual behavior of the Complainant or past sexual assault by the Respondent as evidence at the hearing. In most situations, evidence of the past sexual history of either the Respondent or the Complainant will not be admitted at the hearing except in very limited situations.

b. A time shall be set for a hearing, not less than three (3), nor more than fourteen (14) University business days after the Respondent and the Complainant have been notified that the complaint was appealed or referred to the Conduct Board. Maximum time limits for scheduling of hearings may be extended at the discretion of the Conduct Officer.

c. Conduct Board hearings shall be carried out according to the following guidelines:

i. In cases where either University Suspension or University Expulsion are considered, the case shall be referred to a Conduct Board for an original hearing. ii. The Conduct Board

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shall be composed of at least 3 members of the University community.

iii. Any real or perceived conflict of interest or bias between a member of the Conduct Board and the Respondent or the Complainant must be brought to the Conduct Officer’s attention no less than two (2) University business days in advance of the hearing.

iv. The Respondent(s) and the Conduct Officer and/or the Complainant are responsible for presenting their respective cases to the Conduct Board.

v. The Respondent(s), the Complainant, and the Conduct Officer shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.

vi. The Respondent, the Complainant, and the Conduct Officer shall have an opportunity in advance to inspect documents and a list of witnesses for the hearing no less than 2 University business days in advance of the hearing.

vii. Pertinent records, facts, reports, and statements may be accepted as evidence for consideration by a Conduct Board.

viii. All procedural and evidentiary questions are subject to the final decision of the Chair of the Conduct Board.

ix. After the hearing, the Conduct Board shall determine by simple majority vote whether or not the student is found to be “in violation” because sexual harassment occurred or of other violations of the Code. The decision shall be based solely upon evidence introduced and received at the hearing.

x. The Conduct Board shall select its own Chair with all members possessing voting privileges.

d. There shall be a single verbatim record, such as a sound recording, of all hearings before a Conduct Board. The record shall be the property of the University.

e. In each case in which a Conduct Board determines that a Respondent has violated the Code, the sanction(s) shall be determined and imposed by the Conduct Board.

f. Within seven (7) University business days following the hearing, the Conduct Board shall inform the Respondent, the Complainant, and the Conduct Officer, in writing, of its findings and of the sanction(s) imposed, if any.
g. The Conduct Officer and the Conduct Board may seek advice from the University’s Office of the General Counsel throughout the hearing process on questions of law and procedure. However, the Conduct Board is responsible for making its own factual conclusions.

IX. **Conduct Sanctions Against Individual Student:**

a. The following sanction(s) may be imposed upon any individual student found to be “in violation” of the Code.

i. **Warning:** A formal, written notice that the student is violating, or has violated, one or more University Conduct Rules and Regulations and that a continuance of the misconduct may lead to additional disciplinary action. Also, that the incident has been documented and shall remain in the student’s Conduct file for the remainder of their University career.

ii. **Probation:** A formal, written reprimand for a student’s violation(s) of specified University Conduct Rules and Regulations. This probation, including strict campus conduct guidelines, is for a designated period of time and may remain in effect for the remainder of a student’s University career. It includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any University Conduct Rules and Regulations during the probationary period.

iii. **Loss of Privileges:** Denial of specified privileges for a designated period of time.

iv. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary, and/or material replacement.

v. **Discretionary Sanctions:** In accordance with the goal of education and assisting students with conduct problems, this may include work assignments, educational requirements, service to the University or local community, parental notification, or other related discretionary assignments (such assignments must have the prior approval of the Conduct Officer). Any costs associated with the assignment are the responsibility of the student.

vi. **Residence Hall Relocation:** Moving a student from one room to another and/or one residence hall to another.

vii. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which
the student is eligible to return. Conditions for readmission may be specified.

viii. **Residence Hall Expulsion**: Permanent removal of the student from any and all of the residence halls. Student may not reenter the residence halls, under any conditions, even as a visitor. Students expelled from the residence halls remain liable for all Residential and Greek Life costs and meal plan fees and may not be eligible for refunds for the full occupancy period of the student’s housing contract.

ix. **University Suspension**: Separation of the student from the University for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance. The student must satisfactorily demonstrate to the Student Affairs Officer that all conditions for re-admittance have been met before the student will be allowed to matriculate.

x. **University Expulsion**: Permanent separation of the student from the University, without the possibility of re-admission.

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

c. If a student fails to abide by one or more of the sanctions imposed, a hold may be placed on his/her registration account until satisfactory progress is made towards completion.

d. Other than University expulsion, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s confidential disciplinary record.

i. After graduation, and upon application to the Conduct Officer, the student’s confidential disciplinary record may be expunged of disciplinary actions other than residence-hall expulsion, University suspension, or University expulsion.

ii. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, or University expulsion, shall be expunged from the student’s confidential record seven (7) years after graduation, final disposition of the case, or as otherwise authorized or required by law.

X. **Appeals**
a. A decision and/or sanction(s) reached by the Conduct Board may be appealed by the Respondent or the Complainant within seven (7) University business days of delivery of the decision to the Respondent or Complainant.

b. Appeals shall be in writing and shall be delivered to the Student Affairs Officer.

c. Upon the filing of an appeal, whether from an Officer Hearing or Conduct Board, the Student Affairs Officer shall appoint an Appeals Board to consider the appeal.

d. Upon receipt of an appeal, a time shall be set for a hearing, normally not less than three (3), nor more than fourteen (14), University business days after the appeal notice has been received, unless waived by mutual consent of the Respondent, the Complainant, and the Conduct Officer. Maximum time limits for scheduling of hearings may be extended at the discretion of the Appeals Board.

e. Appeals may be filed for one or more of the following purposes:

   i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.

   ii. To determine whether the decision reached regarding the Respondent was based on the evidence, that is, whether the evidence presented was sufficient to establish that it was more likely than not that a violation of the Code occurred.

   iii. To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing or could not have been discovered by the person.

   iv. To determine whether the sanction(s) imposed are appropriate for the violation of the Code, which the student was found to have committed.
f. An appeal that does not clearly raise in writing one or more of the issues listed above shall be dismissed without further consideration.

g. In cases citing issues raised in Section X(c)(iv) of this Code/Procedure, by students found to have violated the Code, review by the Appeals Board of the sanction(s) imposed by the Conduct Officer or Conduct Board shall not result in more severe sanction(s) for the Respondent.

h. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents.

i. Appeals Board hearings shall be carried out according to the following guidelines:

   i. The Appeals Board shall be composed of 3 members of the University community.

   ii. The Appeals Board shall select its own chair, with all members possessing voting privileges.

   iii. Hearings shall not be open to the public.

   iv. Members of the Appeals Board shall not have been members of the original Conduct Board who heard the facts and incidents of the case at hand.

   v. In hearing an appeal, the Appeals Board’s scope shall be limited to only those issues directly raised in the written appeal.

   vi. The Appeals Board may ask the Respondent or Complainant making the appeal and the Conduct Officer to make an oral presentation. The board may then ask questions of both parties.

j. The Appeals Board shall complete its review of the appeal normally within fourteen (14) University business days after its hearing, and shall promptly issue its written decision to the Respondent, the Complainant and the Conduct Officer.