

**NORTHERN ILLINOIS UNIVERSITY**  
**OFFICE OF COMMUNITY STANDARDS & STUDENT CONDUCT**  
**STUDENT CODE OF CONDUCT**

**Effective August 16, 2011**

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## PREAMBLE

Students, staff, and faculty at Northern Illinois University strive to create a community in which learning and scholarship can flourish. This community requires a climate in which mutual respect, inclusiveness, and integrity are valued.

The Northern Illinois University Community expects honesty, responsibility, and integrity from its members in all their endeavors. The *Student Code of Conduct* is the primary statement of those expectations. The *Student Code of Conduct* outlines the administrative procedures for redressing conduct of students and Recognized Student Organizations that fail to abide by these standards.

The Office of Community Standards & Student Conduct is responsible for enforcing the *Student Code of Conduct* by educating students and Recognized Student Organizations regarding those expectations, and by administering a fair and just outcome when those expectations are not met.

This document is effective August 10, 2011, and supersedes all policies and procedures in previous *Student Codes of Conduct*.

## NORTHERN ILLINOIS UNIVERSITY COMMUNITY STANDARDS

Northern Illinois University challenges students to strive for excellence, to integrate classroom and out-of-classroom learning, and to develop their talents through discovery and reflection. In order to achieve these ideals, all students are expected to contribute, through their words, actions, and commitments, to the development and sustenance of a community characterized by caring, honesty, respect, and responsibility. These characteristics are essential to ensure the rights and privileges of all students and to preserve the integrity of the educational community.

Admission to the University carries with it the presumption that students will conduct themselves as responsible members of the community. Upon registration, each student agrees to abide by the policies, rules, and expectations of the University. Additionally, the University expects all community members to encourage others to actively commit to and uphold these policies, rules, and expectations.<sup>1</sup>

Working together as a community, students, faculty and staff help foster a campus atmosphere that furthers the mission of the University.

Northern Illinois University Community strives to create a community based on these standards:

**CARING:** To support the well-being of others and to encourage service to others

**HONESTY:** To be truthful and forthcoming about one's self in both academic and non-academic endeavors

**RESPECT:** To respect each member of the University Community

**RESPONSIBILITY:** To accept ownership for one's actions, attitudes, and behaviors

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<sup>1</sup> Adapted from Gonzaga University

## **ARTICLE I: RIGHTS OF STUDENTS AND RECOGNIZED STUDENT ORGANIZATIONS**

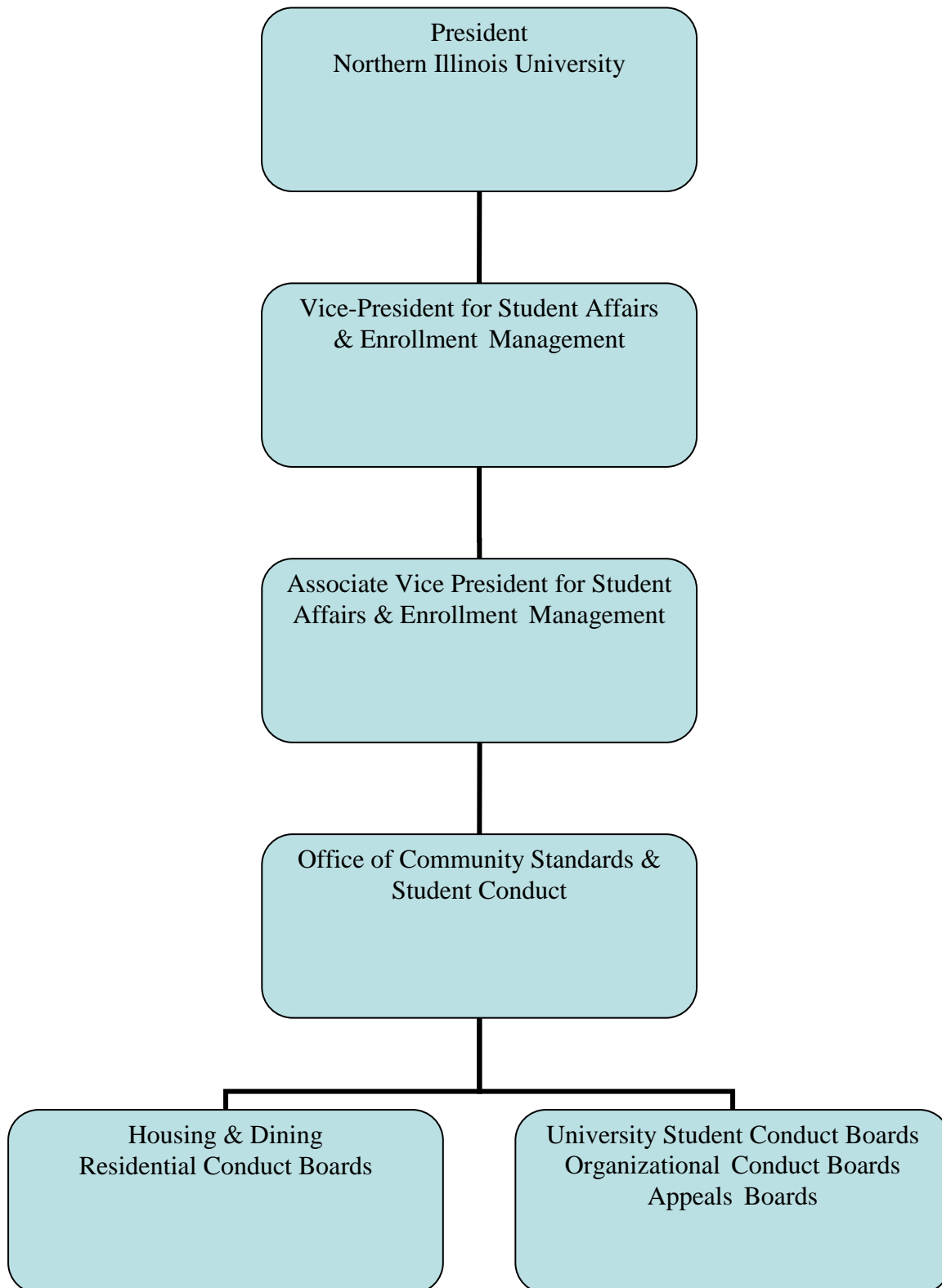
Every Student and Recognized Student Organization is entitled to certain procedural rights and guarantees in the Student Conduct Process. The procedural rights outlined below are not exhaustive, but serve as guidelines to ensure that all students and Recognized Student Organizations are treated fairly.

- A.** An Accused Student or Recognized Student Organization is entitled to be notified of an alleged *Student Code of Conduct* violation as soon as reasonably possible. An incident report for each alleged violation should be completed in a timely manner.
  
- B.** In accordance with the *Family Educational Rights and Privacy Act of 1974*, as amended, a Student may inspect and review his/her student conduct file upon request to the Office of Community Standards & Student Conduct. A student may obtain a copy of his/her conduct file from the Office of Community Standards & Student Conduct in the following situations:
  - 1. A copy is necessary to allow the student to exercise his/her right to inspect and review the records, or
  - 2. The student is currently alleged to have violated the *Student Code of Conduct*, and a copy is needed to prepare his/her case for a University Conduct Hearing.
  
- C.** The Accused Student, Recognized Student Organization, Complainant, and Victim/Survivor of an incident may be accompanied by an advisor at any time during the Student Conduct Process. Any person may serve as an advisor. The advisor may or may not be affiliated with the Northern Illinois University Community. If an Accused Student, Recognized Student Organization, Complainant, or Victim/Survivor elects to have an advisor, it is highly recommended that the party choose an advisor trained by the Office of Community Standards & Student Conduct. The Office of Community Standards & Student Conduct shall maintain a list of advisors who have received training in the Northern Illinois University Student Conduct System. Advisors will only be allowed to confer with their advisees (Accused Student, Recognized Student Organization, Complainant, or Victim/Survivor). The advisor will not be allowed to directly participate in the Student Conduct Process on behalf of any party or as a spokesperson or advocate.
  
- D.** As applicable, the Accused Student and the Recognized Student Organization have the right to meet with a Student Conduct Administrator about their incident and to be informed of the entire Student Conduct Process.
  
- E.** The Accused Student or Recognized Student Organization will not be coerced into accepting either responsibility for an alleged violation of University policy or a recommended sanction by a Student Conduct Administrator.

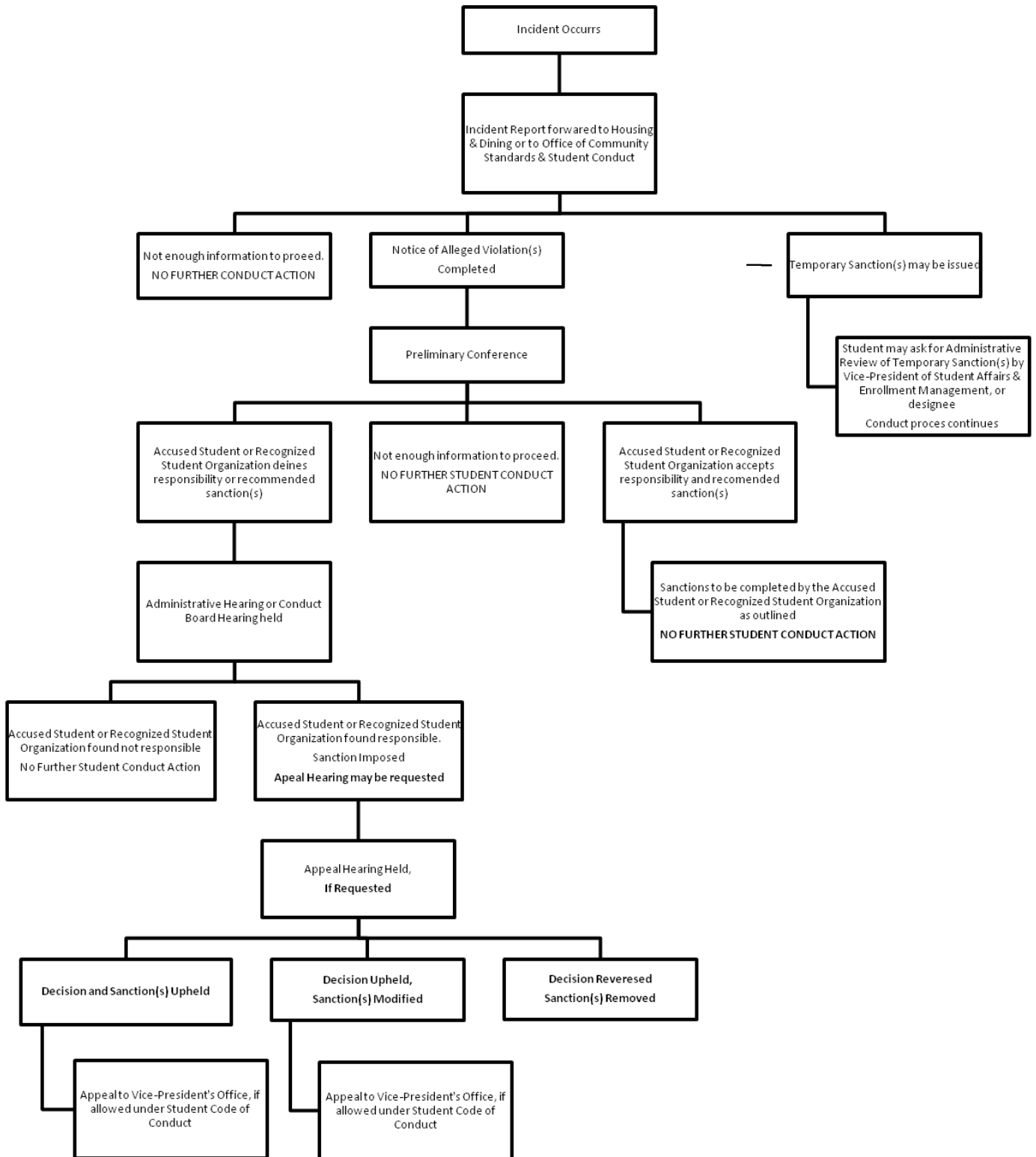
- F.** The Accused Student or Recognized Student Organization has the right to be informed of the identity of known witnesses to the incident and to examine all documents, statements, or other evidence that will be presented at the hearing, if this information is known to the Student Conduct Administrator.
- G.** If the Accused Student or the Recognized Student Organization selects the option for a hearing, he/she shall have the right to choose whether the case will be heard by an Administrative Hearing Officer or by a Conduct Board.
- H.** The Accused Student, Recognized Student Organization, Complainant, and Victim/Survivor are entitled to a fair and impartial hearing. The Accused Student or Recognized Student Organization is presumed “not responsible” until proven “responsible.” The burden of proof rests with the Complainant, and the standard of proof is preponderance of the evidence. This means that, based on all of the evidence and testimony presented in the case, it is determined that, more likely than not the Accused Student or Recognized Student Organization committed the alleged violation of the *Student Code of Conduct*.
- I.** The Office of Community Standards & Student Conduct or the Department of Housing & Dining shall give written notice of a hearing to the Accused Student, Recognized Student Organization, Complainant, or Victim/Survivor. The notice shall include the date, time, and location of the hearing before the Administrative Hearing Officer or Conduct Board, and it shall be given at least three (3) academic days prior to the hearing. If, after such notification, the Accused Student, Recognized Student Organization, or Complainant does not appear at the hearing, the case may be heard and a decision rendered despite the absence (Victims/Survivors are not required to attend any hearings). **Students are responsible for notifying the Office of Registration and Records of any address change. Notices mailed to the local address listed in MyNIU, provided by the student, will constitute valid notification to the Accused Student. Additionally, any e-mail notification with correspondence will be considered delivered when the University has proof that the electronic correspondence has been delivered to the Accused Student's NIU e-mail account.**
- J.** Hearings before any Administrative Hearing Officer or Conduct Board shall be closed. The Accused Student, Recognized Student Organization, Complainant, and Victim/Survivor may each have one (1) person serve as an observer of the hearing, in addition to their advisor and any witnesses. The observer will not be permitted to participate in any way in the hearing.
- K.** The Accused Student, Recognized Student Organization, Complainant, and Victim/Survivor shall each have the right to request that any particular Conduct Board member(s) not be allowed to serve on the Conduct Board if there is reasonable cause to believe that the Conduct Board member(s) may be biased either for or against a particular party involved in the incident. The Chair of the Board, Student Conduct Facilitator, or Conduct Board Advisor shall make the final determination regarding which board members shall be qualified to hear the case.

- L.** In any Administrative Hearing or Conduct Board Hearing, the Accused Student, Recognized Student Organization, Complainant, or Victim/Survivor shall have the right to present his/her respective position by introducing evidence and a witness(es), making statements, and asking questions. No one shall be required to provide information that may be self-incriminating.
  
- M.** The Student Conduct Board Facilitator shall notify the Accused Student of the decision of the Student Conduct Board, in writing within two (2) academic days after the deliberation. This notification shall be sent in a way to certify receipt of the notification. For any incident involving Violent Crime or Non-Forcible Sexual Offense, as described in the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092(f), as amended, both the Accused Student and the Victim/Survivor will be notified by the Student Conduct Board Facilitator, in writing within two (2) academic days after the deliberation. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the Student Conduct Board Facilitator shall notify the victim's next of kin, upon written request by the next of kin.
  
- N.** The Accused Student or Recognized Student Organization that receives an adverse decision shall have the right to file a written appeal (to an Appeals Board) of the decision and/or sanctions of an Administrative Hearing or Conduct Board Hearing.
  
- O.** No penalty may be levied by the Student Conduct System—with the exception of a temporary sanction—without the acceptance of responsibility by the Accused Student or Recognized Student Organization before a Student Conduct Administrator, or the finding of responsibility before an Administrative Hearing Officer or a Conduct Board.

## ORGANIZATIONAL CHART OF THE STUDENT CONDUCT SYSTEM



# STUDENT CONDUCT PROCESS FLOWCHART



## ARTICLE II: *STUDENT CODE OF CONDUCT* AUTHORITY

- A. The *Student Code of Conduct* shall be applicable to both individual Students and Recognized Student Organizations.
- B. The policies in the *Student Code of Conduct* are applicable to conduct both on and off campus. Students and Recognized Student Organizations are expected to follow all applicable policies in University documents and publications.
- C. The *Student Code of Conduct* applies at all locations of the University, University-sponsored events, and events sponsored by Recognized Student Organizations. The *Student Code of Conduct* shall also apply to Students completing approved Study Abroad coursework through the Northern Illinois University Study Abroad Office.
- D. The *Student Code of Conduct* shall apply to actions and behaviors of Students and Recognized Student Organizations that are exhibited directly or otherwise either in person and/or through the use of any electronic medium.
- E. The *Student Code of Conduct* shall not normally apply to the following University relationships with Students:
  - 1. **Employment Regulations:** Obligations regarding student employment are specified in the *Student Employment Handbook* distributed by the Student Financial Aid Office. Disputes regarding employment are resolved through Student Employment grievance procedures.
  - 2. **Academic Regulations:** Student grievances over grades are resolved through the Grade Appeals System established by the University Council. However, academic misconduct as a violation of The *Student Code of Conduct* may be adjudicated through the Office of Community Standards & Student Conduct.
  - 3. **Financial Regulations:** Disputes over alleged violation of University policies regarding the payment of bills and loans are resolved through the Accounting Office, the Bursar's Office, or the Student Financial Aid Office.
  - 4. **Traffic Regulations:** Violations of the University Traffic Policy, as outlined in the *Illinois Rules of the Road*, are handled by the Department of Police & Public Safety.
  - 5. **Parking Regulations:** Violations of the University Parking Policy, as outlined in the *Motor Vehicle and Parking Regulations Handbook*, are handled by the Campus Parking Services.
  - 6. **Contractual Obligations:** Questions, disputes, and alleged violations of contracts between various University offices and Students are handled between the Student and the contractual office, such as the Bursar's Office, Housing & Dining, or Student Financial Aid.

## ARTICLE III: PROSCRIBED CONDUCT VIOLATIONS AND SANCTIONS

### A. Conduct

Any Student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined below. Proscribed conduct includes the following:

1. **Abuse (Physical):** Physical violence of any nature against any person, on or off campus, other than for self-defense. This includes fighting; assault; battery; the use of a knife, gun, or other weapon; physical abuse; restraining or transporting someone against his/her will; or any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.
2. **Abuse (Verbal and Threats):** Persistent, severe, and/or pervasive abuse, threats, intimidation, coercion, bullying and/or other conduct which threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm.
3. **Abuse (Student Conduct System):** Abuse of the Student Conduct System, includes but is not limited to:
  - a. Failure to obey the notice from any Conduct Board or University official to appear for a meeting or hearing as part of the Student Conduct System;
  - b. Falsification, distortion, or misrepresentation of information before any Conduct Board or Administrative Officer;
  - c. Disruption or interference with the orderly conduct of any Conduct Board proceeding or Administrative Hearing;
  - d. Knowing completion and filing of a false incident report;
  - e. Discouraging an individual's proper participation in, or use of, the Student Conduct System;
  - f. Influencing the impartiality of a member of a Conduct Board prior to, and/or during the course of, the Conduct Board proceeding;
  - g. Harassment (unwelcome verbal or physical behavior for interference, disruption, or retaliatory purpose toward) or intimidation of a member of any Conduct Board prior to, during, or after a Student Conduct Code proceeding;
  - h. Failure to comply with the sanction(s) imposed under the *Student Code of Conduct*;
  - i. Influencing another person to commit an abuse of the Student Conduct Code System;

4. **Academic Misconduct:** The receipt or transmission of unauthorized aid on assignments or examinations, plagiarism, unauthorized use of examination materials, cheating or other forms of dishonesty in academic matters. The term “cheating” includes but is not limited to the following:
  - a. Use of any unauthorized assistance in taking quizzes, tests, or examinations or on academic assignments;
  - b. Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
  - c. Acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff;
  - d. Engagement in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion;

The term “plagiarism” includes but is not limited to the use, by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment. Plagiarism also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

5. **Accessory to a Violation:** Aiding another individual in the commission of an offense defined in *The Student Code of Conduct*.
6. **Alcohol:** Abuse of alcohol includes but is not limited to the following:
  - a. Providing alcohol to a person less than 21 years of age, by any student;
  - b. Consuming alcohol by any student with a person less than 21 years of age including, but not limited to, in the same residence hall room;
  - c. Possessing or consuming of alcohol by any student who is less than 21 years of age.
7. **Demonstration:** Violation of the **POLICY CONCERNING DEMONSTRATIONS AT NORTHERN ILLINOIS UNIVERSITY** includes but is not limited to participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of Northern Illinois University or infringes on the rights of other members of the Northern Illinois University Community; leading or inciting others to disrupt scheduled or normal activities within any campus building or area.
8. **Dishonesty:** Acts of dishonesty include but are not limited to the following forms of deceit:

- a. Furnishing false information to any Northern Illinois University official, faculty member, or office representative;
  - b. Forgery, alteration, or misuse of any Northern Illinois University document, record, or instrument of identification.
9. **Disruptive Behavior:** Disruption or obstruction of a University activity including but not limited to teaching, research, administration, disciplinary proceedings, athletic competitions, club sports, University public service functions, or other authorized non-University activities when the conduct occurs on Northern Illinois University premises; conduct that is disorderly, lewd, or indecent; or aiding or procuring another person to disrupt activities on University premises, functions, or events.
10. **Drugs:** Abuse of drugs includes use, possession, manufacture, or distribution of any illegal controlled substance including but not limited to the following: cocaine, hashish, heroin, lysergic acid diethylamide (LSD), marijuana, methamphetamines, or any legally controlled substance without a prescription issued by a licensed physician.
11. **Fire Safety:** Acts relating to fire safety endangerment, including but not limited to the following:
- a. Knowingly, recklessly, or negligently setting a fire on University property;
  - b. Creating a fire hazard or endangering the safety of persons or property by the improper use or possession of hazardous substances;
  - c. Falsely reporting a fire;
  - d. Failing to report a fire;
  - e. Interfering with the response of University or City officials to emergency calls;
  - f. Misuse of or tampering with fire prevention and control equipment;
  - g. Use or possession of any electrical appliance not authorized in University residence halls or other areas of the University;
  - h. Burning of candles in the residence halls;
  - i. Engaging in pranks involving fire;
  - j. Refusing to comply with fire alarm and fire drill procedures.
12. **Fraud:** Acts of fraud include deception, forgery, alteration, or the unauthorized use of University documents, records, or identification.

13. **Fraud (Degree):** Violations include fraud, misrepresentation, or other violation(s) of University standards in obtaining a University degree.
14. **Guest Responsibility:** Northern Illinois University students may be held responsible for the actions of their guests. When a Guest commits a violation, the Student Host may be charged with violation of the Northern Illinois University *Student Code of Conduct*.
15. **Harassment:** Acts of harassment include the use of words or actions that persistently and wrongfully attack another person. This communication may be either in person or through any form of electronic communication. The unwanted communication must be objectively offensive to a reasonable person and occur at least three (3) times before it may be considered actionable harassment. For example, the unwanted communications may have caused the recipient of the unwanted communication to fear for his/her safety or for the safety of a family member or close friend.
16. **Hazing:** Acts of hazing include participation in any act or activity by an organization or group or by a member of the organization or group in which a member(s) or prospective member(s) may be subjected to an activity that might cause or create a substantial risk to one's physical or mental health. Hazing includes any act or activity that might cause but is not limited to the following: fear or intimidation; embarrassment or ridicule, physical exhaustion, endangerment, harm, mutilation, or alteration of any part(s) of the body; mental fatigue, harassment, or duress; and defacement, damage, or destruction of property. The intent of the act or the consent or the cooperation of the hazing recipient shall not constitute a defense of hazing. The University or the hazing recipient may charge an individual and/or the Recognized Student Organization with responsibility for the hazing act(s) committed either on or off campus.
17. **Keys:** The unauthorized possession, duplication, or use of keys to any University premises, or the unauthorized entry to or use of Northern Illinois University premises is prohibited.
18. **Legal:** Violation of any federal, state, or local law is prohibited.
19. **Noncompliance with University Officials:** Failure to comply with directions of Northern Illinois University officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so is prohibited.
20. **Posting of Signage:** Failure to post signage in accordance with established procedures of the specific building is prohibited.
21. **Prohibited Sexual Contact:** Behavior related to sexual activities or sexual contact between at least two individuals that is accomplished through force or the threat of force, or when the victim is unable, under the circumstances, to give clear and knowing consent. Prohibited sexual contact includes, but is not limited to, sexual assault and sex abuse and

is prohibited regardless of sexual orientation, gender, or gender expression of the perpetrator or the victim.

22. **Stalking:** A pattern of behavior directed at a specific person that would cause a reasonable person to feel fear for her or his safety. A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer other emotional distress. A person commits stalking when he or she knowingly and without lawful justification on at least two separate occasions follows another person or places the person under surveillance or any combination thereof, and at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person. A more extensive definition of stalking can be found at <http://www.ilga.gov/legislation/ilcs/documents/072000050k12-7.3.htm>

Stalking also includes cyber stalking, when a person knowingly and without lawful justification on at least two separate occasions intimidates, torments, or terrorizes another person or that person's family member(s) through the use of electronic communication and transmits a threat of future bodily harm, sexual assault, confinement, or restraint; or knowingly solicits another person to commit stalking or cyber stalking; or creates and maintains an Internet website or webpage accessible to one or more third parties for a period of at least 24 hours containing harassing statements as outlined above toward another person or that person's family member(s). Repetitive, non-consensual communication of any kind including that which involves the use of electronic equipment or technology for the purposes of cyber stalking is also a violation of the [University's Acceptable Use Policy](#); examples include, but are not limited to e-mail, voicemail messages, text messages, instant messages, global positioning systems (GPS), and cell phone software applications. A complete definition of cyber stalking can be found at <http://www.ilga.gov/legislation/ilcs/documents/072000050k12-7.5.htm>

23. **Theft (Computer):** Theft or other abuse of a computer and resources include but are not limited to the following:
- a. Unauthorized entry into a computer file, to use, read, or change the contents, or for any other purpose;
  - b. Unauthorized transfer of a file;
  - c. Any violation of the Northern Illinois University ITS Acceptable Use Policy;
  - d. Unauthorized viewing or possession of personal identification information about another person.

24. **Theft (Property):** Theft includes the taking of and/or damage to property of the University or property of a member of the Northern Illinois University Community or other personal or public property on or off campus.
25. **University Policy Violation:** Violation of any Northern Illinois University policy not specifically mentioned in the *Student Code of Conduct*. A complete list of policies applicable to students can be found on the Office of Community Standards & Student Conduct website: <http://www.niu.edu/stuaff/audience/students.shtml>
26. **Weapons:** Weapon violations include the use, possession, sale, or distribution in any residence hall, building, or grounds under University control of the following: fireworks, firearms, shotguns, rifles, hand guns (including but not limited to any BB guns, paint ball guns, air soft guns, tear gas guns, stun guns, tasers, pistols, revolvers, and other objects that resemble firearms), switchblade knives, any type of ammunition, explosives, dangerous chemicals, and all other serious weapons.

## **B. Violation of Law and the Northern Illinois University Student Conduct Process**

Northern Illinois University disciplinary proceedings may be instituted against a Student charged with conduct that potentially violates both criminal law and the *Student Code of Conduct* (if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the *Student Code of Conduct* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Director of the Office of Community Standards & Student Conduct, or designee. Determinations made or sanctions imposed under the *Student Code of Conduct* shall not be subject to change because criminal charges arising out of the same facts and giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

## **C. Sanctions**

1. The following sanctions may be imposed upon any Student or Recognized Student Organization found to have violated the *Student Code of Conduct* with the following limitations:
  - Student Conduct Boards may impose sanctions (a) through (p), except (h).
  - Administrative Hearing Officers may impose sanctions (a) through (p), except (h).
  - Residence Hall Conduct Boards may impose sanctions (a) through (i), and (l).
  - Organizational Conduct Board may impose sanctions (a) through (j), and (l).

- a. **Community Service:** A sanction that requires a Student or Recognized Student Organization to complete hours of service to Northern Illinois University or the DeKalb Community;
- b. **Deferred Sanction:** A sanction that is deferred may become effective if the Student is found “responsible” or accepts responsibility for a future violation of the *Student Code of Conduct* or other institutional policy;
- c. **Discretionary Sanctions:** A sanction that requires work assignments, written assignments, service to Northern Illinois University, or other related discretionary assignments;
- d. **Educational Sanctions:** A sanction that requires the completion of an educational assignment (e.g., research paper, program presentation, interviews, etc.);
- e. **Fines:** An amount of money applied to the Bursar’s Account of the Student or Recognized Student Organization for violation of a University or Department policy;
- f. **Formal Written Warning:** A notice in writing to the Student or Recognized Student Organization indicating a violation of institutional regulations;
- g. **Loss of Privileges:** A denial of specified privileges for a designated period of time (e.g., inability to have guests/visitors, inability to hold social functions, etc.);
- h. **Loss of Recognized Student Organization Status:** A loss of all privileges, including Northern Illinois University recognition as a student organization, for a specified period;
- i. **Probation:** A probation for a designated period that includes the probability of more severe disciplinary sanctions if the Student is found to violate any institutional regulation(s) during the probationary period;
- j. **Residence Hall Expulsion:** A permanent separation of the Student from the residence halls;
- k. **Residence Hall Suspension:** A 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.
- l. **Restitution:** A compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- m. **Revocation of Admission and/or Degree:** A revocation of admission to or a recommendation of revocation of degree awarded by the University to the Provost;

- n. **University Expulsion:** A permanent separation of the Student from Northern Illinois University;
  - o. **University Suspension:** A separation of the Student from Northern Illinois University for a definite period of time, after which the Student, upon completion, may be eligible to return;
  - p. **Withholding Degree:** A withholding of the awarding of a degree otherwise earned until the completion of the process set forth in the *Student Code of Conduct*.
2. More than one (1) of the sanctions listed above may be imposed for any single violation.
    1. In cases that involve policy violation(s) in which the outcome is subject to disclosure under *The Clery Act* or the *Family Educational Rights and Privacy Act of 1974*, as amended, the Office of Community & Student Conduct shall notify the Accused Student or Recognized Student Organization and the Complainant of the outcome of the proceedings.
    4. In each case for which an Administrative Hearing Officer, a Student Conduct Board, Residence Hall Conduct Board, or Organizational Conduct Board determines that an Student or Recognized Student Organization has violated the *Student Code of Conduct*, the sanction(s) shall be determined and imposed by the appropriate Administrative Hearing Officer or Conduct Board.
    5. Any sanction not completed by the deadline set by the Student Conduct Administrator or the Conduct Board may result in additional sanction. The Office of Community Standards & Student Conduct shall monitor the deadlines for sanction completion.

#### **D. Alcohol, Drug, & Violence Sanctions**

Northern Illinois University students are expected to comply with local, state, and federal laws relating to the use of drugs and alcohol, and crimes of violence. With this in mind, NIU has established clear and specific sanctions that result from violations of the policy. The sanctions, ranging from probation and substance abuse awareness programs for minor offenses to dismissal and/or referral to civil authorities for major and/or multiple offenses, are applied consistently and fairly. The University recognizes that, while the sanctioning process is educational in nature, students must understand that they will be held accountable for their actions in both the university setting and the external world.

In some instances, education must defer to community standards and community safety. In cases of a serious nature or in instances of multiple recidivism, it sometimes is necessary to impose sanctions that extend beyond the educational realm. In those situations, NIU is committed, when necessary, to imposing stern and swift sanctions up to and including dismissal from the University and referral of the matter to the local authorities for prosecution, as necessary. The NIU Community will not tolerate violations of this nature and will not shield its students from

just and appropriate consequences for their illegal actions. **The sanctions enumerated below are the minimum sanctions which will be imposed if a student accepts responsibility, is found responsible, or, in applicable cases, enters an option of "No Contest" to one of these NIU *Student Code of Conduct* violations.**

<b>Student Code of Conduct Violation</b>	<b>First-Time Offender (ALL STUDENTS)</b>	<b>Second-Time Offender (ALL STUDENTS)</b>	<b>Third-Time Offender (ALL STUDENTS)</b>
<b>ABUSE</b> (Verbal, Threat)	<ol style="list-style-type: none"> <li>1. Anger Intervention</li> <li>2. Probation for one (1) academic year</li> <li>3. Educational Sanction(s)</li> <li>4. No contact (direct or indirect with victim)</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for at least one (1) academic year</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> </ol>
<b>ABUSE</b> (Physical)	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for at least one (1) academic year</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> </ol>	<ol style="list-style-type: none"> <li>1. University Expulsion</li> <li>2. Banishment from NIU Campus Property</li> </ol>
<b>ALCOHOL</b> (No Harm to Self, Others, or Property)	<ol style="list-style-type: none"> <li>1. Referral to BASICS</li> <li>2. \$50 Student Conduct fine</li> </ol>	<ol style="list-style-type: none"> <li>1. Substance Use Assessment</li> <li>2. Educational Sanction(s)</li> <li>3. \$75 Student Conduct fine</li> <li>4. Probation for one (1) academic year</li> <li>5. Parental Notification</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. \$125 Student Conduct fine</li> <li>3. Parental Notification</li> <li>4. Completion of outpatient substance use assessment (off campus) prior to return to NIU</li> <li>5. Probation for at least one (1) academic year upon return</li> </ol>
<b>ALCOHOL</b> (Harm to Self, Others, or Property)	<ol style="list-style-type: none"> <li>1. Substance Use Assessment</li> <li>2. \$50 Student Conduct fine</li> <li>3. Parental Notification</li> <li>4. Restitution for damages (if any)</li> </ol>	<ol style="list-style-type: none"> <li>1. Completion of outpatient substance use assessment</li> <li>2. Educational Sanction(s)</li> <li>3. \$75 Student Conduct fine</li> <li>4. Probation for one (1) academic year</li> <li>5. Parental Notification</li> <li>6. Restitution for damages (if any)</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. \$125 Student Conduct fine</li> <li>3. Permanent removal from residence hall system</li> <li>4. Parental Notification</li> <li>5. Probation for at least one (1) academic year upon return</li> <li>6. Restitution for damages (if any)</li> </ol>
<b>DRUGS</b>	<ol style="list-style-type: none"> <li>1. Substance Use Assessment</li> <li>2. Probation for at least one (1) academic year</li> <li>3. \$75 Student Conduct fine</li> <li>4. Parental Notification</li> <li>5. Restitution for damages (if any)</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. \$100 Student Conduct fine</li> <li>3. Parental Notification</li> <li>4. Completion of substance abuse treatment (off campus) prior to return to NIU</li> <li>5. Probation for at least one (1) academic year upon return</li> <li>6. Restitution for damages (if any)</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for at least one (1) academic year</li> <li>2. \$125 Student Conduct fine</li> <li>3. Permanent removal from residence hall system</li> <li>4. Parental Notification</li> <li>5. Probation for at least one academic year upon return</li> <li>6. Restitution for damages (if any)</li> </ol>

<b>HARASSMENT</b>	<ol style="list-style-type: none"> <li>1. Anger Intervention</li> <li>2. Probation for one (1) academic year</li> <li>3. Educational Sanction(s)</li> <li>4. No contact (direct or indirect) with victim</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> <li>4. No contact (direct or indirect) with victim</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for at least one (1) academic year</li> <li>2. Banishment from NIU Campus Property during the period of suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> <li>4. No contact (direct or indirect) with victim</li> </ol>
<b>PROHIBITED SEXUAL CONTACT</b> (Includes: Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, Forcible Fondling, and Statutory Rape) *Inclusions are defined by the Jeanne Cleary Campus Safety Right to Know Act	<ol style="list-style-type: none"> <li>1. University Suspension for at least one (1) academic year</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> <li>4. No contact (direct or indirect) with victim</li> </ol>	<ol style="list-style-type: none"> <li>1. University Expulsion</li> <li>2. Banishment from NIU Campus Property</li> </ol>	<b>NOT APPLICABLE</b>
<b>STALKING</b>	<ol style="list-style-type: none"> <li>1. Anger Intervention</li> <li>2. Probation for one (1) academic year</li> <li>3. Educational Sanction(s)</li> <li>4. No contact (direct or indirect) with victim</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of off-campus counseling prior to return to NIU</li> <li>4. No contact (direct or indirect) with victim</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for at least one (1) academic year</li> <li>2. Banishment from NIU Campus Property during the period of suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> <li>4. No contact (direct or indirect) with victim</li> </ol>
<b>WEAPONS</b> (Used in a threatening manner)	<ol style="list-style-type: none"> <li>1. University Suspension for one (1) academic semester</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> </ol>	<ol style="list-style-type: none"> <li>1. University Suspension for at least one (1) academic year</li> <li>2. Banishment from NIU Campus Property during the period of Suspension</li> <li>3. Completion of Off-Campus Counseling prior to return to NIU</li> </ol>	<ol style="list-style-type: none"> <li>1. University Expulsion</li> <li>2. Banishment from NIU Campus Property</li> </ol>

## E. Temporary Sanctions

In certain circumstances, the Vice President for Student Affairs & Enrollment Management or designee may impose a temporary sanction prior to the start of the Student Conduct Process. The temporary sanction issued will be no more restrictive than necessary to minimize the impact on a Student's academic success while still maintaining the safety of the University Community.

1. Temporary sanctions may be imposed only:
  - a. To ensure the safety and well-being of members of the Northern Illinois University Community or preservation of Northern Illinois University property;
  - b. To ensure the Student's own physical or emotional safety and well-being;
  - c. If the Student poses an ongoing threat of disruption of or interference with the normal operations of Northern Illinois University.
2. Under the temporary sanction, a Student or Recognized Student Organization may be denied access to the residence halls and/or to the campus (including classes) and/or all other Northern Illinois University activities or privileges for which the Student or Recognized Student Organization might otherwise be eligible; or the Student or Recognized Student Organization may be banned from contact with another person or group of people.
3. The temporary sanction does not replace the regular process, which shall proceed on the normal schedule. A Preliminary Conference shall be scheduled within three (3) academic days of the temporary sanction being issued for the student.
4. Students or Recognized Student Organizations receiving a notice of a temporary sanction will also receive simultaneously a copy of the *Student Code of Conduct*. As soon as possible after receiving notice of temporary sanction, the Student or Recognized Student Organization shall receive a copy of the Notice of Alleged *Student Code of Conduct* Violation(s), a copy of any incident report(s), and a copy of any other pertinent case information.
5. Students or Recognized Student Organizations receiving a notice of a temporary sanction may request an administrative review of the temporary sanction by submitting their request in writing to the Office of the Vice-President for Student Affairs & Enrollment Management or designee.
  - a. Requests for administrative review of temporary sanctions must be submitted within two (2) academic days of receipt of a notice of temporary sanction.
  - b. The Student or Recognized Student Organization will be given the opportunity to present and justify his/her grounds for appeal. The Vice President for Student Affairs

& Enrollment Management or designee may then ask questions regarding the situation.

- c. The Vice President for Student Affairs & Enrollment Management or designee will issue a decision in writing, normally within two (2) academic days of completion of the administrative review. The decision will be to sustain, lessen (but not increase), or remove the temporary sanction(s), and it will be based on the material from the review and other germane information (e.g., the Student's or Recognized Student Organization's Student Conduct file). There is no appeal of this decision.
- d. Any temporary sanction that is either upheld or modified by the Vice President for Student Affairs & Enrollment Management or designee will remain in effect until the final resolution of the Student Conduct Process.
- e. Once issued by the Office of Community Standards & Student Conduct, the Department of Housing & Dining, or the Office of the Vice President for Student Affairs & Enrollment Management, temporary sanctions may only be modified or removed by the Vice President for Student Affairs & Enrollment Management or designee.
- f. The Office of Community Standards & Student Conduct shall have the authority to remove any issued temporary sanction upon final resolution of a case in which any temporary sanction(s) was issued.

## **ARTICLE IV: STUDENT CONDUCT PROCEDURE (INDIVIDUAL STUDENT & RECOGNIZED STUDENT ORGANIZATION)**

*NOTE- This section of the Student Code of Conduct applies to both individual students and recognized student organizations. Any reference to "Student" or "Accused Student" in this section may also mean Recognized Student Organization when applicable. Any reference to Student Conduct Board may also mean Organizational Conduct Board when appropriate.*

### **A. Incident Reporting, Notice, and Preliminary Conference**

#### **1. Incident Reporting**

Any member of the Northern Illinois University Community may file an incident report against a Student for alleged violation(s) of the *Student Code of Conduct* or other applicable University policy. An incident report shall be submitted as soon as possible after the incident has taken place, but normally no more than thirty (30) calendar days from the date of the incident. The Director of the Office of Community Standards & Student Conduct or designee shall have the authority for reasonable cause to extend the deadline for submission of an incident report.

The Student Conduct Administrator may speak with both the Complainant and the Accused Student to determine if the allegation(s) in the incident report have probable merit, or if they can be resolved by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. If the matter is resolved, the resolution shall be final and there shall be no subsequent proceedings.

#### **2. Notice of Alleged Violation(s)**

A notice of all alleged violations shall be presented to the Accused Student in written and/or electronic form. A time and date shall be set for a Preliminary Conference, normally not less than (3) nor more than ten (10) academic days after the Accused Student has been notified. Maximum time limits for the scheduling of a Preliminary Conference may be extended at the discretion of the Student Conduct Administrator, not to exceed twenty (20) academic days. Electronic notification for delivery of the Notice of Alleged Violation(s) is the preferred method of communication. An e-mail shall be sent to the Accused Student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a Preliminary Conference. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

#### **3. Preliminary Conference**

At the Preliminary Conference, the Student Conduct Administrator will perform the following tasks with the Accused Student:

- a. Ensure that the Accused Student has received all of the proper documentation regarding the alleged violation(s) (e.g., Notice of Alleged Violation(s), *NIU Student Code of Conduct*, and a copy of the incident report).

- b. Explain the Northern Illinois University Student Conduct Process to the Accused Student.
- c. Answer any questions of the Accused Student about the Student Conduct Process.
- d. Listen to an Accused Student's version of the incident, although the Accused Student shall not be required to discuss the incident.
- e. Engage in a candid discussion of the incident with the Accused Student.
- f. Determine if the alleged conduct violation(s) against the Accused Student are to remain in place, are to be modified, or are to be dismissed after listening to the Accused Student's version of events. If alleged conduct violation(s) remains in an Accused Student's case, the Student Conduct Administrator will offer the Accused Student a Case Resolution Form. The Case Resolution Form will contain a list of any remaining alleged conduct violation(s) and recommendations for sanctions.

**The Case Resolution Form** will contain the following three options (and may contain a fourth option, if applicable):

- 1) Option I: Acceptance of Responsibility and acceptance of recommended sanctions.
- 2) Option II: Denial of Responsibility.
- 3) Option III: Acceptance of Responsibility and nonacceptance of recommended sanctions.
- 4) Option IV: No Contest regarding Responsibility and acceptance of recommended sanctions. **(The option for No Contest is only available to Accused Students who are facing concurrent criminal charge(s) at the time of their Preliminary Conference.)**

If an Accused Student selects Option I or Option IV on the Case Resolution Form, the case shall be considered resolved, and the Student Conduct Administrator will provide the Accused Student with all paperwork necessary to complete the imposed sanctions, and will follow up at the appropriate time to ensure completion of the imposed sanctions.

If the Accused Student selects Option II or Option III on the Case Resolution Form, the Student Conduct Administrator shall ask the Student to select the hearing format for resolving his/her case and set the matter before the Administrative Hearing Officer or Conduct Board for a hearing.

If an Accused Student is facing concurrent criminal charge(s) at the time of the Preliminary Conference, the Accused Student may request the option of no-contest in accepting responsibility for any alleged violation(s) of University policy. **The option for No Contest is only available to Accused Students who are facing concurrent criminal charge(s) at the time of their Preliminary Conference.**

**g. Signing the Case Resolution Form**

- 1) If an Accused Student is presented with a Case Resolution Form, the Accused Student may select an option to resolve the incident or proceed with a Conduct Hearing or an Administrative Hearing Officer Hearing.
- 2) An Accused Student will have up to two (2) academic days to change the resolution initially agreed to on the Case Resolution Form. After two (2) academic days from the dated signature on the Case Resolution Form, the decision is final and no change may be made.

**4. Non-Attendance at a Preliminary Conference**

If an Accused Student does not attend a Preliminary Conference after being notified of the Preliminary Conference, the Student Conduct Administrator shall complete a Case Resolution Form and enter a choice of Option II (Denial of Responsibility) on behalf of the Accused Student. The incident will then be scheduled for a hearing before a Student Conduct Board or Administrative Hearing Officer Hearing, and all applicable parties will be notified.

**B. Student Conduct Board Hearings**

**1. Selection of Individuals to Serve in the Pool as Student Conduct Board Hearing Members**

- a. Five (5) supportive professional staff and operating staff members recommended by the Vice President for Student Affairs & Enrollment Management and appointed by the Faculty Senate
- b. Students (Graduate and Undergraduate) who apply for service and are in good standing with the institution
- c. Faculty as appointed by the process outlined by the NIU University Council

**2. Composition of a Student Conduct Board Hearing**

Student Conduct Boards shall be comprised according to the following guidelines:

- a. Three (3) students and two (2) faculty or staff drawn from the faculty, supportive professional or operating staff members shall comprise the Student Conduct Board to hear non-academic misconduct incidents.

- b. The Quorum at all Student Conduct Board Hearings shall be at least four (4) members;
- c. If only four (4) members are present, in the case of a tie, the Accused Student shall be found “not responsible” for the alleged violation currently being voted on by the Student Conduct Board.

**3. Notice of Hearings**

An Accused Student, Complainant, and Witness(es) shall cooperate in receiving notice in writing and/or electronic form not less than three (3) days prior to the date and time of the Conduct Hearing. The notice of the hearing shall be delivered in such a manner that can be certified to guarantee receipt by the appropriate party. Electronic notification for delivery of the Notice of Alleged Violation(s) is the preferred method of communication. An e-mail shall be sent to the Accused Student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a Conduct Hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

**4. Privacy of Hearings**

All conduct hearings shall be closed.

**5. Attendance at Student Conduct Board Hearings**

The following people will be allowed to attend the entire hearing: the Accused Student, Complainant, Victim/Survivor, advisors (if any), Observer, University Presenter, Student Conduct Board Facilitator, and Student Conduct Board members. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the Conduct Board Hearing shall be at the discretion of the Student Conduct Board Facilitator. Only the members of the Student Conduct Board will be present during deliberations. The Student Conduct Board Facilitator may be present during deliberations if the Student Conduct Board members have a question(s) concerning procedure during deliberations.

**6. Hearings Involving Multiple Accused Students**

In a Student Conduct Board hearing involving more than one (1) Accused Student, the Student Conduct Administrator, at his/her discretion and with the approval of each Accused Student, may permit a joint Student Conduct Board Hearing. If approval from each Accused Student is not given for a joint hearing, each hearing must be held separately.

**7. Advisors**

The Accused Student, Complainant, and Victim/Survivor may be accompanied by an advisor in a Student Conduct Board Hearing. Any person may serve as an advisor. The advisor may or may not be affiliated with the Northern Illinois University Community. If a Student elects to have an advisor, it is highly recommended that an Accused Student, Complainant, and/or Victim/Survivor choose from the list of trained advisors that is

maintained by the Office of Community Standards & Student Conduct. An advisor will only be allowed to confer with his/her advisee (Accused Student, Complainant, Victim/Survivor). The advisor will not be allowed to participate in the Student Conduct Process on behalf of his/her advisee.

**8. Witnesses**

The Accused Student, Complainant, and Victim/Survivor may arrange for witnesses to present pertinent information to the Student Conduct Board. The Office of Community Standards & Student Conduct will try to arrange the attendance of possible witnesses who are members of the University Community. Witnesses shall provide information about and answer questions from the Student Conduct Board.

**9. Questioning During Student Conduct Board Hearings**

The University Presenter, Accused Student, Complainant, Victim/Survivor, and Student Conduct Board may ask questions of each respective side during the Student Conduct Board Hearing. The Student Conduct Facilitator shall inform each side as to the appropriate time to ask questions during the hearing. Questions asked by the University Presenter, Accused Student, Complainant, Victim/Survivor, or Student Conduct Board Members should be relevant to the incident. Queries regarding appropriateness of evidence and questions should be directed to the Student Conduct Board Facilitator.

**10. Information**

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Student Conduct Board at the discretion of the Student Conduct Board Facilitator.

**11. Procedural Questions**

All procedural questions are subject to the final decision of the Student Conduct Board Facilitator. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not applicable in Student Conduct Board Hearings.

**12. Deliberations**

After all information is presented in a Student Conduct Board Hearing, the Student Conduct Board shall determine whether the Accused Student is deemed “responsible” or “not responsible” for each alleged violation. The determination shall be made by majority vote of the Student Conduct Board. The Student Conduct Board's determination shall be made based on the preponderance of the evidence.

**13. Notification of Decision**

The Student Conduct Board Facilitator shall notify the Accused Student of the decision of the Student Conduct Board, in writing within two (2) academic days after the deliberation. This notification shall be sent in a way to certify receipt of the notification. For any incident involving Violent Crime or Non-Forcible Sexual Offense, as described in the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092(f), as amended, both the Accused Student and the Victim/Survivor will be notified by the Student Conduct Board Facilitator, in writing within two (2)

academic days after the deliberation. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the Student Conduct Board Facilitator shall notify the victim's next of kin, upon written request by the next of kin.

**14. Records of Student Conduct Board Hearings**

There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board Hearings. Deliberations shall not be recorded. The record shall be the property of Northern Illinois University and shall be maintained by the Office of Community Standards & Student Conduct. Only the Office of Community Standards & Student Conduct may audio record the hearing.

**15. Non-Attendance of an Accused Student at a Student Conduct Board Hearing**

It is the responsibility of an Accused Student and Complainant to attend the scheduled hearing. The Student Conduct Board Hearing will proceed without the Accused Student or Complainant if proof of delivery is held of the Notice of Hearing.

**16. Personal Safety Consideration**

The Student Conduct Board Facilitator shall accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Accused Student, Complainant, Victim/Survivor, or any witness(es) during the hearing, by taking appropriate and reasonable measures.

**C. Administrative Hearings**

**1. Administrative Hearing Officers**

The Office of Community Standards and Student Conduct shall select, train, and maintain a pool of Administrative Hearing Officers. Administrative Hearing Officers shall function as a one-person Student Conduct Board.

**2. Notice of Hearings**

An Accused Student, Complainant, and witness(es) shall cooperate in receiving notice in writing and/or electronic form not less than three (3) days prior to the date and time of the Administrative Hearing. The notice of the hearing shall be delivered in such a manner that can be certified to guarantee receipt by the cooperating Accused Student, Complainant, and Victim/Survivor. Electronic notification for delivery of the Notice of Alleged Violation(s) is the preferred method of communication. An e-mail shall be sent to the Accused Student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up an Administrative Hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required

**3. Privacy of Hearings**

All conduct hearings shall be closed.

4. **Attendance at Administrative Hearings**

The following people will be allowed to attend the entire hearing: the Accused Student, Complainant, Victim/Survivor, advisors (if any), Observer, University Presenter, and the Administrative Hearing Officer. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the Administrative Hearing shall be at the discretion of the Administrative Hearing Officer.

5. **Hearings Involving Multiple Accused Students**

In an Administrative Hearing involving more than one (1) Accused Student, the Student Conduct Administrator, at his/her discretion and with the approval of each Accused Student, may permit a joint Administrative Hearing. If approval from each Accused Student is not given for a joint hearing, each hearing must be held separately.

6. **Advisors**

The Accused Student, Complainant, and Victim/Survivor may be accompanied by an advisor in an Administrative Hearing. Any person may serve as an advisor. The advisor may or may not be affiliated with the Northern Illinois University Community. If a student elects to have an advisor, it is highly recommended that an Accused Student, Complainant, or Victim/Survivor choose from the list of trained advisors that is maintained by the Office of Community Standards & Student Conduct. An advisor will only be allowed to confer with his/her advisee (Accused Student, Complainant, Victim/Survivor). The advisor will not be allowed to participate in the Student Conduct Process on behalf of his/her advisee.

7. **Witnesses**

The Accused Student, Complainant, Victim/Survivor may arrange for witnesses to present pertinent information to the Administrative Hearing Officer. The Office of Community Standards & Student Conduct will try to arrange the attendance of possible witnesses who are members of the University Community. Witnesses shall provide information about and answer questions from the Administrative Hearing Officer.

8. **Questioning During Administrative Hearings**

The University Presenter, Accused Student, Complainant, Victim/Survivor, and Administrative Hearing Officer may ask questions of each respective side during the Administrative Hearing. The Administrative Hearing Officer shall inform each side of the appropriate time to ask questions during the hearing. Questions asked by the University Presenter, Accused Student, Complainant, Victim/Survivor, or Administrative Hearing Officer should be relevant to the incident. Queries regarding appropriateness of evidence and questions should be directed to the Administrative Hearing Officer.

9. **Information**

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Administrative Hearing Officer at his/her discretion.

**10. Procedural Questions**

All procedural questions are subject to the final decision of the Administrative Hearing Officer. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in Administrative Hearings.

**11. Deliberations**

After all information has been presented in an Administrative Hearing, the Administrative Hearing Officer shall determine whether the Accused Student is deemed “responsible” or “not responsible” for each alleged violation. The Administrative Hearing Officer's determination shall be made based on the preponderance of the evidence.

**12. Notification of Decision**

The Administrative Hearing Officer shall notify the Accused Student, Complainant, and Victim/Survivor (if permissible under applicable state or federal law) of the decision. This notification may take place verbally at the conclusion of deliberations. Additionally, the Administrative Hearing Officer shall notify the Accused Student, Complainant, and Victim/Survivor (if permissible under applicable state or federal law) of the decision of the Administrative Hearing in writing within two (2) academic days after the deliberation. This notification shall be sent in a way to certify receipt of the notification.

**13. Records of Administrative Hearings**

There shall be a single verbatim record, such as a tape recording, of all Administrative Hearings. Deliberations shall not be recorded. The record shall be the property of Northern Illinois University and shall be maintained by the Office of Community Standards & Student Conduct. Only the Office of Community Standards & Student Conduct may audio record the hearing.

**14. Non-Attendance of an Accused Student at an Administrative Hearing**

It is the responsibility of an Accused Student and Complainant to attend the scheduled Administrative Hearing. The Administrative Hearing will proceed without the Accused Student or Complainant if proof of delivery is held of the Notice of Hearing.

**15. Personal Safety Considerations**

The Administrative Hearing Officer shall accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Accused Student, Complainant, Victim/Survivor, or other witness(es) during the hearing, by taking appropriate and reasonable measures.

**D. Residence Hall Conduct Board Hearings**

**1. Composition of a Residence Hall Conduct Board**

Residence Hall Conduct Boards shall be comprised according to the following guidelines:

- a. Five (5) students shall comprise a Residence Hall Conduct Board.

- b. The Quorum at all Residence Hall Conduct Board Hearings shall be at least four (4) members. If only four (4) members are present, in the case of a tie, the Accused shall be found “not responsible” for the alleged violation currently being voted on by the Residence Hall Conduct Board.

2. **Notice of Hearings**

An Accused Student and Complainant shall cooperate in receiving notice in writing and/or electronic form not less than three (3) days prior to the date and time of the Residence Hall Conduct Board Hearing. The notice of the hearing shall be delivered in such a manner that can be certified to guarantee receipt by the cooperating Accused Student, Complainant, and Victim/Survivor. Electronic notification for delivery of the Notice of Alleged Violation(s) is the preferred method of communication. An e-mail shall be sent to the Accused Student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a Conduct Hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

3. **Privacy of Hearings**

All conduct hearings shall be closed.

4. **Attendance at Residence Hall Conduct Board Hearings**

The following people will be allowed to attend the entire hearing: the Accused Student, Complainant, Victim/Survivor, advisors (if any), Observer, Residence Hall Conduct Board members, and Residence Hall Conduct Board Advisor. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the Residence Hall Conduct Board Hearing shall be at the discretion of the Residence Hall Conduct Board Chair. Only the members of the Residence Hall Conduct Board and the Residence Hall Conduct Board Advisor shall be present during deliberations. The Residence Hall Conduct Board Advisor shall not have a vote during the deliberations.

5. **Hearings Involving Multiple Accused Students**

In a Residence Hall Conduct Board Hearing involving more than one (1) Accused Student, the Student Conduct Administrator, at his/her discretion and with the approval of each Accused Student, may permit a joint Residence Hall Conduct Board Hearing. If approval from each Accused Student is not given for a joint hearing, each hearing must be held separately.

6. **Advisors**

The Accused Student, Complainant, and/or Victim/Survivor may be accompanied by an advisor in a Residence Hall Conduct Board Hearing. Any person may serve as an advisor. The advisor may or may not be affiliated with the Northern Illinois University Community. If the Student elects to have an advisor, it is highly recommended that an Accused Student, Complainant, and/or Victim/Survivor choose from the list of trained advisors that is maintained by the Office of Community Standards & Student Conduct. An advisor will only be allowed to confer with his/her advisee (Accused Student,

Complainant, or Victim/Survivor). The advisor will not be allowed to participate in the Student Conduct Process on behalf of his/her advisee.

7. **Witnesses**

The Accused Student, Complainant, and/or Victim/Survivor may arrange for witnesses to present pertinent information to the Residence Hall Conduct Board. The Department of Housing and Dining will try to arrange the attendance of possible witnesses who are members of the University Community. Witnesses shall provide information about and answer questions from the Residence Hall Conduct Board.

8. **Questioning During Residence Hall Conduct Board Hearings**

The Accused Student, Complainant, Victim/Survivor, and Residence Hall Conduct Board may ask questions of each respective side during the Residence Hall Conduct Board Hearing. The Residence Hall Conduct Board Chair shall inform each side as to the appropriate time to ask questions during the hearing. Questions asked by the Accused Student, Complainant, Victim/Survivor, or Residence Hall Conduct Board Members should be relevant to the incident. Queries regarding appropriateness of evidence and questions should be directed to the Residence Hall Conduct Board Hearing Chair.

9. **Information**

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Residence Hall Conduct Board at the discretion of the Residence Hall Conduct Board Chair, in consultation with the Residence Hall Conduct Board Advisor.

10. **Procedural Questions**

All procedural questions are subject to the final decision of the Residence Hall Conduct Board Chair. The Residence Hall Conduct Board Chair may consult with the Residence Hall Conduct Board Advisor. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not applicable in Residence Hall Conduct Board hearings.

11. **Deliberations**

After all information and evidence is presented in a Residence Hall Conduct Board Hearing, the Residence Hall Conduct Board shall determine whether the Accused Student is deemed “responsible” or “not responsible” for each alleged violation. The determination shall be made by majority vote of the Residence Hall Conduct Board. The Residence Hall Conduct Board's determination shall be made based on the preponderance of the evidence.

12. **Notification of Decision**

The Administrative Hearing Officer shall notify the Accused Student of the decision of the Administrative Hearing Officer Hearing, in writing within two (2) academic days after the deliberation. This notification shall be sent in a way to certify receipt of the notification. For any incident involving Violent Crime or Non-Forcible Sexual Offense, as described in the Jeanne Cleary Disclosure of Campus Security Policy and Campus

Crime Statistics Act of 1990, 20 U.S.C. §1092(f), as amended, both the Accused Student and the Victim/Survivor will be notified by the Administrative Hearing Officer, in writing within two (2) academic days after the deliberation. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the Administrative Hearing Officer shall notify the victim's next of kin, upon written request by the next of kin.

13. **Records of Residence Hall Conduct Board Hearings**

There shall be a single verbatim record, such as a tape recording, of all Residence Hall Conduct Board Hearings. Deliberations shall not be recorded. The record shall be the property of Northern Illinois University and shall be maintained by the Office of Community Standards & Student Conduct. Only the Department of Housing & Dining may audio record the Residence Hall Conduct Board Hearing.

14. **Non-Attendance of an Accused Student at a Residence Hall Conduct Board Hearing**

It is the responsibility of an Accused Student and Complainant to attend the scheduled Residence Hall Conduct Board hearing. The Residence Hall Conduct Board hearing will proceed without the Accused Student or Complainant, if proof of delivery is held of the Notice of Hearing.

15. **Personal Safety Considerations**

The Residence Hall Conduct Board Advisor may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, witness(es), and/or Victim/Survivor during the hearing, by taking appropriate and reasonable measures.

## **E. Academic Misconduct**

**(The procedure to adjudicate alleged incidents of academic misconduct is the same that is outlined in both the *Undergraduate* and *Graduate Catalogue*. Nothing in the *Student Code of Conduct* shall supersede information in either the *Undergraduate* or *Graduate Catalogue*.)**

1. **Academic Misconduct Jurisdiction**

A faculty member has original jurisdiction over any instance(s) of academic misconduct that occurs in a course that the faculty member teaches.

2. **Departmental Level Resolution of Academic Misconduct**

The Accused Student shall be given the opportunity to resolve the alleged incident in a meeting with the faculty member and the Department Chair. If the facts of the incident are not disputed by the Accused Student, the faculty member may elect to resolve the matter at that level by levying a sanction no greater than an *F* for that course. If resolution of the incident is achieved at the faculty level, the faculty member shall notify the Accused Student in writing or via e-mail of the resolution, and the Office of Community Standards & Student Conduct shall receive a copy of the academic misconduct incident report and all supporting material indicating the final disposition of the case. This report

shall be placed into the Accused Student's Student Conduct file. The Accused Student shall be given an opportunity to view the completed Academic Misconduct Incident Report.

3. **Academic Misconduct Incident Reporting**

The faculty member or designee shall complete an academic misconduct incident report within thirty (30) calendar days of the alleged academic misconduct.

4. **Notification of the Accused Student for Academic Misconduct**

The faculty member shall send a copy of the Academic Misconduct Incident Report to the Office of Community Standards & Student Conduct and the Accused Student.

5. **Referral of Academic Misconduct Incident(s) to the Office of Community Standards & Student Conduct for Resolution**

If the facts of the incident are disputed by the Accused Student, or if the faculty member feels that a sanction of greater than an *F* in the course is appropriate, the faculty member shall refer the matter to the Office of Community Standards & Student Conduct, making use of the academic misconduct incident report.

When the academic incident is referred to the Office of Community Standards & Student Conduct, a Student Conduct Administrator will handle the incident according to the notice and preliminary conference procedure outlined above. The Student Conduct Administrator will meet with the Accused Student for a Preliminary Conference.

6. **Sanctions Greater than an *F* in the Course**

Sanctions greater than an *F* in the course may be levied only by the Student Conduct Hearing Board for cases involving academic misconduct.

7. **Academic Misconduct Hearings**

Any student accused of academic misconduct who does not accept responsibility shall have his/her case scheduled before a Student Conduct Board.

8. **Composition of a Student Conduct Board**

Student Conduct Boards for academic misconduct cases shall be comprised according to the following guidelines:

- a. Two (2) students and three (3) faculty members shall comprise the Student Conduct Board for academic misconduct incidents.
- b. The Quorum at all Student Conduct Board Hearings shall be at least four (4) members. If only four (4) members are present, in the case of a tie, the Accused Student shall be found “not responsible” for the alleged violation currently being voted on by the Student Conduct Board.

9. **Notice of Hearings**

An Accused Student and Faculty Complainant shall cooperate in receiving notice in writing and/or electronic form not less than three (3) days prior to the date and time of the Student Conduct Board hearing. The notice of the hearing shall be delivered in such a manner that can be certified to guarantee receipt by the cooperating Accused Student and Complainant. Electronic notification for delivery of the Notice of Alleged Violation(s) is the preferred method of communication. An e-mail shall be sent to the Accused Student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a Conduct Hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

**10. Privacy of Hearings**

All conduct hearings shall be closed.

**11. Attendance at Student Conduct Board Hearings**

The following people will be allowed to attend the entire hearing: the University Presenter, Faculty Complainant, Accused Student, his/her advisor (if any), Student Conduct Board members, and Student Conduct Board Facilitator. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the Conduct Board Hearing shall be at the discretion of the Student Conduct Board Facilitator.

Only the members of the Student Conduct Board will be present during deliberations. The Student Conduct Board Facilitator may be present during deliberations, if the Student Conduct Board members have a question(s) concerning procedure during deliberations.

**12. Hearings Involving Multiple Accused Students**

In a Student Conduct Board Hearing for academic misconduct involving more than one (1) Accused Student, the Student Conduct Administrator, at his/her discretion and with the approval of each Accused Student, may permit a joint Student Conduct Board Hearing. If approval from each Accused Student is not given for a joint hearing, each hearing must be held separately.

**13. Advisors**

The Accused Student may be accompanied by an advisor in a Student Conduct Board Hearing. Any person may serve as an advisor. The advisor may or may not be affiliated with the Northern Illinois University Community. If a Student elects to have an advisor, it is highly recommended that an Accused Student choose from the list of trained advisors that is maintained by the Office of Community Standards & Student Conduct. An advisor will only be allowed to confer with his/her advisee (Accused Student). The advisor will not be allowed to participate in the Student Conduct Process on behalf of his/her advisee.

**14. Witnesses**

The Faculty Complainant and the Accused Student may arrange for witnesses to present pertinent information to the Student Conduct Board. The Office of Community Standards & Student Conduct will try to arrange the attendance of possible witnesses who are

members of the University Community. Witnesses shall provide information about and answer questions from the Student Conduct Board.

**15. Questioning During Student Conduct Board Hearings**

The University Presenter, Faculty Complainant, Accused Student, and Student Conduct Board may ask questions of each respective side during the Student Conduct Board Hearing. The Student Conduct Board Facilitator shall inform each side as to the appropriate time to ask questions during the hearing. Questions asked by the University Presenter, Faculty Complainant, Accused Student, or Student Conduct Board members should be relevant to the incident. Queries regarding appropriateness of evidence and questions should be directed to the Student Conduct Board Facilitator.

**16. Information**

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Student Conduct Board at the discretion of the Facilitator.

**17. Procedural Questions**

All procedural questions are subject to the final decision of the Student Conduct Board Facilitator. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Board Hearings for academic misconduct.

**18. Deliberations**

After all information and evidence is presented in a Conduct Board Hearing, the Student Conduct Board shall determine whether the Accused Student is deemed “responsible” or “not responsible” for each alleged violation. The determination shall be made by majority vote of the Student Conduct Board. The Student Conduct Board's determination shall be made based on the preponderance of the evidence.

**19. Notification of Decision**

The Student Conduct Board Facilitator shall notify the Accused Student and the Faculty Complainant of the decision of the Student Conduct Board. This notification may take place verbally at the conclusion of deliberations. Additionally, the Student Conduct Board Facilitator shall notify the Accused Student and the Faculty Complainant of the decision of the Student Conduct Board in writing within two (2) academic days after the deliberation. This notification shall be sent in a way to certify receipt of the notification. The decision of a Student Conduct Hearing Board shall be binding. The Student Conduct Hearing Board has no authority to modify or recommend a grade, and may only impose sanctions outlined in the *Student Code of Conduct*.

**20. Records of Student Conduct Board Hearings**

There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board Hearings. Deliberations shall not be recorded. The record shall be the property of Northern Illinois University and shall be maintained by the Office of Community Standards & Student Conduct. Only the Office of Community Standards & Student Conduct may audio record the hearing.

21. **Non-Attendance of an Accused Student at a Student Conduct Board Hearing**  
It is the responsibility of an Accused Student and Faculty Complainant to attend the scheduled Student Conduct Board Hearing. The Student Conduct Board hearing will proceed without the Accused Student or Faculty Complainant, if proof of delivery is held of the Notice of Hearing.
22. **Personal Safety Considerations**  
The Student Conduct Board Facilitator may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Faculty Complainant, Accused Student, or other witness during the hearing, by taking appropriate and reasonable measures.
23. **Grade Appeal for Academic Misconduct Incident**  
Any Accused Student who wishes to appeal the grade in a course may do so by following the rules outlined for his/her particular College Council.

## **F. Appeals Hearings**

### **1. To Whom and How to Appeal**

A decision reached by the Administrative Hearing Officer or Student Conduct Board may be appealed by the Accused Student/Appellant to an Appeals Board within two (2) academic days of the date the decision notice is delivered to the Student's mailbox or e-mail account (documentation for proof of delivery is required). The appeal must be in writing and be delivered to the Office of Community Standards & Student Conduct. The written appeal request must include what is being appealed (decision and/or sanctions). Additionally, the written appeal request must include the reasons for the appeal.

A decision reached by the Residence Hall Conduct Board may be appealed by the Accused Student/Appellant to an Administrative Review within two (2) academic days of the date the decision notice is delivered to the Student's mailbox or e-mail account (documentation for proof of delivery is required). The appeal must be in writing and be delivered to the Executive Director of Housing & Dining or designee. The written appeal request must include what is being appealed (decision and/or sanctions). Additionally the written appeal request must include the reasons for the appeal.

### **2. Appeals Board Scope of Authority**

Appeals shall be limited to the following:

- a. Did the Administrative Hearing Officer or Conduct Board follow the procedure outlined in the *Student Code of Conduct* and provide a fair hearing for all parties?
- b. Did the Administrative Hearing Officer or Conduct Board apply the standard of preponderance of the evidence correctly to the evidence and ultimately reach an appropriate decision?

- c. Was the sanction(s) imposed appropriate for the violation of the *Student Code of Conduct*?
- d. Is there new information sufficient to alter a decision or other relevant facts not brought out in the original hearing because such information and/or facts were not known to the person appealing at the time of the original Administrative or Conduct Board Hearing?

**3. Preliminary Determination of Sufficiency of Merit of Appeal**

Once the Office of Community Standards & Student Conduct receives the appeals request, the office shall convene an Appeals Board to determine if the received appeal request has sufficient merit to be considered for an Appeals Hearing. If the Board determines that the appeals request has sufficient merit, an Appeals Hearing will be scheduled and the Accused Student/Appellant shall receive notice of the Appeals Hearing. The Accused Student/Appellant, Complainant, and University Presenter will not be allowed to address this Appeals Board considering the merit of the appeals request.

Once the appeals request is submitted to the Executive Director of Housing & Dining or designee, the Administrator will decide whether the appeals request has sufficient merit.

**4. Composition of an Appeals Board**

Appeals Boards shall be comprised according to the following guidelines:

- a. Two (2) students and one (1) faculty or staff member drawn from the faculty, supportive professional or operating staff shall comprise the Appeals Board for non-academic misconduct incidents.
- b. One (1) student and two (2) faculty shall comprise the Appeals Board for academic misconduct incidents.
- c. The Quorum at all Appeals Board Hearings shall be three (3) members.

**5. Notice of an Appeals Board Hearing**

An Accused Student/Appellant and Complainant shall cooperate in receiving notice of Appeals Hearing in writing and/or electronic form not less than three (3) days prior to the date and time of the Appeal Board hearing. The notice of the Hearing shall be delivered in such a manner that can be certified to guarantee receipt by the cooperating Accused Student and Complainant. Electronic notification for delivery of the Notice of Alleged Violation(s) is the preferred method of communication. An e-mail shall be sent to the Accused Student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a Conduct Hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

**6. Privacy of Hearings**

All conduct hearings shall be closed.

**7. Attendance at Appeals Board Hearings**

The following people will be allowed to attend the entire hearing: the University Presenter, Complainant, Accused Student/Appellant, Observer, advisors (if any), Appeals Board members, and Appeals Board Facilitator. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the Appeals Board Hearing shall be at the discretion of the Appeals Board Facilitator. Only the members of the Appeals Board will be present in the room during deliberations. The Appeals Board Facilitator may be present during deliberations if the Appeals Board members have a question concerning procedure during deliberations.

**8. Appeals Hearings Involving Multiple Accused Students**

In an Appeals Board Hearing involving more than one (1) Accused Student/Appellant, the Student Conduct Administrator, at his/her discretion and with the approval of each Accused Student/Appellant, may permit a joint Appeals Board Hearing. If approval from each Accused Student/Appellant is not given for a joint hearing, each hearing must be held separately.

**9. Advisors**

The Accused Student/Appellant and Complainant may be accompanied by an advisor in an Appeal Board hearing. Any person may serve as an advisor. The advisor may or may not be affiliated with the Northern Illinois University Community. If a Student elects to have an advisor, it is highly recommended that an Accused Student and/or Complainant choose from the list of trained advisors that is maintained by the Office of Community Standards & Student Conduct. An advisor will only be allowed to confer with his/her advisee (Complainant or Accused Student/Appellant). The advisor will not be allowed to participate in the Student Conduct Process on behalf of his/her advisee.

**10. Witnesses**

Witnesses are not typically allowed to be present and provide information to an Appeals Board. The members of an Appeals Board may request in-person information from a particular witness, if they so choose.

**11. Questioning During Appeals Board Hearings**

The Appeals Board members may ask questions of each respective side during the Appeals Board Hearing. The Appeals Board Facilitator shall inform the Appeals Board members as to the appropriate time to ask questions during the Hearing. Questions asked by the Appeals Board Members should be relevant to the incident. Queries regarding appropriateness of evidence and questions should be directed to the Appeal Board Facilitator. The Accused Student/Appellant and the University Presenter will not be allowed to ask questions of each other.

**12. Information**

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Appeals Board at the discretion of the Appeals Board Facilitator.

**13. Procedural Questions**

All procedural questions are subject to the final decision of the Appeals Board Facilitator. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not applicable in Appeals Board Hearings.

**14. Appeals Board Decision**

The Appeal Board may return the case to the original Administrative Hearing Officer or Conduct Board to re-hear the matter and to allow reconsideration of the original determination and/or sanction(s), if the Appeal Board finds that the Conduct Board failed to follow proper procedure. An Appeal Board may elect to overturn the decision of responsibility, only to a finding of "not responsible," and/or modify or lessen the sanctions.

**15. Notification of Decision**

The Appellate Board Facilitator shall notify the Accused Student of the decision of the Appellate Board, in writing within two (2) academic days after the deliberation. This notification shall be sent in a way to certify receipt of the notification. For any incident involving Violent Crime or Non-Forcible Sexual Offense, as described in the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092(f), as amended, both the Accused Student and the Victim/Survivor will be notified by the Appellate Board Facilitator, in writing within two (2) academic days after the deliberation. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the Appellate Board Facilitator shall notify the victim's next of kin, upon written request by the next of kin.

**16. Records of Appeals Board Hearings**

There shall be a single verbatim record, such as a tape recording, of all Appeals Board Hearings. Deliberations shall not be recorded. The record shall be the property of Northern Illinois University and shall be maintained by the Office of Community Standards & Student Conduct. Only the Office of Community Standards & Student Conduct may audio record the hearing.

**17. Non-Attendance at Appeals Board Hearings**

An Accused Student/Appellant who asks for an appeal of the sanctions and/or finding before an Appeals Board and who fails to attend the Hearing without receiving approval from the Office of Community Standards & Student Conduct to miss the hearing shall automatically receive the sanctions recommended by the Administrative Hearing Officer or the Student Conduct Administrator.

**18. Personal Safety Consideration**

The Appeals Board Facilitator shall accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, or other witness(es) during the Hearing by taking appropriate and reasonable measures.

**19. Appeal of University Suspension, University Expulsion, or Withholding of a Degree**

- a. If an Appeals Board upholds the sanction of University Suspension, University Expulsion, or Withholding of a Degree, the Accused Student shall have the right to submit a written request for an appeal of the sanction(s) to the Vice President for Student Affairs & Enrollment Management within two (2) academic days from the date the decision notice is delivered to the Student's mailbox or e-mail account (documentation for proof of delivery is required). The decision of the Vice President for Student Affairs & Enrollment Management or designee shall be final.

**b. Vice Presidential Appeals Limitations**

The Office of the Vice President for Student Affairs & Enrollment Management or designee will limit the appeals decision to the following questions:

- 1) Did the Conduct Board or Administrative Hearing Officer follow proper procedure (as outlined in the *Student Code of Conduct*)?
- 2) Is there evidence of inappropriate bias in the decision reached by the Administrative Hearing Officer or Student Conduct Board?
- 3) Was the decision reached by the Administrative Hearing Officer or Student Conduct Board in an arbitrary or capricious manner?

## ARTICLE V: RECORDS MANAGEMENT

- A. All official records of academic and non-academic student conduct shall be maintained in the Office of Community Standards & Student Conduct. Grade appeals conducted in accordance with academic department policies and procedures shall not be considered part of the Student Conduct Record, and shall not be maintained in the Office of Community Standards & Student Conduct.
- B. All units, departments, and entities of Northern Illinois University that conduct Student Conduct matters, with the exception of grade appeals, as described above, shall forward all official documents, forms, other evidence, records, and any other materials to the Office of Community Standards & Student Conduct upon final resolution of a case.
- C. Other than University suspension, University expulsion, or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the Student's permanent academic record, but shall become part of the Student's Student Conduct file. Upon graduation, and request of the graduating student, the Student's Student Conduct file shall be expunged of student conduct actions other than University suspension, University expulsion, or revocation or withholding of a degree. Cases involving the imposition of sanctions of University suspension, University expulsion, or revocation or withholding of a degree shall be retained permanently.
- D. Violations of the *Student Code of Conduct* that are reportable under the *Campus Security Act of 1990*, now known as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*, shall be maintained for the period of time defined under the *Clery Act*.
- E. In situations involving an Accused Student(s), the records of the process and of the sanctions imposed (if any), shall be considered to be education records.

**ARTICLE VI: INTERPRETATION AND REVISION OF THE *STUDENT CODE OF CONDUCT***

**A. Establishment of the Community Standards & Student Conduct Advisory Board**

1. The Community Standards & Student Conduct Advisory Board shall be established to advise the Office of Community Standards & Student Conduct.
2. The membership of the Community Standards & Student Conduct Advisory Board shall include the following:
  - a. All professional staff members of the Office of Community Standards & Student Conduct;
  - b. Four faculty members appointed by the President of the Faculty Senate;
  - c. One representative appointed by the President of the Operating Staff Council;
  - d. One representative appointed by the President of the Supportive Professional Staff Council;
  - e. One student appointed by the President of the Residence Hall Association;
  - f. One student appointed by the President of the Student Association representing the Student Association;
  - g. One student appointed by the President of the Student Association representing the Fraternity and Sorority community;
  - h. One student appointed by the Director of Off-Campus & Non-Traditional Student Services representing Off-Campus & Non-Traditional Students;
  - i. One representative from the NIU Department of Police & Public Safety;
  - j. Two representatives from Housing & Dining;
  - k. One representative from the Division of University Legal Services;
  - l. One representative from Intercollegiate Athletics.

**B. Term of Appointment to Community Standards & Student Conduct Advisory Board and Voting Privileges**

1. The term of appointment for all professional staff members of the Office of Community Standards & Student Conduct shall be for the term of employment at Northern Illinois University.
2. The term of appointment for the faculty members shall be three (3) years and may be renewed.
3. The term of appointment for the students shall be one (1) year and may be renewed.
4. The term of appointment for staff from the Department of Police & Public Safety, Housing & Dining, University Legal Services, Educational Services and Programs, and Intercollegiate Athletics shall be at the discretion of administrators of those respective areas.
5. All members of the Office of Community Standards & Student Conduct may participate in the Advisory Board meeting, but only the Director shall have a vote.
6. The term of appointment for appointees of the Operating Staff Council shall be for three (3) years.
7. The term of appointment for appointees of the Supportive Staff Council shall be for three (3) years.

**C. Attendance at Advisory Board Meetings**

All members of the Community Standards & Student Conduct Advisory Board are expected to attend all scheduled meetings.

**D. Chair of the Community Standards & Student Conduct Advisory Board**

The Community Standards & Student Conduct Advisory Board shall elect a Chair from its membership. Professional staff members from the Office of Community Standards & Student Conduct are ineligible to serve as Chair.

**E. Role of the Community Standards & Student Conduct Advisory Board**

The role of the Community Standards & Student Conduct Advisory Board shall be to assist with review and recommendations for changes to the *Student Code of Conduct*.

**F. Any Question of Interpretation or Application of the *Student Code of Conduct***

Any question of interpretation or application of the *Student Code of Conduct* shall be referred to the Office of the Vice President for Student Affairs & Enrollment Management for determination.

**G. The *Student Code of Conduct* May Be Reviewed Annually**

The *Student Code of Conduct* may be reviewed periodically under the direction of the Community Standards & Student Conduct Advisory Board.

## GLOSSARY OF DEFINITIONS FOR THE STUDENT CONDUCT PROCESS

**Academic Day:** Any day during the calendar year in which regularly scheduled classes are in session, including fall, spring, and summer semesters.

**Accused Student:** A current student of Northern Illinois University who is facing allegations of violating Northern Illinois University policy.

**Administrative Hearing Officer:** A Northern Illinois University staff member who is trained in the Student Conduct Process and is authorized by the Vice President for Student Affairs & Enrollment Management, or designee, to determine if a violation of University policy has occurred and to issue sanctions accordingly.

**Advisor:** Any person who may assist an Accused Student, Recognized Student Organization, or Complainant through the Student Conduct Process. The advisor may or may not be affiliated with the Northern Illinois University Community. A list of advisors who have received training in the Northern Illinois University Student Conduct System shall be available from the Office of Community Standards & Student Conduct. An advisor will only be allowed to confer with his/her advisee (Complainant, Accused Student, or Recognized Student Organization). The advisor will not be allowed to participate in the Student Conduct Process on behalf of his/her advisee.

**Appeals Board:** Any persons authorized by the Vice President for Student Affairs & Enrollment Management or designee to consider an appeal from an Accused Student or Recognized Student Organization about the decision and/or sanctions determined by an Administrative Hearing Officer, a Student Conduct Board, or an Organizational Conduct Board, or about the sanctions determined by a Student Conduct Administrator.

**Appeals Board Facilitator:** A University staff member who is present at each Appellate Board hearing and who will facilitate the Appellate Board Hearing. The Facilitator will not vote during deliberations, but will be available to the Board for consultation during the hearing and during deliberations. The Appellate Board Facilitator is ultimately responsible for ensuring that proper procedure is followed during an Appellate Board Hearing.

**Complainant:** A Northern Illinois University Community member who completes an Incident Report about a particular incident or set of incidents and alleges that a current Student or Recognize Student Organization violated Northern Illinois University policy.

**Faculty Member:** Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

**May:** A term that provides a choice for an Accused Student, Recognized Student Organization, or Complainant as to how to proceed in the *Student Code of Conduct*.

**Member of the University Community:** Any person who is a student, faculty member, or staff member of Northern Illinois University. A person's status in a particular situation shall be determined by the Director of the Office of Community Standards & Student Conduct or designee.

**No Contest:** Response to a violation when an Accused Student or Recognized Student Organization does not challenge the information contained in the written incident report, but accepts the sanctions recommended by the Student Conduct Administrator. **The option for No Contest is only available to Accused Students that are facing concurrent criminal charge(s) at the time of their Preliminary Conference.**

**Observer:** A person who attends a Conduct Board Hearing at the request of either a Complainant, Accused Student, or Recognized Student Organization. The observer shall not participate in the Hearing in any manner.

**Organizational Conduct Board:** Any persons authorized by the Vice President for Student Affairs & Enrollment Management or designee to determine whether a Recognized Student Organization is responsible for violating the *Student Code of Conduct* and appropriate policies, and to impose sanctions when a violation has been committed, specific to certain cases originating and pertaining to Recognized Student Organizations.

**Organizational Conduct Board Advisor:** An Office of Community Standards & Student Conduct staff member who is present at each Organizational Conduct Board Hearing and who is available to the Board for consultation during the hearing and during deliberations. The Organizational Conduct Board Advisor will not vote in deliberations. The Organizational Conduct Board Advisor is ultimately responsible for ensuring that proper procedure is followed during an Organizational Conduct Board Hearing.

**Organizational Conduct Board Chair:** A student from the pool of Organizational Conduct Board members who has received training and will facilitate the Organizational Conduct Board Hearing.

**Policy:** The written regulations of Northern Illinois University.

**Preponderance of the Evidence:** The standard of evidence used in all Hearings whereby it is determined that it is more likely than not that the Accused Student or Recognized Student Organization committed the alleged violation of the *Student Code of Conduct* based on all of the evidence and testimony presented in the case.

**Recognized Student Organization:** Any entity that has complied with the requirements set forth in Part III of the Northern Illinois University Student Association Bylaws, or that is recognized by any department of Northern Illinois University.

**Residence Hall Conduct Board:** Any persons authorized by the Vice President for Student Affairs & Enrollment Management or designee to determine whether an Accused Student is "responsible" for violating the *Student Code of Conduct* and appropriate policies, and to impose

sanctions when a rules violation has been committed, specific to certain cases originating and pertaining to the Department of Housing & Dining.

**Residence Hall Conduct Board Advisor:** A Housing & Dining staff member who is present at each Residence Hall Conduct Board Hearing and available to the Board for consultation during the hearing and during deliberations. The Residence Hall Conduct Board Advisor will not vote in deliberations. The Residence Hall Conduct Board Advisor is ultimately responsible for ensuring that proper procedure is followed during a Residence Hall Conduct Board Hearing.

**Residence Hall Conduct Board Chair:** A student from the pool of Residence Hall Conduct Board members who has received training and will facilitate the Residence Hall Conduct Board hearing.

**Shall or Will:** Terms that do not provide for a choice for an Accused Student, Recognized Student Organization, or Complainant as to how to proceed in the *Student Code of Conduct*.

**Student:** All persons admitted to Northern Illinois University and/or enrolled in any course (for credit or not for credit), or who are on campus for the purpose of enrolling in any course. Persons who withdraw from the institution after allegedly violating the *Student Code of Conduct* shall be subject to the *Student Code of Conduct*.

**Student Conduct Administrator:** A University official authorized by the Vice President for Student Affairs & Enrollment Management or designee to investigate an incident(s) upon receipt of an Incident Report, and to meet and discuss the incident with an Accused Student or Recognized Student Organization. The official may recommend sanctions against an Accused Student or Recognized Student Organization that admits responsibility for violating the *Student Code of Conduct*.

**Student Conduct Board:** Any persons authorized by the Vice President for Student Affairs & Enrollment Management or designee to determine whether an Accused Student has violated the *Student Code of Conduct* and other policies, and to recommend sanctions when an Accused Student is found to be responsible for misconduct under the *Student Code of Conduct*.

**Student Conduct Board Facilitator:** A University staff member who is present at each Student Conduct Board Hearing and who will facilitate the Student Conduct Board Hearing. The Facilitator will not vote during deliberations, but will be available to the Board for consultation during the hearing and during deliberations. The Student Conduct Board Facilitator is ultimately responsible for ensuring that proper procedure is followed during a Student Conduct Board Hearing.

**University Official:** Any person employed by Northern Illinois University who performs assigned administrative or professional responsibilities.

**University Premises:** All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Northern Illinois University (including streets and sidewalks therein).

**University Presenter:** The Office of Community Standards & Student Conduct staff member who will be at all Student Conduct Board Hearings and at all Administrative Hearings held in the Office of Community Standards & Student Conduct. This staff member will assist the Complainant in presenting his/her case to the Student Conduct Board or Administrative Hearing Officer.

**Victim/Survivor:** A Student who is harmed by a *Student Code of Conduct* violation.

## **POLICIES**

### **POLICY CONCERNING DEMONSTRATIONS AT NORTHERN ILLINOIS UNIVERSITY**

The University pledges equal emphasis to its responsibilities in three areas: (1) Vigorous protection of the rights of all students and encouragement of the free expression of ideas; (2) Unceasing efforts to keep the channels of communication open to all suggestions for change; and (3) A guarantee to the people of the state and to the great majority of the students that the educational process will not be disrupted. The University respects the rights, accorded to all persons by the Constitution, to freedom of speech, peaceable assembly, petition, and association. Students and student organizations, as well as other members of the University community, may examine and discuss all questions of interest to them, and express opinions publicly as well as privately. They may support causes by lawful means that do not disrupt the operations of the University's facilities. They may petition for a redress of grievances through peaceful means, and the declared policy of the University is to hear such petitions sympathetically and with an eye to prompt disposition of legitimate complaints. University facilities are available for the use of speakers and as forums for the expression of opinion. In order to insure equitable access to its facilities for the entire University community, the University will maintain its obligation to place reasonable limits on the times during which its rooms and buildings may be used by any particular individual or group. In the event of disruption of the normal academic or operational functions of the University, including interference with the free use of corridors and entrances to rooms and buildings, it is the policy of the University to move with dispatch to restore order and open operation of the University. Every attempt will be made to discuss issues rationally and to avoid violence or the use of force. However, in the event the processes of discussion fail, the issues are determined to be non-negotiable, and disruption continues, the responsible official will issue legal notice to the group to disperse. If the members of the group refuse to comply, they will be subject to arrest for violation of the law.

## FRAUDULENT REGISTRATION POLICY

In cases of suspected fraudulent registration in a course, the Office of Registration and Records will notify the department and faculty members involved and confer, if necessary. If the case appears to be a result of possible fraudulent registration in a course, the case will be referred to the Office of Community Standards & Student Conduct to determine the merit of the charge and to examine the evidence of the case as expeditiously as possible. The determination of responsibility and any subsequent sanction (excluding sanctions related to grades or academic credit) against the student is the responsibility of the Office of Community Standards & Student Conduct. Neither the academic department nor the faculty member(s) involved shall make such determinations. The student will be allowed to remain in the class, until he/she has been found “responsible” of the charge and all appeals have been exhausted. Should a grade be required before the appeal process is completed, the faculty member will report the earned grade to the Office of Community Standards & Student Conduct, where it will be held and “NR” will be entered in the record until the case is resolved.

If the student is found “not responsible” of fraudulent registration in a course, the department and faculty member(s) will be notified and no further conduct action will be taken. If the student is found “responsible”, the Student Conduct Board shall prescribe sanctions as permitted by *The Student Code of Conduct*, with the exception that no sanction related to altering grades or academic credit may be imposed. The student will have the right to appeal any sanction(s) levied by the Student Conduct Board.

The finding of responsibility shall be reported to the Office of Registration and Records, the department, the faculty member(s), and the student. When that finding is received in the Office of Registration and Records, the student will be automatically dropped from the course in which he/she was fraudulently registered. Within ten (10) calendar days of notification, the student may petition for reinstatement in the course utilizing the departmental grade review board, which will consider the petition and make the decision regarding reinstatement. If the student is reinstated in the course, the earned grade shall be posted. The grade given shall not be used as a disciplinary sanction for the fraudulent registration.

This policy does not preempt the right of academic departments and faculty to delete from classes students who have failed to follow class permit procedures or to meet prerequisite requirements in specific courses.

## **INVOLUNTARY UNIVERSITY WITHDRAWAL POLICY FOR THREATS RELATED TO MENTAL OR PSYCHOLOGICAL DISORDERS**

### **Authority**

This policy is intended to establish standards and procedures for addressing specific student conduct in extraordinary instances when, in the judgment of appropriate administrative officials, the *Student Code of Conduct* is not applicable or cannot be timely applied effectively.

Authority to issue an Involuntary University Withdrawal for direct threat reasons rests with the Vice President for Student Affairs & Enrollment Management (VP-SAEM), the Associate Vice President for Student Affairs & Enrollment Management, and any Assistant Vice President for Student Affairs & Enrollment Management (AVP-SAEM).

### **Issuance**

A student will be subject to involuntary University withdrawal for direct threat reasons if the student engages or threatens to engage in behavior that poses a direct threat of harm to self or others and is related to mental or psychological disorders. “Direct threat” means behavior that: 1) Presents a significant risk of substantial harm to the health or safety of the individual or others, or 2) Substantially impedes the lawful activities of other members of the campus community. (U.S. Department of Education Office for Civil Rights policy holds that nothing in Section 504 of the *Rehabilitation Act of 1973* prevents educational institutions from addressing the dangers posed by an individual who represents a “direct threat” to the health and safety of self or others, even if such an individual is a person with a disability, as that individual may no longer be qualified for a particular educational program or activity.)

A student whose behavior appears to meet the above criterion is subject to mandatory administrative referral by an AVP-SAEM either to the Executive Director of the Counseling and Student Development Center or designee for an immediate, mandatory psychological evaluation including a direct threat assessment. No other person may accompany the student during this evaluation. The examining mental health provider will immediately communicate in writing the results of this evaluation to the referring AVP-SAEM with an opinion regarding the presence or absence of a direct threat of harm to the student or others.

If the AVP-SAEM determines on the basis of evidence that 1) from the examining mental health provider the student is suffering from a mental disorder, as defined by the current American Psychiatric Association diagnostic manual or its equivalent; 2) that as a result of the mental disorder, a direct threat of harm to self or others is present; and 3) that it is in the best interest of the student, apparent potential third party victims, and/or the University, that the student receive an Involuntary University Withdrawal for direct threat reasons, the student will be informed of this decision, the reason(s) for the decision, and of his or her right to an informal administrative hearing with the VP-SAEM or designee.

If it is determined that a direct threat of harm to self or others is not present, procedures under this policy will have been concluded. The student will be referred to the Office of Community Standards & Student Conduct for review and adjudication of any violations of the *Student Code of Conduct* that may be outstanding. The student must provide written authorization to permit verbal and written communication about his or her condition between University officials and all the examining licensed mental health providers specified in this policy. Failure by the student to complete any required mental health assessment(s) under this policy and procedure, or failure to provide written authorization for communication among pertinent University and designated non-University individuals under this policy, or failure to abide by deadlines and other requirements of this policy, will result in initiation of an Involuntary University Withdrawal for apparent direct threat reasons.

Throughout the term of the Involuntary University Withdrawal for direct threat or apparent direct threat reasons, the student may not attend class or use University facilities, must vacate University housing, and may not return to campus unless approved by the VP-SAEM or designee. The student will be responsible for his or her own food and shelter during the period of the Involuntary University Withdrawal. The student will be entitled to any applicable refunds of tuition, fees, and room and board, and alleged *Student Code of Conduct* violation(s) during the Involuntary University Withdrawal. A registration hold will be placed on the student's record so that any request for subsequent registration will come to the attention of the VP-SAEM.

## **Hearing**

A student who receives an Involuntary University Withdrawal for direct threat or apparent direct threat reasons related to mental or psychological disorders may request an informal administrative hearing with the VP-SAEM or designee to review only 1) the accuracy/reliability of the information regarding the student's behavior and 2) whether the criterion for Involuntary University Withdrawal for direct threat or apparent direct threat reasons has been met. The request for an informal administrative hearing must be submitted to the VP-SAEM in writing within three (3) University class days of the issuance of the Involuntary University Withdrawal and must include the student's authorization for release of relevant information for the purpose of conducting the hearing. If the student refuses to provide such authorization, the informal hearing will proceed without the requested information. The student will remain involuntarily withdrawn from the University pending the conclusion of the informal hearing.

If the student is hospitalized during the time interval for requesting an informal administrative hearing, the request deadline will normally be deferred to the third University class day after the date of the student's discharge from the medical facility.

The informal administrative hearing will be convened by the VP-SAEM normally within three (3) University class days of receipt of the student's written request. The student may be assisted during the proceeding by a licensed mental health provider of his or her choice, a member of the University faculty or staff, or a family member. The student may request that the AVP-SAEM and the Executive Director of Counseling & Student Development Center or designee be present. As part of the informal hearing process, the VP-SAEM may require the student to undergo, at University expense, an additional psychological evaluation and direct threat assessment by a

licensed mental health provider designated by the University, the results of such evaluation shall be communicated to the VP-SAEM for consideration. No other person may accompany the student during this evaluation.

Normally, within two (2) University class days of concluding the informal hearing, the VP-SAEM will determine if the Involuntary Withdrawal for direct threat or apparent direct threat reasons related to mental or psychological disorders is appropriate, or if the student will be reinstated. The VP-SAEM may consult with pertinent University officials prior to making this determination. The VP-SAEM's decision will be final. Written communication of the decision will be given to the student in person or sent by certified mail within one (1) University class day of the decision.

### **Reinstatement**

The Involuntary University Withdrawal will remain in effect until the student adequately demonstrates that his or her behavior no longer constitutes a direct threat of harm to self or others. For reinstatement at the University, the student must submit a written request to the AVP-SAEM and arrange for the submission of documentation from his or her licensed mental health provider confirming the absence of a direct threat of harm to self or others as defined in this policy. The student must authorize verbal and written communications about his or her condition between all licensed mental health providers involved in this process and relevant University staff. The Executive Director of the Counseling & Student Development Center or designee will review this information and provide a written recommendation to the AVP-SAEM regarding the student's eligibility for reinstatement. The AVP-SAEM may require the student to undergo, at University expense, additional psychological evaluation by a licensed mental health provider designated by the University, the results of such evaluation shall be communicated to the VP-SAEM for consideration. No other person may accompany the student during this evaluation. Written communication of the decision to grant or deny reinstatement will normally be given to the student in person or sent by certified mail within one (1) class day of the decision.

Upon reinstatement at the University, the student will be referred to the Office of Community Standards & Student Conduct for review and adjudication of any violations of the *Student Code of Conduct* that may be outstanding. When all judicial proceedings have been completed and any applicable academic requirements satisfied, the student may be permitted to re-enroll at the University.

## **POLICY ON PARENTAL NOTIFICATION OF ALCOHOL/MARIJUANA VIOLATIONS**

The Office of Community Standards & Student Conduct and/or the Department of Housing & Dining may notify parents/guardians of students, under the age of 21, who have been found in violation of the *Student Code of Conduct*, and that their violation(s) involved the use of alcohol or illegal substances. Generally, notification of parents/guardians will occur when there have been two or more violations involving the use of alcohol or illegal substances and when, in the opinion of the Student Conduct Administrator, these violations pose a threat to the student and/or others.

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## **POLICY CONCERNING SALE AND DISTRIBUTION OF PRINTED MATERIALS AT NORTHERN ILLINOIS UNIVERSITY**

It is recognized by the Northern Illinois University community—students, faculty, staff, and University organizations—that the free discussion and dissemination of ideas is essential in a University. Therefore, opportunity should be provided for the free distribution and sale of printed materials in all areas of the University, including residence halls, classroom buildings, and other University buildings, provided that the following guidelines are observed:

### **General guidelines for sale and distribution of printed material:**

1. The material distributed and the form of distribution shall not violate state and federal law.
2. Except in the bookstore and at established newsstands, sale of printed material will be permitted in designated areas only.

### **General areas where sale and distribution of materials shall not be allowed:**

1. Classrooms when class is in session.
2. Libraries and other designated study areas.
3. Private rooms and offices.
4. The student Health Services facilities.

### **General guidelines for buildings in which policy-making boards or councils exist:**

In buildings where policy-making Boards or Councils exist, as in the case of the residence halls and the Holmes Student Center, these agencies are encouraged to designate areas where literature may be distributed and sales solicited. These agencies are also encouraged to establish written regulations for the distribution and sale of literature in these designated areas. Where no such

regulations exist, solicitation, and distribution of printed material shall be allowed, subject to the stated guidelines.

**General guidelines for administrative and classroom buildings:**

It shall be the responsibility of the Provost to designate on request areas where literature may be distributed or sold.

**Use of tables for the sale and distribution of literature:**

It shall be understood that while literature may be distributed and sold in public areas of buildings, the use of tables for this purpose shall be governed by the size of the area in question. Tables cannot be permitted in hallways or entrances if they interfere with the free flow of traffic. In those areas where tables will be permitted for the distribution and sale of printed material, tables may be used on a first-come, first-served basis up to the limit of space available. Prior permission should be secured from the organization or office administratively responsible for the area.

**Enforcement:**

Prohibition from selling or distributing literature, or other sanctions that may be imposed as a result of violations of these policies and procedures or complaints that may be raised about too restrictive regulations imposed in individual buildings, may be appealed. In residence halls, the appeal initially should be made in writing to the Executive Director of Housing & Dining or designee. In the case of another building, the initial appeal should be made to the committee established below for the purpose of review and revision of the campus-wide policies. Final appeal, in both instances, shall be to the Executive Vice President for Finance and Facilities.

**Provision for policy changes concerning the sale and distribution of printed material:**

Future revision of this policy, including the definition of possible sanctions, may be made by a committee consisting of a representative of the Residence Hall Association (elected from the Residence Hall Association), a representative of the Holmes Center Board, a representative from the Administration (to be selected by the President), a member of the faculty (to be selected by the University Council), and a representative of the Student Association (to be selected by the Student Association). Recommendations of this committee will require approval of the University Council (Senate) and the Government of the Student Association.

# **POLICY STATEMENT ON SEXUAL ASSAULT, PROHIBITED SEXUAL CONTACT, STALKING, DATING AND DOMESTIC VIOLENCE**

Date: May 06, 2011

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## **I. PURPOSE**

This statement outlines the University's policy regarding interpersonal violence, which includes sexual assault, prohibited sexual contact, stalking, dating and domestic violence.

## **II. Policy Statement**

Northern Illinois University does not tolerate interpersonal violence, which includes sexual assault, prohibited sexual contact, stalking, dating and domestic violence in any form. Any acts that fall within the definitions of sexual assault, prohibited sexual contact, stalking, dating and domestic violence are prohibited at Northern Illinois University and are a violation of University policy, and potentially Illinois State and Federal Law. Violations of state criminal law for bodily harm related to interpersonal violence shall constitute violations of this policy, as well.<sup>1</sup> Through this policy, Northern Illinois University is extending the traditional prohibitions of sexual assault, stalking and domestic violence under law and university policy to other forms of interpersonal violence including dating and partner violence. This policy applies to all members of the Northern Illinois University community, and includes, but is not limited to, faculty, staff, students, University visitors, volunteers, and vendors. It also applies to alleged acts of sexual assault, prohibited sexual contact, stalking, dating and domestic violence whether those acts occur on or off campus.

Appropriate disciplinary or remedial actions may be taken against any persons or groups engaging in these acts, up to and including expulsion from the University, termination of University employment, and termination of contracts/agreements with that person(s) or group(s). In addition, the University may terminate or suspend its relationship and associated privileges with any perpetrator of interpersonal violence covered by this policy, including but not limited to visitors, volunteers, vendors and other such guests of NIU. To this end, Northern Illinois University expressly reserves its rights to revoke the privilege, right and/or permission to anyone to be physically present on-campus, participate in university activities, and use university facilities or resources in order to carry out the intent and purposes of this policy. The University may refer any alleged perpetrator of interpersonal violence for prosecution under Illinois State Law or any other applicable legal standards and statutory authority.

The standard for determining whether a violation of this policy exists shall be based upon the reasonable belief of the victim of an act of interpersonal violence, except where specific intent is expressly required to prove such violation.

### **III. Definition of Terms**

*Domestic Violence:* Physically, sexually, and/or psychologically abusive behavior against a family member or household member is considered domestic violence. Such behavior may arise in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Family or household members include: spouses, former spouses, domestic partners, parents, children, stepchildren, and other persons related by blood or by prior marriage. This definition also includes persons who share or formerly shared a common residence (including residence hall roommates), persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, and between persons with a disability and/or with personal assistants.

*Dating Violence:* A form of domestic violence that includes persons who have or have had a dating relationship. Dating violence occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, and emotional abuse. Dating violence affects both females and males, and does not discriminate by racial, social, or economic background (see also *Acquaintance Rape*).

*Partner Violence:* Sexual or psychological harm or threat of harm by a current or former partner primarily motivated by the desire to obtain power and control in order to harm another.

*Abusive behavior:* Physical violence of any nature against any person, on or off campus, other than for self-defense. This includes fighting; assault; battery; the use of a knife, gun, or other weapon; physical abuse; restraining or transporting someone against his/her will; or any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm. Persistent, severe, and/or pervasive threats of abuse, intimidation, coercion, bullying and/or other conduct that threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm.

*Prohibited Sexual Contact:* At Northern Illinois University, prohibited sexual contact is behavior related to sexual activities or sexual contact between at least two individuals that is accomplished through force or the threat of force, or when the victim is unable, under the circumstances, to give clear and knowing consent. Prohibited sexual contact includes, but is not limited to, sexual assault and sex abuse and is prohibited regardless of sexual orientation, gender, or gender expression of the perpetrator or the victim.

*Force or threat of force:* The use of force or violence, or the threat of force or violence, including but not limited to the following situations: 1) when the accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believed that the accused has the ability to execute that threat; or 2) when the accused has overcome the victim by use of superior strength or size, physical restraint, or physical confinement.

*Consent:* Willingly giving permission or agreement to a sexual act, without threat of harm. Consent is an informed agreement to participate in an act, communicated verbally or through physical participation, that is not achieved through manipulation, intimidation, or coercion of any kind or given by one who is incapable of giving clear and knowing consent, by reason of the individual's age, being under the influence of alcohol or drugs, or otherwise. The manner of dress of the victim at the time of the offense does not constitute consent. Individuals under the age of 18 (i.e., minors) are incapable of giving consent under any circumstances. Nothing in this provision constitutes a waiver or in any way impairs the application of state law related to the ability of a person to consent.

*Coercion:* To compel or force one to act based on pressure, harassment, threats, or intimidation.

*Mentally or physically incapable person:* A person who is temporarily or permanently incapable of making decisions for any reason or is otherwise unable to give clear and knowing consent.

This may be caused by, but is not limited to, administration or use of alcohol or other drugs.

*Sexual Assault:* When a person commits an act of sexual penetration<sup>2</sup> 1) by the use of force or threat of force, or 2) when the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent. Rape is a form of sexual assault.

*Rape:* A form of sexual assault. Rape is another word for penetration (oral, anal, or vaginal) that is forced on another person through threats to harm that person or another, intimidation, coercion, or lack of consent.

*Acquaintance Rape:* A sex crime committed by someone who knows the victim. The perpetrator could be a friend, classmate, relative, co-worker. As a sex crime, acquaintance rape includes forced, manipulated, or coerced sexual contact.

*Sex Abuse:* When a person commits an act of sexual misconduct 1) by the use of force or threat of force or 2) when the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent.

*Sexual Harassment:* Occurs when sexual behavior or requests for sexual favors are made either explicitly or implicitly as a term or condition of employment or educational performance, or are made as the basis of employment or academic decisions affecting the individual as an employee or a student, or have the express purpose or effect of substantially interfering with an individual's work/academic performance or create an intimidating, hostile, or offensive working or academic environment.

*Stalking:* A pattern of behavior directed at a specific person that would cause a reasonable person to feel fear for her or his safety. A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer other emotional distress. A person commits stalking when he or she knowingly and without lawful justification on at least two separate occasions follows another person or places the person under surveillance or any combination thereof, and at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person.

A more extensive definition of stalking can be found at <http://www.ilga.gov/legislation/ilcs/documents/072000050k12-7.3.htm>

Stalking also includes cyber stalking, when a person knowingly and without lawful justification on at least two separate occasions intimidates, torments, or terrorizes another person or that person's family member(s) through the use of electronic communication and transmits a threat of future bodily harm, sexual assault, confinement, or restraint; or knowingly solicits another person to commit stalking or cyber stalking; or creates and maintains an Internet website or webpage accessible to one or more third parties for a period of at least 24 hours containing harassing statements as outlined above toward another person or that person's family member(s). Repetitive, non-consensual communication of any kind including that which involves the use of electronic equipment or technology for the purposes of cyber stalking is also a violation of the [University's Acceptable Use Policy](#); examples include, but are not limited to e-mail, voicemail messages, text messages, instant messages, global positioning systems (GPS), and cell phone software applications. A complete definition of cyber stalking can be found at <http://www.ilga.gov/legislation/ilcs/documents/072000050k12-7.5.htm>

#### **IV. Process and Disciplinary Sanctions**

It is the policy of the University to hold perpetrators of interpersonal violence, which includes sexual assault, prohibited sexual contact, stalking, dating and domestic violence in any form, accountable for their actions through appropriate student conduct or personnel procedures, and by working with community agencies and law enforcement as appropriate.

*For students:* Appropriate disciplinary sanctions for substantiated violations of this policy, up to and including expulsion, will be imposed in accordance with the Student Code of Conduct, found here: <http://www.niu.edu/communitystandards/pdf/SCC.PDF> This policy statement is not intended to replace or substitute the NIU Student Code of Conduct. Instead, this policy statement is intended to be a supplement to the community standards that the Code of Conduct sets forth and that are enforced through the Office of Community Standards & Student Conduct. Alleged violations of this policy by students will be referred to the Office of Community Standards & Student Conduct for appropriate review and processing of the alleged conduct or behavior under the Student Code of Conduct.

*For faculty and staff:* Appropriate disciplinary sanctions for substantiated violations of this policy, up to and including termination, will be imposed in accordance with applicable University policies and personnel procedures, listed in the reference guide found here: [Employee Conduct, Accountability, and Ethics in the Workplace](#). Such policies and procedures include, but are not limited to, the University Workplace Violence Prevention Policy, NIU Non-Discrimination Policy, and the Affirmative Action and Diversity Resources Non-Discrimination/Harassment Policy and Complaint Procedures for Employees and Students. In addition, violations of this policy may trigger application of applicable State law and procedures, such as the State Universities Civil Service System Statute and Rules.

*For everyone:* University disciplinary procedures are independent of any and all criminal procedures and proceedings. In all cases, the University reserves the right to refer cases for

criminal prosecution or to pursue sanctions regardless of criminal prosecution. Violations of this policy by a visitor, volunteer, or vendor may also result in the termination of pre-existing or future business relationships.

## **V. Reporting Procedures**

Should there be an immediate risk of imminent harm, or disruption to the campus community, any university community member is encouraged to call 911 immediately or to contact the Department of Police & Public Safety at 815.753.1212.

For purposes of reporting, or for more information on victims' or alleged perpetrators' rights, the following procedures can be followed. Victims of sexual assault, prohibited sexual contact, stalking, dating and domestic violence on campus or at any campus property outside of the main campus, or at any University-sponsored event or activity have the option to and are encouraged to contact the Department of Police and Public Safety. Additionally, victims have the right to access assistance and should be referred to the following resources which are available to help in crisis situations.

*If the alleged perpetrator is a faculty or staff member:* The University through its respective administrative representatives, in consultation with Human Resource Services, (815.753.6000), may impose sanctions for substantiated cases of sexual assault, prohibited sexual contact, stalking, dating and domestic violence in accordance with the applicable University employment procedures in the following instances:

- In cases involving a faculty member, graduate assistant, or other instructional personnel as the alleged perpetrator, by the dean of that individual's college in consultation with the Provost.
- In cases involving a staff person as the alleged perpetrator, by the department's administrator in consultation with the vice president for the unit.
- Workplace Violence Prevention Policy protocols may also apply to situations involving sexual assault, prohibited sexual contact, stalking, and dating and domestic violence.

Reports of alleged sexual assault, prohibited sexual contact, stalking, and dating and domestic violence by a faculty or staff member should be made to that employee's supervisor, employing department or unit, and/or to Human Resource Services.

*If the alleged perpetrator is a student:* In cases involving a student as the alleged perpetrator, contact the Division of Student Affairs & Enrollment Management at 815.753.1573.

*If the alleged perpetrator is a vendor, visitor, volunteer, or other non-faculty, staff, or student individual:* In cases involving the above-listed individuals, contact the Department of Police & Public Safety at 815.753.1212. Depending upon the relationships that this individual has with the University, there may need to be additional reporting to affected University departments, units, and employees.

The process and reporting procedures listed here in no way prohibit the University from employing other appropriate mechanisms to address sexual assault, prohibited sexual contact, stalking, and dating and domestic violence.

## VI. Resources

If you wish to report an incident, or to discuss your options, please call the Department of Police & Public Safety at 815.753.1212. The following resources offer 24-hour services to victims:

- **NIU Department of Police & Public Safety:** Provides emergency assistance and law enforcement services to students, faculty, staff, and visitors (including University visitors, volunteers, and vendors) who report acts of sexual assault, prohibited sexual contact, stalking, and dating and domestic violence. **NIU Department of Police & Public Safety can be reached at 815.753.1212 or 911 or <http://www.niu.edu/publicsafety/index.shtml>** (everyone).
- **Kishwaukee Hospital:** Provides 24-hour confidential medical evaluation and treatment, including forensic evidence collection. **Kishwaukee Hospital can be reached at 815.756.1521 or [www.kishhospital.org](http://www.kishhospital.org)** For locations outside DeKalb County, go to a local Emergency Room or immediate care facility (everyone).
- **Safe Passage:** Provides 24-hour access to support for students, faculty, and staff for sexual assault and domestic violence crisis intervention. Other services include legal advocacy, medical advocacy, counseling, shelter, community education, and abuser services. **Safe Passage can be reached at 815.756.5228 or <http://www.safepassagedv.org/>** (everyone).

Members of the campus community may also access the following resources (resources listed alphabetically):

- **NIU Affirmative Action and Diversity Resources (AADR):** AADR provides information, advice, and support for any faculty member, staff member, or student regarding the complaint process. Standards of confidentiality will include a reasonable attempt to protect the anonymity (upon written request to do so) of the complainant and to limit all discussions regarding the issues contained in the complaint to those involved with the parties as necessary. AADR also provides information, advice, and support for any employee named as a respondent (alleged offender) or witnesses to the alleged action, regarding the complaint process in addition to information regarding other grievance procedures as outlined in applicable collective bargaining agreements (for union employees) and Grievance Procedures for Faculty and Staff (non-union employees) found in the Constitution and Bylaws of Northern Illinois University, Article 11 of the Bylaws, ([http://www.niu.edu/u\\_council/constitution/bylaws/article11.shtml](http://www.niu.edu/u_council/constitution/bylaws/article11.shtml)). **AADR staff members can be reached during regular business hours at 815.753.6000 or <http://www.hr.niu.edu/ServiceAreas/DiversityResources/Index.cfm>** (faculty, staff, and students).

- **NIU Counseling & Student Development Center:** Provides students with confidential, face-to-face counseling and follow-up for a victim, as well as support and counseling for secondary victims (NIU students). **The Counseling Center can be reached at 815.753.1206 or <http://www.stuaff.niu.edu/csdc/>** (students only).
- **NIU Employee Assistance Program:** Provides confidential advice, counseling, and support to faculty, staff, their dependents, and annuitants on any personal issue. EAP staff members can assist in linking faculty and staff with appropriate resources on campus and in the community. Unless otherwise agreed, all services are confidential. **EAP can be reached during regular business hours at 815.753.9191 or <http://www.hr.niu.edu/ServiceAreas/EmployeeAssistance>** (faculty, staff, dependents, and annuitants).
- **NIU Health Services:** Provides confidential medical evaluation and treatment for eligible students. **Health Services can be reached during regular business hours at 815.753.1311 or <http://www.uhs.niu.edu/healthservices/>** (students only).
- **NIU Human Resource Services (HRS):** Provides information, advice, and support for any faculty or staff member who has experienced sexual assault, prohibited sexual contact, domestic violence, and stalking. HRS staff members provide guidance on policies and resources on campus and in the community. **The HRS staff can be reached at 815.753.6000 or <http://www.hr.niu.edu/>** (all employees).
- **NIU Office of Community Standards & Student Conduct (CSSC):** Provides administrative disciplinary review of incidents of sexual assault, prohibited sexual contact, stalking, and dating and domestic violence when the alleged perpetrator is a student, and, when determined appropriate, issues a sanction to foster safety in accordance with the Student Code of Conduct. **The CSSC staff can be reached during regular business hours at 815.753.1571 or <http://www.niu.edu/communitystandards/>** (students only).
- **NIU Ombudsman:** Provides a confidential environment in which to identify and discuss possible options and outcomes. Contacting the Ombudsman does not constitute notice to the University, nor is it a part of any formal process. **The Ombudsman can be reached during regular business hours at 815.753.1414 or <http://www.niu.edu/ombuds/>** (students, faculty, and staff).
- **NIU Women's Resource Center:** Provides advocacy services to help student, faculty, and staff victims navigate the various systems within the University needed for their safety and recovery, including support during a medical examination, police investigation, or Conduct hearing. **The Women's Resource Center advocate is available during regular business hours and can be reached at 815.753.0320 or <http://www.niu.edu/women/index.shtml>** For support services 24 hours a day, contact Safe Passage at 815.756.5228 (students, faculty, and staff).

- **Office of the Vice President for Student Affairs & Enrollment Management:** Provides information, consultation, and referral to appropriate campus resources for student victims of domestic violence, stalking, and sexual assault. **The Office of the Vice President can be reached during regular business hours at 815.753.1573 or [www.stuaff.niu.edu/stuaff](http://www.stuaff.niu.edu/stuaff)** (students only).

## VII. Related Documents/Policies

- Workplace Violence Prevention Policy (<http://www.hr.niu.edu/policy/PolicyView.cfm?Policy=310>)
- Student Code of Conduct (<http://www.niu.edu/communitystandards/pdf/scc.PDF>)
- Acceptable Use Policy (<http://its.niu.edu/its/policies/au.shtml>)
- Affirmative Action and Diversity Resources Non-Discrimination/Harassment Policy and Complaint Procedures for Employees and Students  
<http://www.hr.niu.edu/go/nonDiscrimination>

## VIII. Effective Date

Approved by the President of Northern Illinois University on May 6, 2011.

### Footnotes:

<sup>1</sup> Selected offenses from the Illinois Criminal Code include, but are not limited to: (1) Domestic battery under 720 ILCS 5/12-3.2; (2) aggravated domestic battery under 720 ILCS 5/12-3.3; (3) interfering with the reporting of domestic violence under 720 ILCS 5/12-6.3; (4) stalking under 720 ILCS 5/12-7.3; (5) aggravated stalking under 720 ILCS 5/12-7.4; (6) cyberstalking under 720 ILCS 5/12-7.5; (7) criminal sexual assault under 720 ILCS 5/12-13; (8) aggravated criminal sexual assault under 720 ILCS 5/12-14; (9) predatory sexual assault of a child under 720 ILCS 5/12-14.1; (10) criminal sexual abuse under 720 ILCS 5/12-15; and (11) aggravated criminal sexual abuse under 720 ILCS 5/12-16.

<sup>2</sup> The term “sexual penetration” in this policy shall have the same definition of “sexual penetration” under the Illinois Criminal Code at 720 ILCS 5/12-12.

<sup>3</sup> The term “sexual misconduct” shall have the same definition as “sexual conduct” under the Illinois Criminal Code at 720 ILCS 5/12-12.