

University of Nebraska
Student Code of Conduct

Students at the University of Nebraska are members of an academic community in which academic integrity and responsible conduct are essential for the community to function. That is why the University has adopted the Standards of Academic Integrity and Responsible Conduct.

The persons and organizations that are subject to the Standards are set out in Section I. The Standards themselves are set out in Section II. The locations in which the Standards apply and the grounds for holding student organizations responsible for violations are also set out in Section II. The possible responses to violations of the Standards are set out in Section III.

The procedures for enforcing Standards are set out in Section IV. The grounds and procedures for temporary suspensions are set out in Section V. Miscellaneous procedural provisions are set out in Section VI. Those include provisions relating to the membership and functioning of the University Conduct Board, as well as provisions relating to interpretations of and amendments to the Code.

I. Persons & Organizations Subject to the Standards

A. Persons

You are subject to the Standards of Academic Integrity and Responsible Conduct while you are enrolled as a student at the University. For purposes of the Standards, you are considered to be enrolled during the period that begins one week before the first day of classes of the first semester or session for which you have registered for classes and ends when you graduate, withdraw from the University, or fail to register for classes for three consecutive semesters. If you join a fraternity prior to the start of classes and are required to submit a bid card to a University office, the Standards will apply to you when you submit your bid card.

If you are accused of committing a violation of the Standards while you are enrolled at the University, you may still be held responsible for the violation even though you later withdraw from the University.

The Standards of Academic Integrity do not apply to students enrolled in the College of Law because they are subject to the Law College Honor Code. The Standards of Responsible Conduct, however, do apply to them.

B. Organizations

The Standards apply to recognized student organizations, which are organizations that have been authorized by the University to use University facilities. [insert campus requirements] [for UNL: Any student organization that has been recognized by ASUN or recognized as an UNL chapter of a fraternity or sorority by the Office of Fraternity and Sorority Life is a recognized student organization for purposes of the Code. Any fraternity or sorority that is an approved university housing unit is a recognized student organization for purposes of the Code.]

II. Standards

Most of the Standards are written the same way. They contain a general category of conduct that violates the Code, followed by a list of specific types of conduct. If you see the word “include(s)” before the list, you should read that as saying that the types of conduct in the list are examples of conduct that is covered by the general category rather than an exclusive list. For example, the first violation that appears below is “Cheating.” The words “which includes” come next, followed by eleven examples. If you engage in conduct that is similar to those examples and that people would normally think of as cheating, then you have engaged in cheating in violation of the Code.

If you see the words “means” before the list, you should read those words as saying that the general category covers only the types of conduct in the list. In other words, the list is exclusive. For example, one of the general categories is “Failing to testify as a witness at a hearing before a Judicial Officer or the University Conduct Board.” The words “which means” come next, followed by four requirements. If you fail to testify, your failure violates the Code only if all four of those requirements are met.

A. Standards of Academic Integrity

As a student, you are expected to approach and complete your academic work with integrity. That means that you are expected to do your own work, to be honest in the statements you make, to refrain from harming others, to refrain from improperly helping others, and to follow the rules. You need to read instructions and syllabi carefully so that you know what your instructors expect in terms of academic integrity. If you are unsure whether something is appropriate, you need to ask your instructors or university administrators.

Failing to act with integrity is a violation of the Code. You fail to act with integrity when you engage in any of the following conduct.

- *Cheating*, which includes:
 - copying from another student’s exam or assignment
 - using materials during an exam or for an assignment that are not authorized by the instructor
 - using devices during an exam that are not authorized by the instructor
 - taking any materials (for example, the exam itself or scratch paper) that the exam instructions prohibit you from taking out of the exam room
 - making an electronic copy of part or all of an exam unless the instructions authorize you to do so
 - having in your possession a copy of an exam or assignment that you know or should know that you are not authorized to have
 - working on an exam or assignment with someone else unless the instructor authorizes you to do that
 - having someone else take an exam for you or taking an exam for someone else

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- taking all or part of written work that someone else did and submitting it as your own
- taking all or a substantial part of an assignment that you submitted for one course and submitting it in another course, without the authorization of the Instructor for that course
- violating any instructions on an exam or assignment that are clearly marked as academic integrity instructions
- *Lying*, which includes
 - making false statements to avoid taking an exam or submitting an assignment at the scheduled time
 - making false statements to avoid a penalty for failing to take an exam or submit an assignment at the scheduled time
 - making up or purposefully misstating information or sources in any assignment or research you do
 - engaging in plagiarism by presenting the words or ideas of someone else as your own [link to plagiarism discussion]
- *Harming Others*, which includes
 - sabotaging another person's research or academic work
 - knowingly making false charges that another student violated these Standards
- *Improperly Helping Others*, which means
 - helping another student on an exam or an assignment when the student is not authorized to receive help
 - knowingly helping another student violate these Standards
- *Failing to Follow the Rules*, which means
 - failing to follow the instructions of an exam proctor
 - failing to follow testing center rules

B. Standards of Responsible Conduct

As a student, you are expected to conduct yourself responsibly. That means that you are expected to make responsible decisions about the use of drugs and alcohol, to behave appropriately as a member of the academic community, and to refrain from conduct that threatens the safety of the community. You need to remember that you are not only a member of the University community but also of the community in which the University is located. You need to be a good neighbor.

Failing to act responsibly is a violation of this Code. You fail to act responsibly when you engage in any of the following conduct.

Drugs & Alcohol

- *Using, Possessing, Manufacturing, Selling, or Distributing Illegal Drugs*, which include:
 - amphetamine (uppers), anabolic steroids, cocaine, ecstasy, heroin, marijuana, and methamphetamine (speed)

- *Using, Possessing, Selling, or Distributing Prescription Drugs without Legal Authorization*, which includes:
 - possessing or using drugs such as Aderall, Oxycontin, Percocet, Ritalin, Vicodin, Vyvanse, and Xanax that you obtained without a prescription
 - giving or selling any quantity of those kinds of drugs to other students

- *Using, Possessing, or Distributing Drug Paraphernalia*, which includes:
 - bongos, chillums, roach clips, water pipes, scales, and rolling papers
 - syringes and needles for which you have no legitimate need

- *Being in the presence of illegal drugs or alcohol in the following locations*:
 - in a vehicle on University premises
 - in a University residence hall or housing unit
 - being in the presence of drugs or alcohol in these locations is not a violation if you establish that you were unaware of their presence

- *Abusing Alcoholic Beverages*, which includes:
 - using, possessing, or furnishing alcoholic beverages on University premises without University authorization
 - being so intoxicated that you are incapacitated or are dangerous to yourself or others
 - driving within the city limits of [insert city] while under the influence of alcoholic beverages or drugs in violation of Nebraska law [link to Neb. Rev. Stat. § 60-6,196]
 - possessing or consuming alcoholic beverages if you are under the age of 21

- *Furnishing Alcoholic Beverages to Underage Students at Off-Campus Parties and Events*, which includes:
 - providing alcoholic beverages directly to underage students (in other words, students under the age of 21)
 - making alcoholic beverages available on premises that you control when you know that underage students are likely to be present, the beverages are left in a place easily accessible to underage students, and some or all of the beverages are consumed by underage students
 - you have control of premises if you were on the premises at the time alcoholic beverages were furnished to underage students and
 - you are the lessee or owner of the premises

- you obtained authorization from the lessee or owner to use the premises, or
- you have legal access to the premises
 - you are the lessee if you lease the premises as a residence or for any other purpose, regardless of the length of the lease
- purchasing or delivering alcoholic beverages for an event where some or all of the beverages are consumed by underage students and you knew that underage students would likely be present and that the alcoholic beverages would likely be easily accessible to them
- putting out alcoholic beverages at an event where some or all of the beverages are consumed by underage students and you knew that underage students would likely be present and that the alcoholic beverages would likely be easily accessible to them

Community Behavior

- *Failing to Respect the Rights of Others*, which includes:
 - Hitting, holding, or throwing things at others for the purpose of hurting them physically or emotionally or under circumstances that create a substantial risk of hurting others physically or emotionally
 - If you establish that you reasonably believed under the circumstances that force was immediately necessary to protect you or others from physical harm, then your use of reasonable force to protect you or others is not a violation of this Standard
 - threatening to commit an act of violence for the purpose of terrorizing another person on campus, another student, or a University employee
 - threatening another person on campus, another student, or a University employee with imminent physical harm
 - restraining another person on campus, another student, or a University employee if you do not have legal authority to do so unless you show that you had a reasonable basis to believe that restraining the person was necessary to protect the person, yourself or others from physical harm
 - harassing another student or a University employee by intentionally engaging in a course of conduct that seriously terrifies, threatens, or intimidates the student or employee for no legitimate reason
 - taking pictures or making recordings of another student without the student's consent in the student's bedroom, in the student's living quarters in a residence hall, in a locker room, in a restroom, or in other places where a student would reasonably expect privacy
 - stealing, destroying, damaging, or vandalizing property that is on campus or that belongs to the University, to University employees, to a recognized student organization, or to other students

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- stealing money that is on campus or that belongs to the University, to University employees, to other students, or to a recognized student organization
- accessing, transferring, altering, or destroying without authorization electronic files or devices that belong to the University, University employees, or other students
- taking or using the University identification card of another
- interfering with an instructor's ability to conduct class by failing to follow the instructor's rules or instructions regarding classroom behavior
- failing to comply with the campus tobacco policy [link to policy]
- *Engaging in Conduct that Disrupts University Operations, Activities, or Order*, which includes:
 - being present in a classroom while class is being held if you are not a student, instructor, or authorized guest in the class
 - being present in a location on campus when you have no right to be there
 - blocking entrances to or hallways in University buildings, blocking roads or sidewalks on campus, or blocking entrances to campus
 - yelling, screaming, or making loud noises with bullhorns or other such devices
 - engaging in protests, sit-ins, or demonstrations at times or in locations where those kinds of activities are not permitted
- *Failing to Comply with University Housing Policies*, which means
 - if you are a resident, failing to comply with policies set out in [insert name and link] that apply to residents
 - if you are a nonresident, failing to comply with the policies set out in [insert name and link] that apply to guests
- *Hazing Students*, which includes:
 - any activity by which a member of a recognized student organization intentionally or recklessly endangers the physical or mental health or safety of a student when that activity is done
 - in the course of the member considering the student for membership or continued membership in the organization,
 - in the course of the organization considering the student for membership or continued membership in the organization, or
 - in response, either in whole or in part, to an expression of interest by the student in becoming a member of the organization
 - consent of the student is not a defense to hazing
 - hazing is a violation regardless of whether it occurs on or off campus
 - examples of hazing activity include paddling, beating, or branding a student, depriving a student of sleep for a prolonged period, sexually penetrating a student or touching the student in a lewd manner, subjecting the student to prolonged

exposure to the elements, depriving the student of food or water, taking the student outside the city limits of [insert city] and leaving the student there without ready access to motorized transportation back to [insert city], subjecting the student to conduct designed to shock the student, or having the student engage in criminal conduct, engage in humiliating conduct, engage in scavenger hunts, perform prolonged calisthenics, consume items that are not normally consumed by people, consume items in quantities that are not normally consumed by people, or consume alcohol.

- *Doing Private Acts in Public*, which includes
 - engaging in sexual acts such as intercourse or masturbation in public, exposing one’s private body parts in public, or urinating or defecating in public
- *Misusing University Computer and Network Systems*, which means:
 - engaging in conduct prohibited by paragraphs 5-6 of the Policy for Responsible Use of University Computers and Information Systems [link]
- *Failing to testify as a witness at a hearing before a Judicial Officer or the University Conduct Board*, which means
 - a notice to testify was sent to you at your e-mail address of record, you could have testified, either in person or by videoconferencing technology, you failed to testify, and you do not have a legitimate reason for failing to testify
 - the term “e-mail address of record is defined in Section IV.
- *Committing Fraud on the University*, which includes:
 - knowingly providing false information to the University for the purpose of obtaining something of value, such as admission to the University or a University program, an award, a scholarship, an identification card, membership on an athletic team, or the use of University facilities
 - this Standard applies from the time you apply for admission to the University, regardless of when you actually enroll

Community Safety

- *Engaging in Conduct that Creates an Unreasonable Threat to Community Safety*, which includes:
 - possessing [insert campus adjective] weapons in violation of the Campus Weapons Policy [link]
 - using those kinds of weapons to cause physical harm to others
 - possessing or using fireworks
 - making, possessing, or using false forms of identification such as driver’s licenses and University identification cards
 - tampering with fire or safety equipment
 - intentionally making false reports of fires, bombs, or other emergencies

- *Failing to comply with instructions or requests for identification from emergency personnel, police officers, University Housing personnel, and [insert positions of special importance to the campus].*

Constitutional & Policy Limitations

Nothing in the Standards of Responsible Behavior may be construed to apply to conduct or words that are protected by the First Amendment to the United States Constitution or by Article I of the Nebraska Constitution. Likewise, nothing in the Standards of Responsible Behavior may be construed in a manner that is inconsistent with the Board of Regents Policy, *Commitment to Free Expression; Guide for Facilities Use; and Education*.

C. Seeking Emergency Help

Never hesitate to seek emergency help if you or other students have been drinking alcohol or using illegal drugs and suffer a physical injury. Likewise, never hesitate to seek emergency help if you or other students have been drinking alcohol or using illegal drugs and have problems functioning.

Those include problems walking, talking, breathing, or staying conscious. They also include being mentally confused, having a seizure, or being cold or pale. Students have died from alcohol poisoning and drug overdoses, so it is better to be safe than sorry. Call 911, have someone take you to the emergency room or if another student is having problems, take the student to the emergency room. If you are on campus and are not sure what to do, call [insert contact].

The University will not take action against you for using or possessing alcohol (including possession by someone underage) if the use or possession was part of the incident for which you received emergency help or assisted someone else in receiving emergency help. Likewise, the University will not take action against you for using or possessing illegal drugs or unauthorized prescription drugs if the use or possession was part of the incident for which you received emergency help or assisted someone else in receiving emergency help.

As a condition of not taking action against you, however, the University may require you to meet with a Conduct Officer and to participate in an alcohol or drug screening program that is designed to help increase your awareness of your alcohol or drug- related behavior.

D. Locations in which the Standards Apply

The term “on-campus” means the area within the campus boundaries as indicated on the Campus Map, [link], plus all adjacent streets and sidewalks. The term “off-campus” means any location that is not on-campus.

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The Standards of Academic Integrity apply regardless of where the conduct occurs. The Standards of Responsible Conduct apply to conduct that occurs on-campus. The Standards of Responsible Conduct also apply to conduct that occurs off-campus in the following situations:

- a particular standard states that it applies to conduct that occurs off-campus
- the conduct occurs in or on the grounds of a university-approved housing unit
- the conduct occurs at events or during travel authorized, funded, or sponsored by the University
- the conduct occurs at events or during travel funded or sponsored by a recognized student organization
- the conduct poses a risk to the health and safety of the student or others and application of the Standards is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future
 - An example of the type of conduct that would fall under this provision is abusing alcohol or using illegal drugs off-campus
- the conduct poses a serious risk to the health or safety of others and is of the type that the student could easily engage in on campus
 - An example of the type of conduct that would fall under this provision is selling or distributing illegal drugs or prescription drugs off-campus
- the conduct was intentional and caused physical injury to a university employee or another student
 - An example of the type of conduct that would fall under this provision is injuring another student during a fight off-campus
- the conduct was intended to cause harm on campus
 - Examples of the type of conduct that would fall under this provision are sending a virus to a University computer or throwing objects at persons on-campus from a location off-campus
- the vice chancellor responsible for student affairs or his or her designee (a) determines that the conduct in a particular matter distinctly and clearly implicates the University's interests, (b) prepares a written explanation of the interests and how the conduct implicates them, and (c) includes the written explanation in the file for that case

The Standards of Responsible Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law. Regents By-Law 5.5 provides that “[s]tudents who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution’s interests are distinctly and clearly involved should the special authority of the institution be asserted.”

E. Responsibility of Student Organizations

A recognized student organization is responsible for conduct that the organization engaged in, facilitated, or authorized, whether expressly or impliedly. Whether an organization engaged in, facilitated, or authorized conduct is a factual question that requires an evaluation of

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the totality of the circumstances to determine whether it is fair and reasonable to hold the organization itself responsible. The relevant circumstances include the following:

- Whether the conduct was approved or engaged in by one or more officers or authorized representatives of the organization who were acting in their capacities as officers or authorized representatives
- Whether the conduct is the result of a policy or practice of the organization
- Whether members of the organization were involved or engaged in the conduct
- Whether the conduct occurred at or in connection with an activity or event funded, sponsored, publicized, or advertised by the organization
- Whether the conduct occurred at a location over which the organization had control at the time of the conduct
- Whether the conduct occurred at an event that reasonable people would associate with the organization
- Whether the officers or authorized representatives of the organization could have reasonably foreseen that the conduct could occur and, if so, whether they failed to take reasonable steps to prevent the conduct
- Whether the conduct is attributable to the organization under the organization's own policies, including local or national risk management guidelines

III. Responses to Violations of the Standards

If a student or student organization is found to be responsible for a violation of the Standards of Academic Integrity or Responsible Behavior, the University's response may involve requirements designed to educate the student about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University's response may also involve sanctions to punish the student or the student organization for engaging in the conduct and to deter the student or student organization from engaging in the conduct in the future.

The University's response may include one or more of the following:

- Expulsion
 - A notation will be made on your transcript
- Suspension for a specified period
 - A notation will be made on your transcript but will be removed when you return to the same campus of the University after the suspension period ends
 - Conditions may be imposed on you returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for your suspension
- Loss of Status as a Recognized Student Organization

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- The loss may be permanent (which is analogous to expulsion) or for a specified period of time (which is analogous to suspension)
- A student organization that loses its status for a specified period of time is still subject to the Code during the specified period of time
- Conditions may be imposed on the organization regaining its status at the end of the specified period, including the condition that the members comply with the Standards during the specified period
- Expulsion from University Housing
 - You are permanently barred from living in or being present in any University residence hall or living unit
- Suspension from University Housing
 - The student may not live or enter any University residence hall or housing unit for a specified period of time
 - Conditions may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension
- Mandatory Relocation
 - The student is required to move to a different room, University residence hall, or housing unit
- Probation for a specified period of time
 - Probation may include conditions that must be satisfied
 - Examples of conditions for students include the completion of educational programs and behavioral evaluations
 - Examples of conditions for student organizations include completing educational programs and the adoption of policies and procedures to minimize the risk of the wrongful conduct occurring in the future. Other examples include not engaging in specified recruitment practices, holding specified events, or participating in specified events
 - The conditions must be reasonably related to the violation or the reasons for the violation
 - The failure to satisfy a condition of probation may be treated as an independent violation of the Standards of Responsible Conduct
 - A violation of the Standards while a student or student organization is on probation may result in a harsher response to the new violation than if the new violation was considered in isolation
- Restitution, which means:
 - Return to the owner of money or property taken
 - Payment to the owner for property destroyed or damaged

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- Payment of a Fine
 - A fine may be assessed for conduct listed in the “Schedule of Fines” that is posted on [name of website and link]
- Performance of Service to the University Community
 - The service must be reasonable in type and duration
 - When possible, the service should be related to remedying or addressing the type of conduct that constituted the violation
- Completion of Educational Programs or Behavioral Evaluations that are reasonably related to the violation
 - These may include academic integrity programs, anger management programs, substance abuse evaluations, and other such programs and evaluations that are designed to help the student identify and address factors that may have contributed to the violation
- A written warning by a Judicial Officer or the University Conduct Board that you have committed a violation of the Standards and that future violations may result in a harsher response
 - The warning may also include advice on steps the student may take to avoid future violations

The factors relevant to the determination of the appropriate response(s) include, among others, the nature and seriousness of the conduct, the harm that the conduct caused or might have caused, the student’s class standing and academic experience, the student or student organization’s acceptance of responsibility for the conduct, the student or student organization’s efforts to conceal or avoid responsibility for the conduct, the student or student organization’s explanations for the conduct, the student or student organization’s prior record of violations, and the imposition of any sanctions pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by the civil authorities).

IV. Enforcement of the Standards

A. Definitions

This section contains various deadlines that are stated in days. The word “day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed. [link to calendar]

This section also contains references to the “e-mail address of record.” That term means the e-mail address that you have given to the University. If you have given multiple e-mail addresses to the University, your e-mail address of record will be the one that you indicated was your preferred or primary e-mail address. Because important notices may be sent to you by e-

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mail, it is extremely important that you make sure that the University always has your current e-mail address.

B. The Persons Involved in Enforcement of the Standards

A Conduct Officer is responsible for investigating alleged violations of the Standards, for presenting the University's case against students and student organizations against whom charges are brought, and for exercising the discretion that the Code specifically grants to Conduct Officers. Campus Conduct Officers are appointed by the vice chancellor responsible for student affairs or by his or her designee.

A Campus Judicial Officer has the authority to hear and resolve charges that a student or student organization violated the Standards and if the Officer determines that a violation occurred, for determining the University's response. A Campus Judicial Officer, however, may not designate suspension or expulsion as a response to a violation by a student or loss of status as a response to a violation by a recognized student organization. Only the University Conduct Board may do so.

The University Conduct Board has the authority to hear and resolve charges that a student or a student organization violated the Standards and if the Board determines that a violation occurred, for determining the University's response. The procedures for selecting the members of the Board, the requirements for membership on the Board, and the requirements for a quorum are set out in Section VI.

A matter that is set for hearing must be heard by a hearing panel of no fewer than three members. The Chair of the panel is responsible for conducting the hearing and resolving any procedural and evidentiary issues that may arise. The Chair must be a faculty member who is selected by the vice chancellor responsible for student affairs or by his or her designee. The vice chancellor, however, may not designate the Conduct Officer responsible for a matter as his or her designee for purposes of selecting the Chair for that matter.

The Appeals Officer or Appeals Board may hear appeals authorized by this Code. The procedures for selecting members of the Appeals Board, the requirements for membership on the Board, and the requirements for a quorum are set out in Section VI. The Chair of the Appeals Board must be faculty member who is selected by the vice chancellor responsible for student affairs or by his or her designee. The vice chancellor, however, may not designate the Campus Judicial Officer or the Conduct Officer responsible for a matter as his or her designee for purposes of selecting the Chair.

A person may be appointed as a Campus Judicial Officer, Campus Conduct Officer, or Appeals Officer regardless of whether the person is an employee of the University. The person may be appointed for any cases or may be specially appointed for a specific case. Although a person may be appointed as a Campus Judicial Officer, a Campus Conduct Officer, and an Appeals Officer, the person may only serve as one of those in the same case.

C. Investigating Alleged Violations

Any person may report an alleged violation of the Code to [insert name of campus office responsible for student conduct]. [link to website]

When a report of an alleged violation is received by the University, the Conduct Officer must conduct an investigation to determine if there is a reasonable basis to believe that a student or a student organization has engaged in conduct that violates the Standards.

In the course of his or her investigation, the Conduct Officer may contact the student or the officers of student organization that is the subject of the investigation. Before discussing the alleged violation with the student or officers, the Conduct Officer must state in writing (a) that the Conduct Officer is investigating an alleged violation of the Standards, (b) what the alleged violation is, (c) that the student or officer is not required to discuss the alleged violation with the Conduct Officer, (d) that the student or officer has the right to be accompanied by an advisor when the student meets with the Conduct Officer, and (e) that the student or the organization may choose as the advisor anyone, including an attorney, who is at least nineteen years old, but that the student or the organization is responsible for any fees that the advisor may charge.

The Conduct Officer must complete the investigation within thirty days after the report was received. The vice chancellor responsible for student conduct may grant the Conduct Officer an extension of no more than an additional sixty days if the Conduct Officer applies in writing for an extension within the initial thirty-day period and shows that exceptional circumstances exist that warrant an extension of time.

If the Conduct Officer determines that there is not a reasonable basis to believe that the student or student organization violated the Standards, the Conduct Officer should not take any further action in the matter.

If the Conduct Officer determines that there is a reasonable basis to believe that student or the student organization engaged in conduct that violates the Standards, the Conduct Officer has the discretion (1) to take no further action in the matter, (2) to seek an administrative resolution of the matter, or (3) to set the matter for hearing. In exercising his or her discretion, the Conduct Officer should consider all the relevant circumstances, including the nature and seriousness of the alleged violation, any sanctions that may have been imposed pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by the civil authorities), the past conduct of the student or student organization, the ease or difficulty of proving the alleged violation, the interests of fairness, the interests of those harmed by the alleged violation, and the interests of the University.

If the Conduct Officer determines that suspension or expulsion may be an appropriate sanction, the Conduct Officer must set the matter for hearing before the University Conduct Board. Otherwise, the Conduct Officer may set the matter for hearing before either the Board or a Campus Judicial Officer.

D. Instituting Proceedings

A Conduct Officer institutes a formal proceeding under this Code by sending a request for an administrative resolution or a notice of hearing to a student or student organization. The request or notice must contain the information and be sent in the manner set out below in subsections E & F. The student or student organization against whom a formal proceeding has been instituted is referred to as the “Respondent.”

E. Administrative Resolutions

An administrative resolution is an agreement between the University, through the Conduct Officer, and the Respondent in which (1) the Respondent admits the violation and agrees to the responses stated in the agreement or (2) the Respondent does not admit the violation but agrees to the responses stated in the agreement. If the parties reach an agreement, the agreement must be in writing and signed by the parties. An electronic signature is sufficient.

The Conduct Officer may propose an administrative resolution at any time prior to the conclusion of the presentation of evidence at a hearing before a Campus Judicial Officer or the University Conduct Board.

If the Conduct Officer proposes an administrative resolution before sending a notice of hearing, the proposal must be in writing and sent by e-mail to the Respondent's e-mail address of record. If the Respondent is a student organization, the request for an administrative resolution or the notice of hearing must be sent by e-mail to (a) one of the officers of the organization at the officer's e-mail address of record and (b) the organization’s faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter’s advisor, if any, in the records maintained by Fraternity & Sorority Life. A proposal for an administrative resolution that is made after a notice of hearing is sent may be made orally or in writing.

A written proposal for an administrative resolution must contain (1) an explanation of what an administrative resolution is, (2) a statement of the charges against the Respondent, including the time and place of the alleged violation, and (3) a statement of the response proposed by the Conduct Officer. The request must also explain what the Respondent must do to accept or reject the proposal and inform the Respondent that the matter may be set for hearing if the Respondent rejects the proposal. If the parties fail to reach an administrative resolution, the Conduct Officer has the discretion to take no further action in the matter or to set the matter for hearing.

F. Hearings

A hearing is an opportunity for the parties to be heard before a Campus Judicial Officer or the University Conduct Board. The notice of hearing must be in writing. The notice of hearing for a student must contain the information and be phrased substantially the same as the following sample notice:

NOTICE OF HEARING ON ALLEGED VIOLATION(S)
OF THE STUDENT CODE OF CONDUCT

TO: [insert name]

This is notify you that you have been charged with violating the Student Code of Conduct. The charges against you are [insert charges].

A hearing will be held to determine if you violated the Code and, if so, what the University's response will be. The hearing will be held on [insert date] at [insert time] in [insert place]. The hearing will be before [the University Conduct Board / [insert name], a Campus Judicial Officer].

At the hearing, the Conduct Officer, [insert name], will present the evidence against you. The Conduct Officer may call the following witnesses: [insert names]. The Conduct Officer may use the following printed or electronic items as evidence: [list documents].

After the Conduct Officer presents the evidence against you, you will have the opportunity to present your evidence. You may call witnesses and use printed or electronic items as evidence.

You have the right to be present for the entire hearing. You also have the right to have an advisor with you at the hearing. Your advisor may not speak on your behalf at the hearing but may help you by giving you advice if and when you need it. You may choose anyone as your advisor, including a lawyer. The only limitation is that your advisor must be someone who is at least nineteen years old. If your advisor charges a fee for serving as your advisor (which lawyers normally do), you are responsible for paying that fee.

Before the hearing, you may read and examine the printed and electronic items that the Conduct Officer may use against you at the hearing. If you want to read and examine those items, e-mail or call the Conduct Officer to arrange a time when you can do that. The Conduct Officer is required to make those items available to you within two business days after you contact [him/her.]

If you decide to attend the hearing, you may questioned by the Conduct Officer and by the [members of the University Hearing Board / Campus Judicial Officer]. You have the right to refuse to be questioned. If you refuse to be questioned, however, the [members of the University Hearing Board / Campus Judicial Officer] may conclude that you refused to be questioned because your answers would have been harmful to you.

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If you decide not to attend the hearing, the charges against you will be taken as true and the University Hearing Board / Campus Judicial Officer] will decide what the University’s response will be.

You should review the Student Code of Conduct before the hearing, especially section IV which discusses the procedures that will be followed at the hearing. You can access the Code at [insert link].

Date: [insert date] s/ [insert name]
University Conduct Officer
[insert campus address, phone, and
e-mail

The notice of hearing for a student organization must contain the information and be phrased substantially the same as the following sample notice:

NOTICE OF HEARING ON ALLEGED VIOLATION(S) OF THE STUDENT CODE OF CONDUCT

TO: [insert name of organization]

This is notify you that your organization has been charged with violating the Student Code of Conduct. The charges against the organization are [insert charges].

A hearing will be held to determine if the organization violated the Code and, if so, what the University’s response will be. The hearing will be held on [insert date] at [insert time] in [insert place]. The hearing will be before [the University Conduct Board / [insert name], a Campus Judicial Officer].

At the hearing, the Conduct Officer, [insert name], will present the evidence against the organization. The Conduct Officer may call the following witnesses: [insert names]. The Conduct Officer may use the following printed or electronic items as evidence: [list documents].

After the Conduct Officer presents the evidence against the organization, the organization will have the opportunity to present its evidence. It may call witnesses and use printed or electronic items as evidence.

An officer of the organization who is authorized to act on behalf of the organization has the right to be present for the entire hearing. The organization also has the right to have an advisor with the officer at the hearing. The advisor may not speak on the organization’s behalf at the hearing but may help the officer

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by giving the officer advice if and when the officer needs it. The organization may choose anyone as its advisor, including a lawyer. The only limitation is that the advisor must be someone who is at least nineteen years old. If the advisor charges a fee for serving as your advisor (which lawyers normally do), the organization is responsible for paying that fee.

If the organization does not choose [its faculty advisor of record] [the person listed as the chapter’s advisor in the records maintained by Fraternity & Sorority Life] as its advisor for purposes the hearing, the [faculty advisor / chapter advisor] may nevertheless attend the hearing. The [faculty advisor / chapter advisor] may not provide advice to the officer during the hearing but may make a statement to the [University Conduct Board / Campus Judicial Officer] on the issue of the appropriate response if the organization is found to have violated the Code.

Before the hearing, the officer may read and examine the printed and electronic items that the Conduct Officer may use against the organization at the hearing. If the officer wants to read and examine those items, the officer should e-mail or call the Conduct Officer to arrange a time to do that. The Conduct Officer is required to make those items available to the officer within two business days after the officer contacts [him/her.]

If an officer attends the hearing, the officer may questioned by the Conduct Officer and by the [members of the University Hearing Board / Campus Judicial Officer].

If an officer who is authorized to act on behalf of the organization fails to attend the hearing, the charges against the organization will be taken as true and [the University Conduct Board / Campus Judicial Officer] will decide what the University’s response will be.

The officers of the organization should review the Student Code of Conduct before the hearing, especially section IV which discusses the procedures that will be followed at the hearing. They can access the Code at [insert link].

Date: [insert date]

s/ [insert name]
University Conduct Officer
[insert campus address, phone, and
e-mail

The notice of hearing must be sent at least five days before the hearing date. The hearing must be held no later than thirty days after the notice of hearing was sent. The time limits in this paragraph may be lengthened or shortened if the parties agree to do so. The time limits may also

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be lengthened or shortened if one of the parties makes a written request to the vice-chancellor responsible for student affairs and the vice-chancellor or his or her designee determines that there is a good reason for doing so. Under no circumstances may the time limit be lengthened by more than sixty days.

The notice of hearing must be provided to the Judicial Officer or to the members of the hearing panel at least three days before the hearing so that the officer or members can decide whether they need to disqualify themselves.

A Judicial Officer or a member must disqualify himself or herself if (s)he believes that (s)he cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officer or member as being unable to decide the matter fairly and impartially. For example, faculty members should disqualify themselves if they taught a class in which the Respondent was enrolled as a student, staff members should disqualify themselves if they are related by blood or marriage to the Conduct Officer, and student members should disqualify themselves if they live in the same fraternity or sorority as the Respondent.

The name of the Judicial Officer or a list of the names of the members of the hearing panel must be provided to the Respondent at least three days before the hearing so that the Respondent can decide whether to challenge the Judicial Officer or any member of the hearing panel on grounds of lack of fairness or impartiality. The list of names of the members of the hearing panel must identify the Chair and must also state the member's status (faculty, staff, or student). The e-mail address of the Judicial Officer or Chair must also be provided to the Respondent.

The Respondent may make a challenge by sending an e-mail to the Conduct Officer and to the Judicial Officer or Chair in which the Respondent states the factual basis for challenging the impartiality or fairness of the officer or member. The e-mail must be sent no later than two days before the hearing. The failure to make a timely challenge to the officer or member waives the challenge unless the Respondent shows that there are extraordinary circumstances that excuse the Respondent's failure.

If the Respondent challenges the Judicial Officer, the officer must disqualify himself or herself if the officer believes that (s)he cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officer as being unable to decide the matter fairly and impartially.

If the Respondent challenges a member of the hearing panel, the Chair must promptly forward the Respondent's e-mail to the member who is the subject of the challenge. The member must disqualify himself or herself if the member believes that (s)he cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the member as being unable to decide the matter fairly and impartially.

If the Judicial Officer disqualifies himself or herself, the hearing must be conducted by a different judicial officer and the name of that officer must be promptly provided to the

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Respondent. If a member disqualifies himself or herself, the member must be replaced by a new member and the name of the new member must be promptly provided to the Respondent.

Regents By-Law 5.4(f) provides that the “decision of the hearing board must be based solely upon evidence introduced at the hearing.” Therefore, the evidence that will be presented at the hearing may not be given to the members of the hearing panel prior to the hearing unless the parties agree that it can.

A complete recording of the hearing must be made. The recording may be made by audio, audiovisual, or stenographic means, or any combination of those means. The vice chancellor responsible for student affairs or his or her designee has the authority to decide which recording means will be used.

At the beginning of the hearing, the Judicial Officer or Chair should state for the record (a) the date, time, and place and (b) identify himself or herself as the Chair or Judicial Officer. If the hearing is before a hearing panel, the Chair should (a) have the other members of the hearing panel to identify themselves and (b) state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.

The Judicial Officer or Chair should then identify the other persons present, ask the Conduct Officer to read the charges, and ask the Respondent if the Respondent admits the charges.

The Judicial Officer or Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by both the Conduct Officer and the Respondent. Both the Conduct Officer and the Respondent have the right to call witnesses and present their respective cases. The Judicial Officer or Chair should bear in mind that the parties are not lawyers and therefore may not be able to elicit testimony effectively using a question-and-answer format. The Judicial Officer or Chair has the discretion to allow the use of a question-and-answer format or allow a witness to make an oral statement about what the witness knows about the matter. The Judicial Officer or the member of the hearing panel may then ask questions to clarify what the witness said or to elicit more detailed information.

The Judicial Officer or Chair has the discretion to allow the parties to question the witnesses directly or to require the parties to submit suggested questions for the Judicial Officer or Chair to ask. In exercising his or her discretion, the Judicial Officer or Chair should consider all the relevant circumstances, including whether there is animosity between the Respondent and the witness, whether the charges involve violence, threats, or harassment of the witness by the Respondent, and whether direct questioning would be more efficient or would better enable the Respondent to present his or her defense.

The Judicial Officer or Chair has the discretion (a) to allow the parties to make opening statements, closing statements, or both, (b) to allow witnesses to testify by videoconferencing require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify, (c) to allow a student respondent to have a parent or spouse in the

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hearing room with him or her if (s)he has an attorney as an advisor, and (d) schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.

The Respondent has the right to be present for the entire hearing. If the Respondent is a student organization, then one of its officers has the right to be present for the entire hearing. The hearing, however, is closed to the public.

The University has the burden of proving the charges by the greater weight of the evidence. The greater weight of the evidence means evidence sufficient to make charges more likely true than not true. If the evidence is evenly balanced, or if it weighs in favor of the Respondent, then the University has failed to meet its burden of proof.

If the Code imposes the burden on the Respondent to establish a defense, the Respondent must prove the defense by the greater weight of the evidence. If the evidence is evenly balanced, or if it weighs in favor of the University, the Respondent has failed to meet his or her burden of proof.

The Conduct Officer will present evidence first, followed by the Respondent. Courtroom rules of evidence do not apply. Evidence may be presented if (a) it is relevant to the charges, the sanctions, or the credibility of the witnesses and (b) it is sufficiently reliable that a reasonable person would take it into account in making an important decision. Evidence may be excluded if it merely repeats evidence that has already been presented.

Evidence must be excluded if it would be inadmissible in a criminal proceeding because it was obtained in violation of the Respondent's rights under the Fourth or Fifth Amendments to the United States Constitution. If the Respondent seeks to challenge the admissibility of such evidence, the Respondent must notify the Conduct Officer of the challenge by e-mail at least three days before the hearing. The Conduct Officer must then promptly arrange a conference for the purpose of addressing the challenge. The conference participants must include the Conduct Officer, the Respondent, and the Judicial Officer or Chair. A member of the University General Counsel's Office may also participate to advise the Judicial Officer or Chair. The conference may be held in person, by telephone, or by videoconferencing.

A Respondent who fails to raise the challenge in the time and manner specified above waives the challenge unless the Respondent establishes that the Respondent did not know of the proposed use of the evidence in time to raise a timely challenge.

The Respondent's advisor may not speak on behalf of the Respondent during the hearing and may not directly participate in any aspect of the hearing. The Respondent, however, may consult with the Respondent's advisor during the hearing. The Judicial Officer or Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

There is an exception, however, if the Respondent is a student organization. The organization's faculty advisor of record or, if the organization is a fraternity or sorority, the person listed as the chapter's advisor in the records maintained by Fraternity & Sorority Life

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may make a statement to and answer questions from the Judicial Officer or hearing panel on the question of what the appropriate response should be if the organization is found to have violated the Code

If the Respondent is present and contests the charges, a hearing before a hearing panel must be conducted in two stages. At the conclusion of each stage, the hearing panel must go into closed session to deliberate and make its decisions. The decisions must be made by a majority vote.

The first stage is to decide whether the Respondent is responsible for the violation. The hearing panel must base its decision on the evidence presented at the hearing and may only find that the Respondent is responsible for the violation if the hearing panel concludes that the evidence presented at the hearing establishes that it is more likely than not that the charges against the respondent are true. If the Respondent is a student organization, the hearing panel must also conclude that the evidence presented at the hearing established that it more likely true than not that the Respondent engaged in, facilitated, or authorized the wrongful conduct, either expressly or impliedly.

If the hearing panel decides that the Respondent is not responsible, the hearing is over. If the hearing panel determines that the Respondent is responsible, the second stage is to decide the appropriate response. Evidence that is relevant only to the issue of the appropriate response(s) may only be presented during the second stage.

If the Respondent admits the charges, however, the only issue for hearing is the appropriate response(s). At the conclusion of the hearing, the hearing panel must go into closed session to deliberate and make its decision. The decision must be made by a majority vote.

The Respondent is deemed to have admitted the charges if the Respondent fails to appear and the Conduct Officer establishes that the Respondent was given proper notice.

No later than five days after the hearing, the Respondent must be notified by letter of the decision and response, if any. The letter must inform the Respondent of the right to appeal and include a copy of subsection G. The letter must be sent as an attachment to an e-mail sent to the Respondent's e-mail address of record. If the Respondent is a student organization, then the letter must be sent to one of the officers at the officer's e-mail address of record and to the organization's faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter's advisor, if any, in the records maintained by Fraternity & Sorority Life.

The response to a violation takes effect on the day when the letter of decision is sent. The Respondent may request that the response be suspended while the appeal is pending by e-mailing or hand delivering a letter to vice-chancellor responsible for student no later than five days after the letter of decision was sent. In the letter, the Respondent should state that (s)he is appealing the decision, explain how the Respondent will be harmed if the response is not suspended, and also explain why suspending the response will not adversely affect the University or other persons. The Respondent should also attach a copy of the letter of decision.

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The vice chancellor or his or her designee should promptly review the letter and decide whether to grant or deny the request. In making his or her decision, the vice chancellor or his or her designee should consider whether the harm that the Respondent may suffer if the response is not suspended outweighs the harm that the University and other persons may suffer if the response is suspended. Before making the decision, the vice chancellor or his or her designee may request that the Conduct Officer explain why (s)he believes that the request should be granted or denied.

If request is granted but the Respondent waives his or her right of appeal, the response will be immediately reinstated. Waiver of the right of appeal is discussed in subsection G.

G. Appeals

The Respondent may appeal the decision of the Judicial Officer or University Conduct Board to the Appeals Officer or the Appeals Board. An appeal is limited to the following grounds: (1) the evidence properly presented at the hearing was insufficient to allow a reasonable person to conclude that the charges were more likely true than not; (2) the response was clearly excessive in light of all the circumstances, or (3) mistakes were made in the procedures followed by the Board or the rulings made by the Judicial Officer or Chair and because of those mistakes, there is a substantial likelihood that the decision is wrong.

Factual evidence that was not presented at the hearing may not be considered on appeal. New evidence may be a ground for a rehearing, however. Rehearings are discussed in subsection I.

In order to appeal, a Respondent must do two things: (1) within five days of the date of the letter of decision, the Respondent must send an e-mail to the Conduct Officer stating the Respondent is appealing the decision and also stating the ground(s) for the appeal and (2) within ten days of the date of the letter of decision, the Respondent must send an e-mail to the Conduct Officer and attach a letter that explains in detail the reasons why the decision should be overturned. A Respondent who does not comply with this section waives the right of appeal.

The Conduct Officer is responsible for forwarding both e-mails to the Appeals Officer or Chair of the Appeals Board. Within five days after the letter of explanation was sent, the Conduct Officer may send an e-mail to both the Respondent and to the Appeals Officer or Chair of the Appeals Board and attach a letter that explains in detail the reasons why the decision should be affirmed.

The Appeals Officer or Chair of the Appeals Board has the discretion to allow the Respondent and the Conduct Officer to make an oral presentation. The presentation may be made to the Appeals Officer or the Appeals Board in person, by telephone, or by videoconferencing. The Appeals Officer or the Chair of the Appeals Board should inform the parties beforehand of any time limitations on their presentations and also inform them that the Appeals Officer or any member of the Appeals Board may ask the parties questions during or after their presentations, and that the Respondent's advisor, if any, may not make a presentation. No recording of the presentations will be made.

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The Appeals Officer or Appeals Board must decide the appeal within thirty days after the date of the letter of decision. The decision may affirm the decision being appealed, overturn the decision being appealed and specify that the charges be dismissed or that a new hearing be held, or modify any sanction that was clearly excessive. No appeal may be taken from the decision of the Appeals Officer or Appeals Board.

The Respondent and the Conduct Officer must be notified of the decision by a letter sent as an attachment to an e-mail sent to the Conduct Officer and the Respondent at their e-mail addresses of record. If the Respondent is a student organization, then the letter must be sent to one of the officers at the officer's e-mail address of record and to the organization's faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter's advisor, if any, in the records maintained by Fraternity & Sorority Life. The letter must inform the Conduct Officer and Respondent that no appeal may be taken from the decision.

H. Effect on Graduation

If an investigation is in progress when the student would otherwise receive his or her degree, the University may withhold the degree until the investigation and any related formal proceedings (including appeals) have ended. If formal proceedings are in progress when the student would otherwise receive his or her degree, the University may withhold the degree until the formal proceedings (including appeals) have ended. The University should confer the degree after all investigations and proceedings have ended unless the response to the violation affects the student's eligibility for the degree (for example, the student is expelled or must complete an educational program prior to receiving the degree).

I. New Evidence

A Conduct Officer or Respondent may seek a rehearing if either of them discovers new evidence after the hearing. To obtain a rehearing, the party must meet three requirements: (1) the evidence is in fact new, (2) the evidence could not have been discovered with reasonable diligence before the hearing, and (3) there is a reasonable basis to believe that the new evidence would have changed the decision.

The party seeking a rehearing must explain in a letter to the vice chancellor responsible for student affairs why the three requirements are met. The letter must be mailed to the vice chancellor or hand-delivered to the vice-chancellor's office no later than ninety days after the letter of decision was sent to the Respondent.

If the vice chancellor or his or her designee determines that the requirements have not been met, then the request must be denied. No appeal may be taken from the denial. If the vice chancellor or his or her designee determines that the requirements have been met, then a new hearing must be held before a Campus Judicial Officer. If suspension or expulsion was sought in the original hearing, however, the new hearing must be held before a hearing panel of the University Conduct Board.

The new hearing may be held before the same Judicial Officer or hearing panel that originally heard the matter or before a different officer or panel. The decision in the new hearing

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must be based on the recording of the original hearing and the new evidence presented at the new hearing.

After the expiration of the ninety day period, a student who was expelled may seek a rehearing by sending a letter by certified mail to the Chancellor. In that letter, the student must explain why the three requirements listed above are satisfied and also explain why it would be manifestly unjust not to grant the student a new hearing. The letter must be sent no later than one year after the letter of decision was sent to the student.

If the Chancellor determines that the requirements have not been met, then the request must be denied. No appeal may be taken from the denial. If the Chancellor determines that the requirements have been satisfied, then a new hearing must be held before a hearing panel of the University Conduct Board.

V. Temporary Suspensions

A. Grounds

The vice-chancellor responsible for student affairs or his or her designee may temporarily suspend a student if there is credible information that the student's conduct or presence on campus presents a clear threat to the physical safety of others, presents a significant risk of harm to self, or is so disruptive that temporary suspension is necessary to preserve the rights of other students to pursue an education. A student may be temporarily suspended even though the student's conduct does not violate the Student Code of Conduct or Appendix A to the Code (Response to Allegations of Student Sexual Misconduct).

In determining whether to suspend a student temporarily, the vice-chancellor or his or her designee should consider whether measures other than suspension would be adequate to address the threat to physical safety or the right of other students to pursue an education. Those measures include, among others, (a) requiring the student to leave University Housing or to move to a different room or residence hall, (b) requiring the student to withdraw from or to receive an incomplete in one or more courses or to complete the requirements for those courses on-line, (c) limiting the areas on campus in which the student may be present, and (d) prohibiting the student from having contact with one or more other students.

If one or more of those measures would be adequate, then the vice-chancellor or his or her designee should require that they be implemented instead of suspending the student temporarily. A student may request at any time to meet with the vice-chancellor or his or her designee to contest the implementation or continued implementation of the measures.

If a student is temporarily suspended, the vice-chancellor or his or her designee must provide the student with a Notice of Temporary Suspension. The notice must be sent to the student's e-mail address of record and must:

- (1) state the factual basis for the student's temporary suspension and explain why the student's conduct or presence on campus presents a clear threat, significant risk, or is so

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disruptive that temporary suspension is necessary; merely reciting the language of the Code is insufficient

(2) state that the student has a right to meet with the vice-chancellor or his or her designee within three days after the temporary suspension becomes effective to present information to show that the requirements for a temporary suspension have not been satisfied and that the temporary suspension should therefore be lifted

(3) state the time, date, and place of the meeting with the vice-chancellor or his or her designee and state that the student may be accompanied by an adult advisor of his or her choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge

(3) state that after the expiration of the three-day period, a student may seek to have the suspension lifted by making a Request for Reinstatement, and

(4) include a copy of Section V of the Code

After the expiration of the three-day period, a student who has been temporarily suspended may seek reinstatement by making a Request for Reinstatement on the ground that (1) the requirements for a temporary suspension were not met when the student was suspended and are not currently met or (2) circumstances have changed such that the requirements for a temporary suspension are no longer met.

The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request may be sent to the vice-chancellor responsible for student affairs by e-mail or certified mail or may be hand-delivered to the vice-chancellor's office.

The vice-chancellor or his or her designee must make a decision on the request as soon as reasonably practicable. Before making a decision, the vice-chancellor or his or her designee has the discretion to seek additional information, to ask a Conduct Officer to review and comment on the request, or to schedule a meeting with the student and his or her advisor.

If formal proceedings have not been instituted against a student who has been temporarily suspended, they must be instituted within three days of the effective date of the suspension. Regardless of when formal proceedings were instituted, the hearing must be held within fifteen days of the effective date of the suspension. The vice chancellor or his or her designee may extend the time limit for the hearing for up to an additional fifteen days if the parties agree to an extension or if either party establishes that extraordinary circumstances exist that warrant an extension.

The fact that a student was temporarily suspended should not be taken into account by the Judicial Officer or hearing panel in determining whether the student violated the Code.

VI. Miscellaneous Procedural Matters

A. Campus Authority

The home campus of a student or recognized student organization has the authority to investigate alleged violations of the Standards and to institute formal proceedings against the student or the student organization. The home campus may enter into an agreement with another campus whereby (1) the other campus agrees to conduct an investigation in whole or in part, to institute formal proceedings, and to conduct those proceedings, including any related appeals, and (2) if the proceedings result in the issuance of a response, the home campus agrees to enforce the response.

The vice chancellor responsible for student affairs on a campus or his or her designee may enter into such an agreement on behalf of the campus when doing so would promote efficiency, fairness, convenience, or the interests of the two campuses. Such an agreement may be appropriate when the violation occurred on the other campus, when the other campus was the target of conduct that constitutes fraud on the University, or when it holding the hearing on another campus would be more convenient for the witnesses or the parties.

B. University Conduct Board Membership

[insert campus provisions]

C. Appeals Board Membership

[insert campus provisions]

D. Quorum Requirements

[insert campus requirements for both boards]

E. Interpretations of the Code

Words in this Code should be given their ordinary meaning unless the context indicates that a different meaning was intended. The ordinary meaning of a word can be found in a dictionary.

The vice chancellor responsible for student affairs or his or her designee may address ambiguities in this Code by issuing Interpretations. An Interpretation is a binding statement of what a particular term means or what effect a particular requirement has. Interpretations may be issued only when there is an ambiguity that may be resolved in light of the language, structure, or purposes of the Code.

The vice chancellor responsible for student affairs and or his or her designee may address any procedural gaps in the provisions of the Code by issuing a Practice Rule that specifies the procedure that must be followed in a particular situation. A Practice Rule must not conflict with any provision of the Code and must not involve substantive matters. Matters are substantive if they involve the content of the Standards or a response to a violation of the Standards.

F. Amendments

The Board of Regents may amend this Code in whole or in part. There may be times when unexpected issues arise that require prompt action or that involve errors or omissions in the Code. Examples include a change in federal, state, or local law, the adoption of a new Campus or University policy, the repeal of an existing Campus or University policy, the discovery of a drafting error, or the failure to anticipate a particular situation or type of conduct.

If an unexpected issue arises, the Code may be amended pursuant to the following procedure. First, the Provost of the University of Nebraska must approve the amendment. Second, the General Counsel of the University of Nebraska must approve the amendment. Third, the amendment must be reported to the Board of Regents at the next regularly scheduled meeting of the Board.

The Provost and the General Counsel may approve an amendment only if each of them separately determines that (1) the content of the amendment is appropriate and reasonably necessary and (2) the subject matter of the amendment either requires prompt action or involves minor changes that correct errors or omissions in a manner consistent with the purpose and scope of the Code. An amendment takes effective when both the Provost and the General Counsel have approved the amendment. The Board has the authority to rescind any such amendment when the amendment is reported to the Board.

The provisions of this Code apply to cases in which formal charges are brought after the date on which this Code was approved by the Board of Regents. Amendments to this Code apply to cases in which formal charges are brought after the date that the amendment takes effect.