

NORTHERN ILLINOIS UNIVERSITY

STUDENT CONDUCT

STUDENT CODE OF CONDUCT

Effective January 1, 2017

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GLOSSARY OF DEFINITIONS FOR THE STUDENT CONDUCT PROCESS 58

Northern Illinois University PACT

The Northern PACT encompasses six principles that outline the expectations we have for members of our community. With each individual making a commitment to uphold these principles, we will have the collective benefit of a culture of care and a sense of connectedness. **As a student** in the NIU community, each individual is expected to support and contribute to a community that that honors the Northern PACT principles.

Purposeful: Where academic goals are shared, and faculty and students work together to strengthen teaching and learning across campus.

Just: Where all people are valued and supported while they learn from the diversity of our community.

Caring: Where the well-being of all is supported, and service to others is encouraged.

Open: Where freedom of expression is welcomed, and others are respected.

Disciplined: Where group members accept their responsibility, and expectations guide behavior for the common good.

Celebrative: Where traditions are honored, and both past and new rituals are embraced.

As **members of the NIU staff**, we hold a shared commitment to responsibility and accountability and pledge to our students that we will act in ways that honor the Northern PACT principles.

Purposeful – Where responsibility and accountability foster community, support ethical leadership and create a safe and secure teaching and learning environment across the campus.

Just – Where responsibility and accountability are free from bias, respectful of the individual, and embraces the spirit of fairness and equity.

Caring – Where policies and accountability are used to promote social-consciousness, civility, and respect for the well-being of all.

Open – Where responsibility and accountability are proactive and empowering to the community while protecting the dignity of its members.

Disciplined– Where policies and accountability set expectations that guide behavior for the common good while promoting safety, security, responsibility, ownership, and accountability.

Celebrative – Where responsibility and accountability honor inclusion, diversity, and accessibility.

These principles were created in alliance with the educational mission of Northern Illinois University, and reflect the values and vision of individual departments and partners that play a fundamental role in the creation and upholding of University policies.

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 shall 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 Student Conduct.
- C.** An advisor may accompany the accused student, recognized student organization, complainant, and victim/survivor of an incident at any time during the student conduct process. Any person may serve as an advisor. The advisor need 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 Student Conduct. Student Conduct shall maintain a list of advisors who received training in the Northern Illinois University student conduct system. Advisors are not required to attend or participate in hearings. The purpose of an advisor is to assist a student in preparing for the student conduct process. During a hearing, advisors will only be allowed to confer with their advisees (accused student, recognized student organization, complainant, or victim/survivor). The advisor may not directly participate in the student conduct process on behalf of any party or as a spokesperson or advocate.
- D.** The accused student and the recognized student organization have the right to meet with a student conduct administrator about their incident and be informed of the entire student conduct process.
- E.** A student conduct administrator will not coerce the accused student or recognized student organization into accepting either responsibility for an alleged violation of University policy or a recommended sanction.
- 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. The university may act as complainant for incidents including, but not limited to those in which a complainant or victim wishes to remain anonymous for fear of retaliation.
- G.** The accused student, recognized student organization, complainant, and victim/survivor are entitled to a fair and impartial hearing. The accused student or recognized student

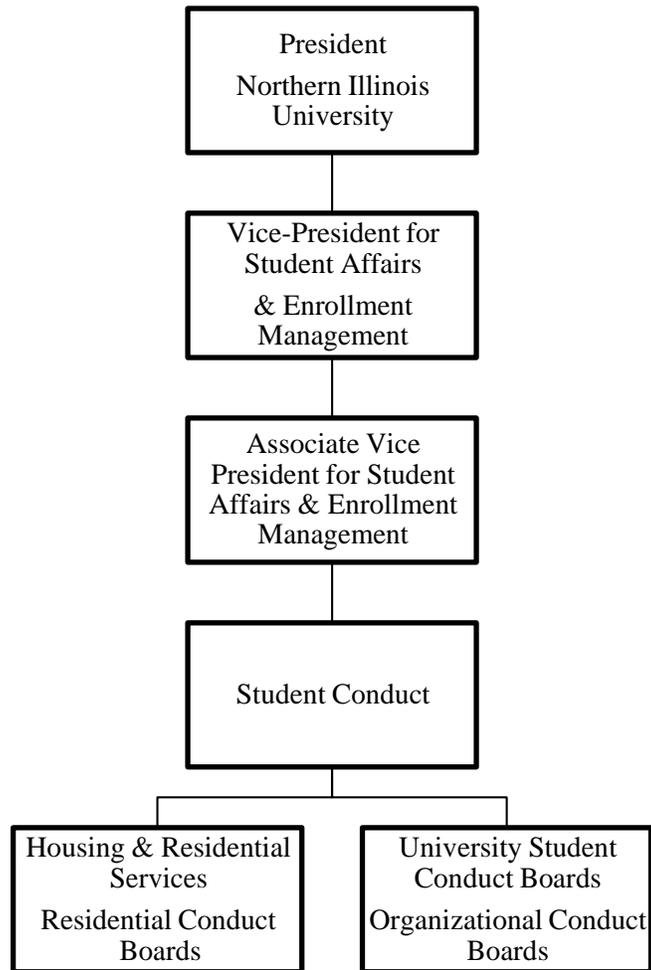
organization is presumed “not responsible” until proven “responsible.” The burden of proof rests with the complainant, and the standard of proof is preponderance of the evidence. This means that, based on all of the evidence and testimony presented in the case, it is determined that, more likely than not (50.1% of the information presented), the accused student or recognized student organization committed the alleged violation of the *Student Code of Conduct*.

- H.** The Student Conduct Administrator 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) business 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 provided by the student and listed in MyNIU 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.
- I.** 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 adviser and any witnesses. The observer will not be permitted to participate in any way in the hearing.
- J.** 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 student conduct facilitator, or conduct board advisor shall make the final determination regarding which board members shall be qualified to hear the case.
- K.** 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 information and a witness(es), making statements, and asking questions. No one shall be required to provide information that may be self-incriminating.
- L.** The student conduct board facilitator shall notify the accused student and the victim/survivor (in student conduct incidents of sexual misconduct), of the decision of the hearing, in writing, within two (2) business 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 Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C.

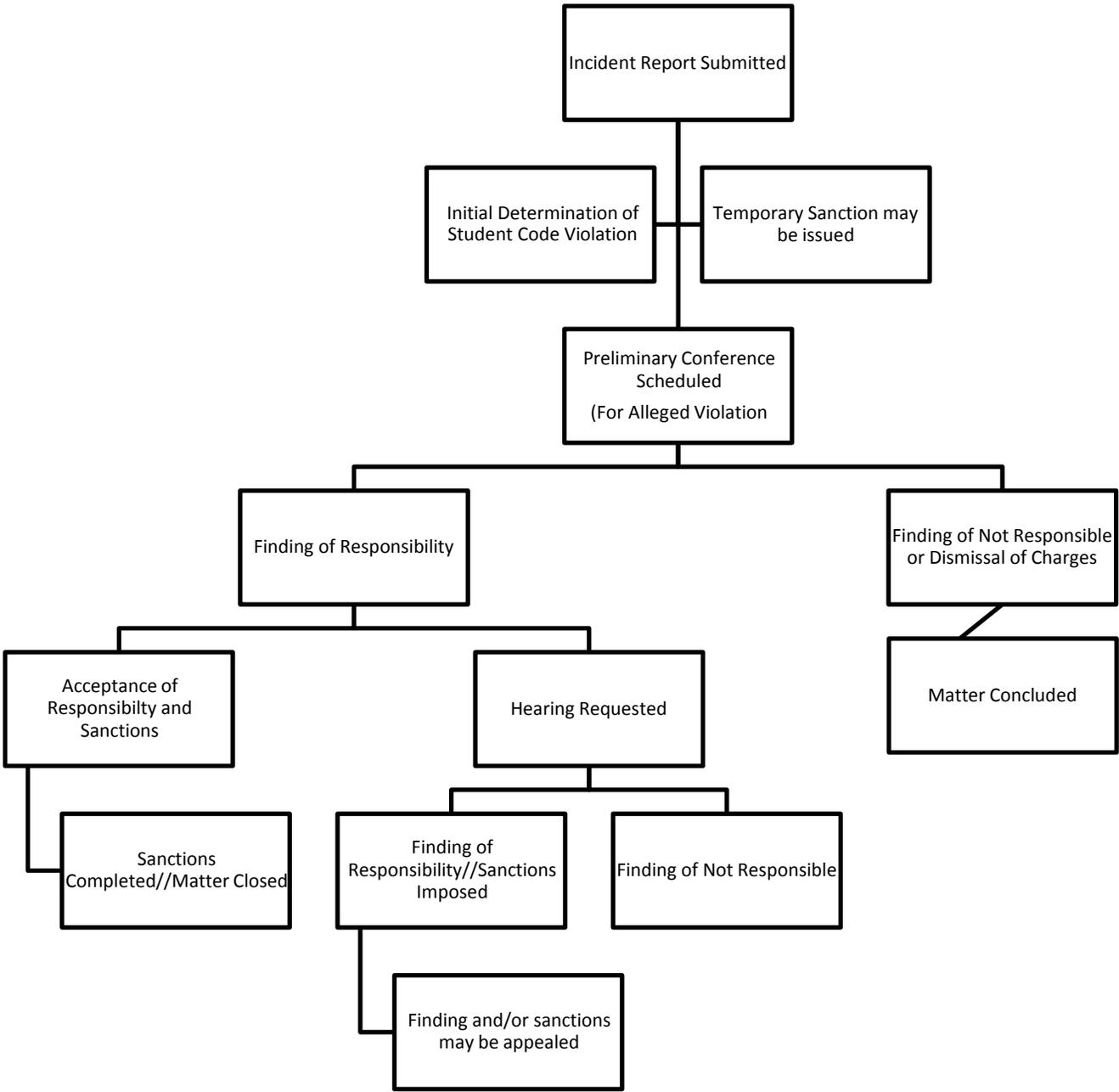
§1092(f), as amended, both the accused student and the victim/survivor will be notified by the student conduct board facilitator, in writing, within two (2) business days after the deliberation. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the student conduct board facilitator shall notify the victim's next of kin, upon written request by the next of kin.

- M.** The accused student or recognized student organization and the victim/survivor (in student conduct incidents of sexual misconduct) that receives an adverse decision shall have the right to file a written appeal of the decision and/or sanctions of an administrative hearing or conduct board hearing.
- N.** 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.
- O.** Students in possession of a valid State of Illinois Compassionate Use of Medical Cannabis, issued by an appropriately licensed physician, may seek accommodation through the University Disability Resource Center.
- P.** Students wishing to file grievances against Northern Illinois University faculty or staff members should speak with a member of NIU Human Resource Services, 815-753-6000.
- Q.** The university expects that students and recognized student organizations will fully cooperate with institutional investigations into alleged violation of the Student Code of Conduct and other applicable university policies. Students and recognized student organizations who fully cooperate with an investigation may be eligible for amnesty as defined later in this code.
- R.** To obtain permission for the use of a drone or other unmanned aircraft system, please complete the form, located at https://niu.az1.qualtrics.com/jfe/form/SV_eF1t6g3bGXZDGn3.

Organizational Chart of the Student Conduct System



**Student Conduct Process
Flow Chart**
Non-Title IX/Sexual Misconduct Matters



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.

The Vice President for Student Affairs & Enrollment Management oversees the Student Conduct Process. The Vice President for Student Affairs & Enrollment Management has designated Student Conduct with primary oversight of all student conduct and student organizational conduct matters. Student Conduct has designated Housing & Residential Services to adjudicate particular student conduct incidents occurring within or on Housing & Residential Services property, involving residential students. Final authority for incident adjudication rests with Student Conduct, unless otherwise delegated. All student and organizational conduct incidents are reported to and overseen by Student Conduct.

- 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 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:** The Department of Police & Public Safety handles violations of the University Traffic Policy, as outlined in the Illinois *Rules of the Road*.

5. **Parking Regulations:** The Campus Parking Services handles violations of the University Parking Policy, outlined in the *Motor Vehicle and Parking Regulations Handbook*.
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 & Residential Services, 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; battery; the use of a weapon; 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 sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - b. Acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff;
 - c. 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:** Use 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. A student charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of alcohol. A student charged with this violation is subject to a statistical count in the institution’s Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092);
 - c. Possessing or consuming of alcohol by any student who is less than 21 years of age.
7. **Cannabis:**
 - a. Use or possession of cannabis is prohibited;
 - b. Constructive possession of cannabis. (See Glossary)
A person charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of drugs. A student charged with this violation is subject to a statistical count in the institution’s Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092).
8. **Damage to Property:** Causing damage to or vandalizing the property of Northern Illinois University or the personal property of another person.

9. **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;
 - c. Impersonating a Northern Illinois University staff or faculty member.
10. **Disruptive Behavior:** Disruption or obstruction of a University activity when the conduct occurs on Northern Illinois University premises; Conduct that is disorderly, lewd, or indecent. Causing a disturbance off campus when the situation or the parties involved are related to the educational mission of the university.
11. **Drones:** Possession and/or operation of a drone, unmanned aircraft, or other unmanned aircraft system, on campus, without express written permission of the University's Unmanned Aircraft Systems Coordinator.
12. **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. A student charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of drugs. A student charged with this violation is subject to a statistical count in the institution's Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092).
13. **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.
14. **Fraud:** Acts of fraud include deception, forgery, alteration, or the unauthorized use of University documents, records, or identification.
 15. **Fraud (Degree):** Violations include fraud, misrepresentation, or other violation(s) of University standards in obtaining a University degree.
 16. **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*.
 17. **Harassment:** Acts of harassment include the use of words or actions that persistently and wrongfully attack another person. The unwanted communication must be objectively offensive to a reasonable person before it may be considered actionable harassment.
 18. **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.
 19. **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.
 20. **Legal:** Violation of any federal, state, or local law is prohibited.
 21. **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.
 22. **Other Policy Violation-Alcohol-Underage Possession/Consumption-Underage Possession/Consumption-Consuming alcohol by any student with a person less than 21 years of age.** A person charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of alcohol. A student

charged with this violation is not subject to a statistical count in the institution's Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092).

23. **Other Policy Violation-Cannabis-a.** Possession of cannabis, including constructive possession (See glossary in Student Code of Conduct). A person charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of drugs. A student charged with this violation is not subject to a statistical count in the institution's Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092).
24. **Other Policy Violation-Weapons-**The following is prohibited. Possession of any device whether loaded or unloaded, that shoots a bullet, pellet, flare or any other projectile including those powered by carbon dioxide (CO₂). This includes but is not limited to BB/pellet gun, flare gun, airsoft gun, dart gun, nun chuck(s), and/or any chemical weapon used in a manner other than as described as self- defense under the "Physical Abuse" provision of this Code, and any ammunition for any such device. Any replica of the foregoing is also prohibited. Any device that is designed or traditionally used to inflict harm including but not limited to any knife with a blade longer than three (3) inches, hunting knife, fixed blade knife, throwing knives, dagger, razor or other cutting instrument the blade of which is exposed is also prohibited. A person charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of weapons. A student charged with this violation is not subject to a statistical count in the institution's Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092).
25. **Posting of Signage:** Failure to post signage in accordance with established procedures of the specific building is prohibited.
26. **Retaliation:** Taking any adverse or hostile action, engaging in harassment and/or making an adverse employment/academic decision because an employee/student/third party has opposed violations of this policy or other unlawful employment/academic practices by filing a complaint, testifying, assisting, or participating in an investigation, proceeding, or hearing.
27. **Smoking Violation:** Violation of the Illinois Smoke Free Campus Act, Public Law 98-0895.
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 Vice President for Student Affairs & Enrollment Management website: <http://niu.edu/saem/involvement/policies/index.shtml>

26. Weapons: The following is prohibited while on Northern Illinois University premises or while engaged in any University related activity while off-campus without the express permission of the NIU Police and Public Safety. Any device whether loaded or unloaded, that shoots a bullet, pellet, flare or any other projectile including those powered by carbon dioxide (CO₂). This includes but is not limited to rifles, shotguns, handguns or other firearm, BB/pellet gun, flare gun, stun gun, airsoft gun, dart gun, nun chuck(s), and/or any chemical weapon used in a manner other than as described as self-defense under the “Physical Abuse” provision of this Code, and any ammunition for any such device. Any replica of the foregoing is also prohibited. Any explosive including firecrackers or black powder. Any device that is designed or traditionally used to inflict harm including but not limited to any knife with a blade longer than three (3) inches, hunting knife, fixed blade knife, throwing knives, dagger, razor or other cutting instrument the blade of which is exposed is also prohibited. A student charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of weapons. A student charged with this violation is subject to a statistical count in the institution’s Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092).

27. Sexual Misconduct/Title IX Policy Violation: Violation of any of the provisions of the NIU Sexual Misconduct/Title IX Policy, including but not limited to:

- a. Dating Violence;
- b. Domestic Violence;
- c. Gender-based Harassment or Discrimination;
- d. Rape;
- e. Retaliation;
- f. Sex-based Misconduct;
- g. Sex Discrimination;
- h. Sexual Assault;
- i. Sexual Harassment;
- j. Sexual Penetration;
- k. Sexual Violence;
- l. Stalking

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 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* :
 - a. **Class Removal or Reassignment:** A sanction that removes a student from a class or requires a student to move into a different class or section.
 - b. **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;
 - c. **Counseling:** A sanction that includes but is not limited to the requirement of the completion of counseling. (e.g., Referral to Counseling, Substance Use Assessment, Anger Intervention Assessment, etc.);
 - d. **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. Any sanction may be deferred, the deferred sanction will include the length of deferment and the expiration date of the deferred sanction;
 - e. **Discretionary Sanctions:** A sanction that requires work assignments, written assignments, service to Northern Illinois University, or other related discretionary assignments;
 - f. **Educational Sanctions:** A sanction that includes but is not limited to the requirement of the completion of an educational assignment or assessment. (e.g., research paper, program presentation, interviews, Partner Abuse Intervention Program, anger assessment, etc.);
 - g. **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;
 - h. **Formal Written Warning:** A notice in writing to the Student or Recognized Student Organization indicating a violation of institutional regulations;
 - i. **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.);
 - j. **Loss of Recognized Student Organization Status:** A loss of all privileges, including Northern Illinois University recognition as a student organization, for a specified period;

- k. **Probation:** 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;
 - l. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls;
 - m. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified;
 - n. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement;
 - o. **Revocation of Admission and/or Degree:** A revocation of admission to or a recommendation of revocation of degree awarded by the University;
 - p. **University Expulsion:** A permanent separation of the student from Northern Illinois University;
 - q. **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. A Student Conduct Board issuing the sanction of suspension must start the suspension immediately, or not impose the sanction at all;
 - r. **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.
 3. In cases that involve policy violation(s) in which the outcome is subject to disclosure under *The Clery Act* (1990, as amended) or the *Family Educational Rights and Privacy Act of 1974*, as amended, Student Conduct shall notify the Accused student or Recognized Student Organization and the Complainant, and the Victim/Survivor (in cases of Sexual Misconduct or other Title IX offenses) of the outcome of the proceedings, simultaneously.
 4. In each case for which an Administrative Hearing Officer, a Student Conduct Board, Residence Hall Conduct Board, or Organizational Conduct Board determines that a 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. Student Conduct shall monitor the deadlines for sanction completion.
6. Sanctions imposed are in effect as determined by the Student Conduct Administrator, Conduct Board or Administrative Hearing Officer. Sanctions are in effect throughout any appeal process undertaken by the student.
7. In determining organizational sanctions, the Student Conduct Administrator shall only consider offenses in which the Recognized Student Organization has been found responsible, no more than four (4) years from the calendar date of the current Preliminary Conference.
8. Recognized Student Organizations regaining their recognition, after a period of suspension, as a student conduct sanction, shall automatically be placed on a period of organizational disciplinary probation for one (1) calendar year upon their re-recognition.

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 policies. 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 that 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.**

Minimum Sanctions for Violations Relating to Alcohol, Drugs, or Violence

Violation	First Time Offender	Second Time Offender	Third Time Offender
Any violation of the Student Code of Conduct	\$25 Student Conduct Fine	\$25 Student Conduct Fine	\$25 Student Conduct Fine
Abuse (Physical)	University Suspension for one (1) academic semester Banishment from NIU Campus Property during period of suspension	University Suspension for one (1) academic year Banishment from NIU Campus Property during period of suspension	University Expulsion Banishment from NIU Campus Property
Alcohol (No Harm to Self, Others, Property)	Referral to BASICS \$75 Student Conduct Fine	Completion of Substance Use Assessment Completion of Alcohol Edu \$100 Student Conduct Fine Probation for one (1) academic year Parental Notification Referral to Office of Student Academic Success	University Suspension for one (1) academic semester Banishment from NIU Campus Property during period of suspension Parental Notification \$150 Student Conduct Fine Probation for at least one (1) year upon return to NIU
Alcohol (Harm to Self, Others, Property)	Substance Use Assessment Completion of Alcohol Edu \$75 Student Conduct Fine	University Suspension for one (1) academic semester Parental Notification \$100 Student Conduct Fine	University Suspension for one (1) academic year Banishment from NIU Campus Property during period of suspension

	<p>Probation for one (1) academic year</p> <p>Parental Notification</p> <p>Referral to Office of Student Academic Success</p>	<p>Probation for at least one (1) year upon return to NIU</p>	<p>Parental Notification</p> <p>\$150 Student Conduct Fine</p> <p>Probation for at least one (1) year upon return to NIU</p>
Cannabis/Drugs	<p>Substance Use Assessment</p> <p>\$100 Student Conduct Fine</p> <p>Probation for one (1) academic year</p> <p>Parental Notification</p> <p>Referral to Office of Student Academic Success</p>	<p>University Suspension for one (1) academic semester</p> <p>Banishment from NIU Campus Property during period of suspension</p> <p>Parental Notification</p> <p>\$125 Student Conduct Fine</p> <p>Probation for at least one (1) year upon return to NIU</p>	<p>University Suspension for one (1) academic year</p> <p>Banishment from NIU Campus Property during period of suspension</p> <p>Parental Notification</p> <p>\$150 Student Conduct Fine</p> <p>Probation for at least one (1) year upon return to NIU</p>
Hazing (No Harm)	<p>University disciplinary probation for at least one (1) calendar year</p> <p>Educational Program</p> <p>\$125 Student Conduct Fine</p>	<p>Suspension from NIU for one (1) year</p> <p>Banishment from NIU campus property for period of suspension</p>	<p>University expulsion</p> <p>Banishment from NIU campus property</p>

Violation	First Time Offender	Second Time Offender	Third Time Offender
Hazing (Harm)	<p>University suspension for at least one (1) academic year</p> <p>Banishment from NIU campus property during period of suspension</p> <p>Completion of off campus counseling prior to returning to NIU</p>	<p>University expulsion</p> <p>Banishment from NIU campus property</p>	
Weapons (Used in a threatening manner)	<p>University Suspension for one (1) academic semester</p> <p>Banishment from NIU Campus Property during period of suspension</p>	<p>University Suspension for one (1) academic year</p> <p>Banishment from NIU Campus Property during period of suspension</p>	<p>University Expulsion</p> <p>Banishment from NIU Campus Property</p>

Student Code of Conduct Violation	First Time Offender (Student Organizations)	Second Time Offender* (Student Organizations)	Third Time Offender* (Student Organizations)
ALCOHOL (No Harm to Self, Others or Property)	<p>Loss of social privileges for one semester</p> <p>Notification of incident made to National/International Office (if applicable)</p> <p>\$100 fine assessed and distributed to the university Student Involvement & Leadership Development for Alcohol Education/ Social Policy Training</p> <p>Educational Sanction</p>	<p>Loss of social and university privileges for one calendar year</p> <p>Notification of incident made to National/International Office (if applicable)</p> <p>\$300 fine assessed and distributed to the university Student Involvement & Leadership Development for Alcohol Education/ Social Policy Training</p> <p>Organization required to propose an alcohol awareness program/speaker for their organization and/ or campus</p>	<p>Loss of Recognized Student Organization status for five (5) years</p> <p>Notification of incident made to National/ International Office (if applicable)</p>
ALCOHOL (Harm to Self, Others or Property)	<p>Loss of social privileges for one calendar year</p> <p>Notification of incident made to National/ International Office (if applicable)</p> <p>\$100 fine assessed and distributed to the university Student Involvement & Leadership Development for Alcohol Education/Social Policy Training</p>	<p>Loss of Recognized Student Organization Status for five (5) years</p> <p>Notification of incident made to National/ International Office(if applicable)</p> <p>\$300 fine assessed and distributed to the university Student Involvement & Leadership Development for Alcohol Education/Social Policy Training</p>	

	Restitution for damages (if applicable)	Restitution for damages (if applicable)	
CANNABIS/DRUGS	<p>Loss of social and university privileges for one calendar year</p> <p>Notification of incident made to National/International Office if applicable</p> <p>\$250 fine assessed and distributed to Student Involvement & Leadership Development for Alcohol-Drug Education/ Social Policy Training</p> <p>Educational Sanction</p>	<p>Loss of Recognized Student Organization Status for five (5) years</p> <p>Notification of incident made to National/International Office if applicable</p> <p>\$500 fine assessed and distributed to Student Involvement & Leadership Development for Alcohol-Drug Education/Social Policy Training</p>	

Student Code of Conduct Violation	First Time Offender (Student Organizations)	Second Time Offender* (Student Organizations)	Third Time Offender* (Student Organizations)
HAZING	<p>University Disciplinary Probation for three (3) calendar years</p> <p>\$300 fine to be given to Student Involvement & Leadership Development for Hazing Prevention Education</p> <p>Mandatory attendance by all members at an educational program (to be determined in the sanction letter)</p> <p>Notification of incident made to National/International Office (if applicable)</p> <p>Required to provide a report detailing how the organization will educate the entire organization as well as new members about hazing</p> <p>Restriction of social and university activities for one academic year</p> <p>Restitution (if applicable)</p> <p>A detailed review of the new member program with a member of the SILD</p>	<p>Loss of Recognized Student Organization Status for five (5) years</p> <p>\$500 fine to be given to Student Involvement & Leadership Development for Hazing Prevention Education</p> <p>Mandatory attendance by all members at an education program created by the organization (to be determined in the sanction letter)</p> <p>Notification of incident made to National/International Office if applicable</p> <p>Required to provide a report detailing how the organization will educate the new members about hazing and the organization as a whole</p> <p>A detailed review of the new member program with a member of the SILD and CSSC staff, prior to any recognition</p> <p>No current member may rejoin</p>	

	<p>staff, prior to conducting any membership process</p> <p>Monthly meetings with a member of the SILD staff to provide an update on progress</p>	organization at recognition	
ON-CAMPUS SOCIAL POLICY	<p>University Disciplinary Probation for one (1) year</p> <p>12 hours of community service per member</p> <p>Deferred Loss of Recognized Student Organization Status</p> <p>Loss of ability to hold events on or off campus for one (1) semester</p> <p>Notification of incident is made to National/International Office (if applicable)</p>	<p>University Disciplinary Probation for one (1) year upon reinstatement as organization</p> <p>Loss of Recognized Student Organization Status for one (1) semester</p> <p>Loss of ability to hold events with alcohol for one (1) year</p> <p>Notification of incident is made to National/International Office (if applicable)</p>	<p>Loss of Recognized Student Organization Status for five (5) years</p> <p>Notification of incident is made to National/International Office (if applicable)</p>
Weapons found at an organization facility or meeting space	Loss of Recognized Student Organization Status for one (1) year		

OFF CAMPUS SOCIAL POLICY VIOLATION CHART

Violation	First Time Offense (Level I Violation)	Second Time Offense (Level I Violation)	Third Time Offense (Level I Violation)
Off Campus Social Policy Violation	<ol style="list-style-type: none"> 1. Loss of ability to hold social events for two (2) academic weeks 2. Executive Board must meet with SILD staff to review Off Campus Social Events Policy 	<ol style="list-style-type: none"> 1. Loss of ability to hold off-campus social events for four (4) academic weeks 2. Educational Sanction 3. Notification made to National/International office 	<ol style="list-style-type: none"> 1. Loss of ability to hold off-campus social events for sixteen (16) academic weeks 2. Educational Sanction 3. Notification made to National/International office

Violation	First Time Offense (Level II Violation)	Second Time Offense (Level II Violation)	Third Time Offense (Level II Violation)
Off Campus Social Policy Violation	<ol style="list-style-type: none"> 1. Loss of ability to hold off-campus social events for four (4) academic weeks 2. Executive Board must meet with SILD staff to review Off Campus Social Events Policy 3. Provide a program on “Safe Partying” for the NIU campus community 4. Notification made to National/International office 	<ol style="list-style-type: none"> 1. Loss of ability to hold off-campus social events for eight (8) academic weeks 2. Educational Sanction 3. Notification made to National/International office 4. Deferred Loss of Recognized Student Organization Status 5. Organizational Disciplinary Probation for one (1) calendar year 	<ol style="list-style-type: none"> 1. Loss of Recognized Student Organization status for one (1) semester 2. Notification made to National/International office 3. Organizational Disciplinary Probation for one (1) calendar year upon reinstatement

Violation	First Time Offense (Level III Violation)	Second Time Offense (Level III Violation)	Third Time Offense (Level III Violation)
Off Campus Social Policy Violation	<ol style="list-style-type: none"> 1. Loss of ability to hold social events for sixteen (16) weeks 2. Executive Board must meet with SILD to review Off Campus Social Policy 3. Loss of ability to co-host social events for eight (8) weeks 4. Notification made to National/International Office 5. Mandatory attendance by 90% of the chapter at a Bystander Intervention training 6. Develop and implement a marketing campaign about “Safe Partying” for the NIU campus community 	<ol style="list-style-type: none"> 1. Notification made to National/International Office 2. Organizational Disciplinary Probation for one (1) calendar year upon reinstatement 3. Loss of Recognized Student Organization Status for one (1) semester 	<ol style="list-style-type: none"> 1. Loss of Recognized Student Organization Status for one (1) calendar year 2. Notification made to National/International Office 3. Organizational Disciplinary Probation for one (1) calendar year upon reinstatement

OFF CAMPUS SOCIAL POLICY VIOLATION LEVEL

Level I

- Unregistered alcohol-free social event
- Failure to clean up exterior of house by 8:00 a.m. the following morning
- Guest list does not meet policy requirements
- Sound from event can be heard from curb (after 10:00 p.m. on Thursdays, after 12:00 a.m. on Fridays and Saturdays)
- Organization does not maintain the guest list for one (1) year following an event
- Failure to hang appropriate signage at event

Level II

- Event with alcohol does not end on time or exceeds four (4) hours
- Failure to submit a guest list to SILD or guest list submitted is different from the list used at the door
- Glass containers at the event
- Failure to have an executive board member as a sober monitor on duty at the event
- Event exceeds the maximum number of guests allowed
- Failure to provide adequate food or non-alcoholic drinks
- Members/Guests enter the event with more than six (6) drinks
- Failure to close off living quarters from the party area or failure to contain the party to a common area

Level III

- Hard alcohol present at the event
- Common source alcohol present at the event
- Unregistered social event with alcohol
- Purchasing alcohol using chapter funds or chapter members pooling money to purchase and/or provide alcohol
- Alcohol at a recruitment or new member event/activity
- Event location is not in compliance with Fire Code
- Open Party or Guest list not used
- Not using wristband or other system of indicating age of attendees
- System for limiting attendee to six (6) drinks not present
- Required number of sober monitors not present
- Having a sober monitor visibly under the influence of alcohol or a controlled substance at an event
- Attendee present who is not on the guest list
- Not utilizing security when required
- No fence marking off the designated party area for an outdoor event
- More than one (1) entrance to the party area
- Underage students or students without a State issued ID (containing a birth date) consuming alcohol
- Drinking games occurring
- Failure to allow compliance check to be conducted

* In determining organizational sanctions, the Student Conduct Administrator shall only consider offenses in which the Recognized Student Organization has been found responsible, no more than four (4) years from the calendar date of the current Preliminary Conference.

E. Non Compliance with Sanctions

Sanctions imposed against students and recognized student organizations are to be completed by the assigned deadline. The following chart outlines the penalty for non-completion of sanctions imposed under this code. In addition to these penalties, the Director of Student Conduct or designee reserves the right to initiate additional student conduct action against a student or recognized student organization who does not comply with sanctions imposed under this code. Such additional sanctions may include a hold on registration preventing registration for classes.

Sanction	Penalty for Non-completion
Abusive Partner Intervention Program	Hold placed on registration
BASICS	\$125 fine
Community Service	\$50 fine or Hold placed on registration
Counseling	Hold placed on registration
Discretionary Sanction	\$50 fine
Educational Sanction	\$50 fine
Restitution	Hold placed on registration
Organizations who do not complete sanctions	Hold placed on registration of new events
Substance Use Assessment	\$125 fine

F. 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;
 - d. Interim measure as provided for under the NIU Title IX/Sexual Misconduct Policy
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. 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 meeting shall be scheduled within five (5) business days of the temporary sanction being issued for the student. The preliminary conference may be continued by the Student Conduct Administrator, if necessary to gather more information, or to follow up on information presented by the Accused Student.
4. Students or recognized student organizations receiving 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 Notice of Alleged Violation, notice of any incident report(s), and notice of any other pertinent case information.
5. Students or recognized student organizations receiving 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) business days of receipt of the Temporary Sanction, in writing.

- 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 five (5) business days of completion of the administrative review. The decision will be to sustain, lessen, 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 Conduct file). There is no appeal of this decision. This time frame may be reasonably extended by the Vice President for Student Affairs & Enrollment Management or designee when appropriate.
- 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 and/or NIU Title IX/Sexual Misconduct process .
- e. Once issued, temporary sanctions issued by Student Conduct may only be modified or removed by the Vice President for Student Affairs & Enrollment Management or designee.
- f. Student Conduct has the authority to remove any 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 Student Conduct or designee shall have the authority, for reasonable cause, to extend the deadline for submission of an incident report.

2. Notice of Alleged Violation

A Notice of Alleged Violation 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 three (3) nor more than ten (10) business days after the accused student has been notified. Maximum time limits for the scheduling of a preliminary conference may be extended, for cause, at the discretion of the Student Conduct Administrator. For cause includes, but is not limited to gathering further information and/or following up on information provided by the Accused Student. Electronic notification for delivery of the Notice of Alleged Violation 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. The student conduct process will proceed with or without participation from any or all parties involved.

3. Meeting with Victim/Survivor

The victim/survivor will be provided with an opportunity to meet with the student conduct administrator in order to share his or her information about the incident, and for the student conduct administrator to provide information and resources to the victim/survivor. Contact between the parties will be limited to necessity.

4. 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 narrative section of the incident report, redacted when required).

- 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. Upon completion of a preliminary conference, the Student Conduct Administration shall 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 third option, if applicable):

- 1) Option I: I ACCEPT responsibility for violating the *Student Code of Conduct* and ACCEPT the recommended sanction(s);
- 2) Option II: I request a hearing before either a Student Conduct Board or Administrative Hearing Officer;
- 3) Option III: 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 III 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 on the Case Resolution Form, the student conduct administrator shall notify the student before which entity (Hearing Board or Administrative Hearing Officer) the hearing will occur.

g. Signing the Case Resolution Form

1) When 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 student conduct board hearing or an administrative hearing officer hearing.

i. An accused student will have up to five (5) business days to change the resolution initially agreed to on the Case Resolution Form. After five (5) business days from the dated signature on the Case Resolution Form, the decision is final and no change may be made.

ii. Accused students who fail to sign case resolution forms after being notified of the violation and preliminary conference will have their case heard before a Conduct Board or Administrative Hearing Officer.

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

If an accused student does not attend a preliminary conference after being notified of such and makes no documented effort to contact the student conduct administrator, requesting a rescheduling of the preliminary conference, the student conduct administrator shall complete a Case Resolution Form and enter a choice of Option II (Request for a hearing) on behalf of the accused student. The incident will then be scheduled for a hearing and notify all applicable parties. The preliminary conference may be rescheduled at the discretion of the Student Conduct Administrator.

6. Northern Illinois University reserves the right to initiate additional student conduct action if new information is presented to the university.

B. Student Conduct Board Hearings

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

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, are accepted for service, and are in good standing with the institution;

c. Faculty as appointed by the process outlined by the NIU University Council or as appointed by the Vice President for Student Affairs & Enrollment Management;

d. Staff members appointed by the Vice President for Student Affairs & Enrollment Management or designee.

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

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

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

- a. The Quorum at all Student Conduct Board Hearings shall be at least four (4) members;
- b. 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, victim/survivor, and witness(es) shall be given notice in writing and/or electronic form not less than three (3) business 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 Hearing 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 student conduct board 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 student 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.

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 may permit a joint student conduct board hearing.

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 need 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 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. Student Conduct will try to arrange the attendance of possible witnesses who are members of the university community. Witnesses shall provide information about the incident 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 members 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, accused student, complainant, victim/survivor, or student conduct board members should be relevant to the incident. The student conduct board facilitator will determine if the question is relevant and should be answered.

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, and in the case of sexual misconduct or violence, the victim/survivor, of the decision of the student conduct board, in writing, within two (2) business 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) business days after the deliberation, simultaneously. 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. The decision shall include the rationale for the finding(s) and the sanction(s). Any deviation from the minimum sanctioning grid shall include an appropriate justification for such deviation. Any sanction that does not meet the standards provided in the minimum sanction grid must be approved by the Director of Student Conduct or designee, prior to being issued. If the deviation from the sanctions is not approved, the Student Conduct Board must impose the minimum sanctions.

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 Student Conduct. Only the 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

Student Conduct shall train, and maintain a pool of Administrative Hearing Officers. Administrative Hearing Officers shall function as a one-person Student Conduct Board or Residential Student Conduct Board.

2. Notice of Hearings

An accused student, complainant, and witness(es) shall be given notice in writing and/or electronic form not less than three (3) business 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), observers (if any), 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 may permit a joint administrative hearing.

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 need 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 Student Conduct. An advisor will only be allowed to confer with his/her advisee (accused student, complainant, victim/survivor), but will not be allowed to interrupt the hearing. 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 victim/survivor may arrange for witnesses to present pertinent information to the administrative hearing officer. Student Conduct will try to arrange the attendance of possible witnesses who are members of the university community. Witnesses shall provide information about the incident 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, and in the case of sexual misconduct or violence, the victim/survivor, of the decision of the administrative hearing officer, in writing, within two (2) business 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) business days after the deliberation, simultaneously. 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. The decision shall include the rationale for the finding(s) and the sanction(s). Any deviation from the minimum sanctioning grid shall include an appropriate justification for such deviation. Any deviation from the minimum sanctioning grid shall include an appropriate justification for such deviation. The Director of Student Conduct or designee must approve any sanction that does not meet the standards provided in the minimum sanction grid, prior to being issued. If the deviation from the sanction is not approved, the minimum sanction(s) must be imposed by the Administrative Hearing Officer.

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 Student Conduct. Only 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) residential 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 student 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 be given notice in writing and/or electronic form not less than three (3) business 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 accused student, complainant, and victim/survivor. Electronic notification for delivery of the Notice of Hearing 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 advisor. 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 may permit a joint residence hall conduct board hearing.

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 need 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 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. Housing & Residential Services 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 advisor 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 residence hall conduct board advisor shall notify the accused student of the decision of the residence hall conduct hearing, in writing, within two (2) business 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 residence hall conduct board advisor, in writing, within two (2) business days after the deliberation, simultaneously. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the residence hall conduct board advisor shall notify the victim's next of kin, upon written request by the next of kin. The decision shall include the rationale for the finding(s) and the sanction(s). Any deviation from the minimum sanctioning grid shall include an appropriate justification for such deviation. Any sanction that does not meet the standards provided in the minimum sanction grid must be approved by the Director of Student Conduct or designee, prior to being issued. If the deviation from the sanction is not approved, the minimum sanction(s) must be imposed by the Residence Hall Conduct Board.

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 Student Conduct. Only Housing & Residential Services 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 Catalogs*. Nothing in the *Student Code of Conduct* shall supersede information in either the *Undergraduate or Graduate Catalogs*.

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 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 preferably 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 Student Conduct and the accused student.

5. **Referral of Academic Misconduct Incident(s) to 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 Student Conduct, making use of the Academic Misconduct Incident Report.

When the academic incident is referred to 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.

- a. Student Conduct may institute new charges if additional information is brought forward after the resolution of the academic misconduct preliminary conference.
- b. Student Conduct may institute a charge of academic misconduct against any student who receives or agrees to a finding of "Responsible" in more than one academic misconduct matter, regardless of student-faculty resolution.

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 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 receive notice in writing and/or electronic form not less than three (3) business 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 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 the 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.

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 may permit a joint student conduct board hearing.

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 need 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 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. Student Conduct will try to arrange the attendance of possible witnesses who are members of the university community. Witnesses shall provide information about the incident 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 members 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) business days after the deliberation. This notification shall be sent in a way to certify receipt of the notification. The decision of a student conduct board hearing shall be binding. The student conduct board has no authority to modify or recommend a grade, and may only impose sanctions outlined in the *Student Code of Conduct*. The decision shall include the rationale for the finding(s) and the sanction(s).

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 Student Conduct. Only 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(es) 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 in the Academic Policy and Procedure Manual.

F. Appeals Hearings

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

- a. A decision reached by an administrative hearing officer (for an incident adjudicated through Student Conduct) or student conduct board may be appealed by the accused student/appellant within five (5) business 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 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.
- b. A decision reached by the residence hall conduct board or an administrative hearing officer (for an incident adjudicated through Housing & Residential Services) may be appealed by the accused student/appellant to an administrative review within five (5) business 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 Director of Housing & Residential Services 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. **Grounds for Appeal**

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?
- e. No sanction may be appealed solely on the basis that minimum sanctions imposed were not appropriate.

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

Once Student Conduct receives a written appeal request, the following process occurs:

The Director of Student Conduct or designee will consider all information related to the appeal request and make a determination about whether or not the appeal request contains sufficient merit for an appeal hearing. Merit is determined by examining if the appeal request raises an appealable issue and if the information provided by the accused student demonstrates clear error in the decision or a compelling justification to alter the finding or sanction(s). If the Director or designee does not find sufficient merit to grant the appeal, the Director or designee shall notify all parties of that decision.

If the Director or designee determines the appeal request has sufficient merit, the Director or designee shall forward the appeal request to an appropriate appeal agent for determination of the appeal. The appeal agent shall have the authority to order the case be reheard, the finding be reversed, and/or the sanction(s) be modified.

For a sanction of University Suspension, University Expulsion, or Loss of Recognized Student Organization Status, where merit for appeal is found/granted, the appeal agent will be the Vice President for Student Affairs & Enrollment Management or designee. In all other instances, the appeal agent will be the Director of Student Conduct or designee.

For appeal requests submitted to the Executive Director of Housing & Residential Services or designee, the Senior Director or designee will decide whether the request has sufficient merit.

G. Incidents Falling Under Title IX of the Higher Education Amendments of 1972 (Title IX/Sexual Misconduct Policy)

1. General Information

- a. Investigation and Adjudication of incidents covered under Title IX of the Higher Education Amendments of 1972: Incidents covered under Title IX of the Higher Education Amendments of 1972 will be investigated and adjudicated according to the Northern Illinois University Title IX /Sexual Misconduct Policy.
- b. All Administrative Hearing Officers who conduct Administrative Hearing Officer hearings for incidents falling under Title IX of the Higher Education Amendments of 1972 will receive 8 to ten hours of annual training on issues related to the Violence against Women Act offenses.
- c. Student Conduct will attempt to resolve incidents covered under Title IX of the Higher Education Amendments of 1972 first via “Sanction by Agreement.” If this resolution type is unsuccessful, an Administrative Hearing Officer hearing shall be scheduled within 15 calendar days.

2. Resolution Procedures:

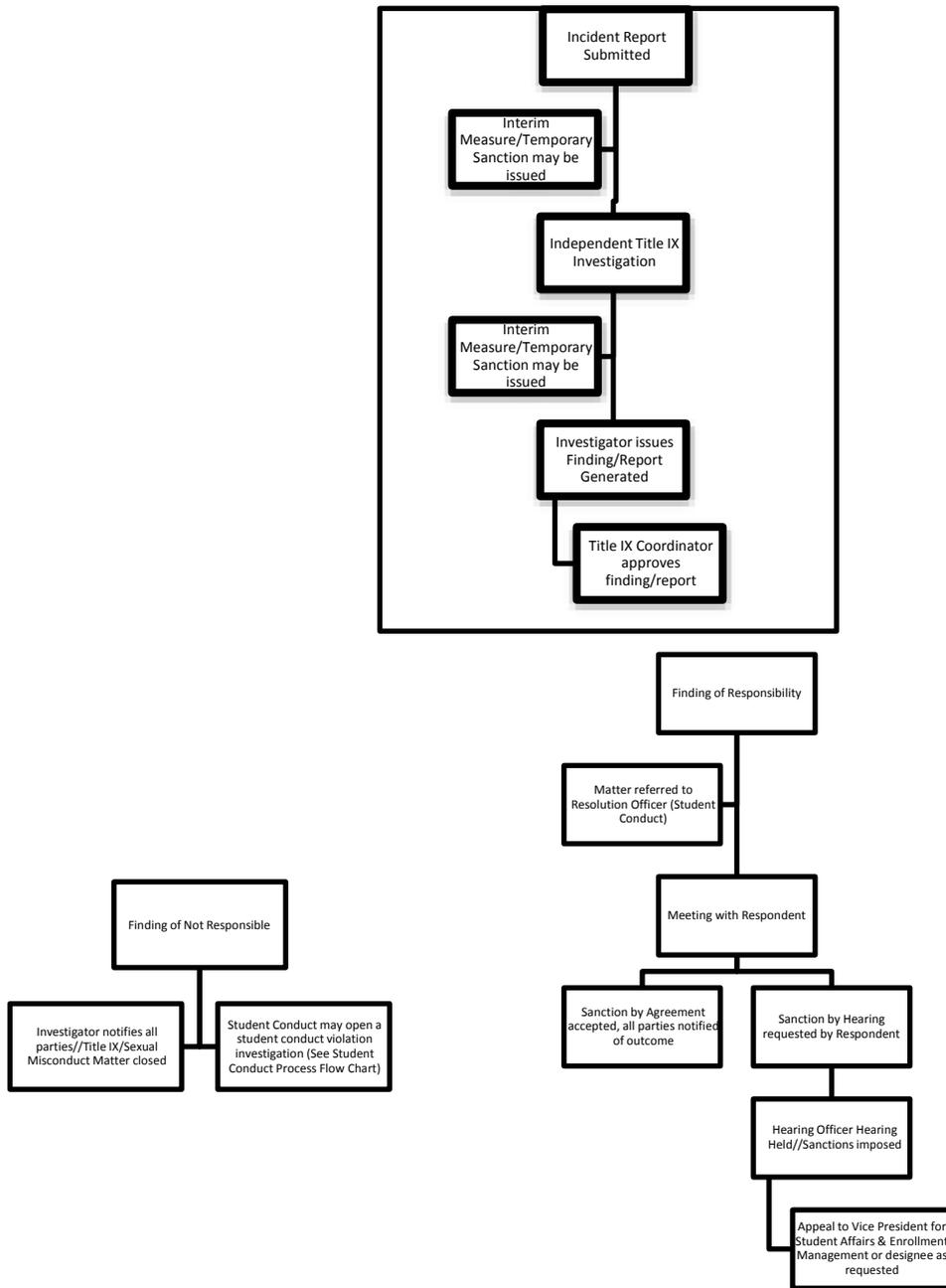
- a. The following outlines the resolution procedures from the Northern Illinois University Title IX Policy and Procedures regarding resolution of incidents covered Under Title IX of the Higher Education Amendments of 1972 for student respondents.
- b. Upon completion of the investigation and if there is a finding of sexual misconduct, in cases involving student **Respondents**, a Final Report of Findings will be forwarded to the Director of Student Conduct (Director) or designee to determine the appropriate sanction(s). Both the **Claimant** and **Respondent** will receive a Final Report of Findings simultaneously. Witness(es) will receive a Final Closure Memorandum.

3. Sanction by Agreement (students): The Director of Student Conduct, or designee will consult with the participating **Claimant, Respondent, Title IX Coordinator** (or designee), and other affected parties, as appropriate, to gather input on potential sanctions. Depending on the circumstances, the Director or designee may ask to meet with each party separately or invite them to submit statements for consideration. If a **Claimant** or a **Respondent** meets with the Director or designee they may be accompanied by a support person.

- a. The Director or designee will then prepare a proposed resolution agreement between the University and the **Respondent**, informed by input from the **Respondent**, the **Claimant** (if participating), and the University. The proposed agreement will be shared with the **Respondent** and the participating **Claimant** in a manner that honors due process and privacy considerations.
 - b. If the Respondent accepts the proposed agreement and the Claimant does not object to it, the agreement will become binding, the Respondent will be required to fulfill the sanctions included therein, and neither the Claimant nor the Respondent will be permitted to appeal the sanction.
4. Sanction by Hearing (for student Respondents only): If the **Respondent** is a student and unwilling to enter into an agreement and/or fails to appear for the preliminary conference required by the Sanction by Agreement process, or if the Claimant objects to the proposed agreement, the sanctions will be decided by a Student Conduct hearing before a Hearing Officer in accordance with the hearing procedures of Student Conduct. The hearing officer will determine appropriate sanctions after a hearing. The hearing officer will not modify the findings of the investigative report and will address only what sanctions are appropriate at the hearing. The hearing officer's review will consist solely of (1) reviewing the investigative report, the proposed resolution agreement, and any written or verbal objections to the proposed resolution agreement submitted by the Claimant or Respondent; (2) consulting with appropriate University officials, including the Title IX Coordinator or designee; and (3) any witnesses or documents presented by Respondent or a participating Claimant. Witnesses & documents may be presented to the hearing officer as it relates to sanctions *only*.
5. The following rules will be followed during any hearing
- Respondent and a participating Claimant shall receive notice of the identity of the hearing officer, and shall have the opportunity to challenge for cause if such challenge is delivered within two (2) academic days of such notice
 - Respondent and a participating Claimant may each have another person present at any hearing to provide support. Support persons may act in an advisory capacity only and may not speak on behalf of the party during the hearing.
 - A hearing may be held regardless of whether Respondent or Claimant has withdrawn from the University;
 - Claimant is not required to attend any hearing;
 - Respondent and Claimant will each receive three (3) academic days' notice prior to the hearing of the other's evidence, including witnesses and documents, to be used at said hearing. Failure to provide a witness list and copies of documentary evidence three (3) academic days prior to the hearing may result in the inability to present said witness or evidence;

- All questions directed to the Claimant or Respondent will only be asked by the hearing officer;
- Claimant and Respondent may be allowed to testify or answer questions outside the direct physical presence of the other (e.g. via telephone or behind a screen, etc.); and
- All hearings conducted under this Policy shall be closed to the public

Title IX/Sexual Misconduct Procedure



H. Amnesty: Northern Illinois University maintains a policy of amnesty for students who attempt to seek help for themselves and/or other students or non-students in need of medical attention due to alcohol or drug use. The Director of Student Conduct or designee shall determine if a student or Recognized Student Organization is eligible for amnesty under this provision. A student or the President or designee, from a recognized student organization must attend the preliminary conference in order to request amnesty. If a

student's or recognized student organization's actions furthered or facilitated the situation, no amnesty will be granted.

Amnesty aims to remove the barriers that may prevent an individual from reporting an incident of sexual misconduct. If an individual reports an incident of sexual misconduct, in good faith, the reporting party will not receive disciplinary action for a separate University policy violation, such as underage drinking, that is revealed in the course of the report. However, if the separate violation was egregious, including, but not limited to an action that places the health or safety of any other person at risk, amnesty may be not afforded.

ARTICLE V: RECORDS MANAGEMENT

- A.** All official records of academic and non-academic student conduct shall be maintained in 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 Student Conduct.
- B.** All units, departments, and entities of Northern Illinois University that conduct student conduct matters, with the exception of grade appeals shall forward all official documents, forms, other evidence, records, and any other materials to Student Conduct upon final resolution of a case.
- C.** 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.
- D.** Records shall be considered confidential to the extent permitted by law.
- E.** All student conduct case related records will be retained indefinitely.

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

A. Establishment of the Student Conduct Advisory Board

1. The Student Conduct Advisory Board shall be established to advise Student Conduct.
2. The membership of the Student Conduct Advisory Board shall include the following:
 - a. The Director and Associate Director of Student Conduct;
 - b. Two 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. One representative from Housing & Residential Services;
 - k. One representative from the Division of University Legal Services;
 - l. One representative from Intercollegiate Athletics;
 - m. One representative from the Office of the Ombudsperson.

B. Term of Appointment to Student Conduct Advisory Board and Voting Privileges

1. The term of appointment for the Director and Associate Director of 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 & Residential Services, University Legal Services, Educational Services and Programs, Intercollegiate Athletics, and the Office of the Ombudsperson shall be at the discretion of administrators of those respective areas.
5. All members of Student Conduct may participate and vote in the Advisory Board meeting.
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 Student Conduct Advisory Board are expected to attend all scheduled meetings.

D. Chair of the Student Conduct Advisory Board

The Director of Student Conduct shall chair the Student Conduct Advisory Board.

E. Role of the Student Conduct Advisory Board

The role of the 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 annually under the direction of the 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 need 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 Student Conduct. An advisor will only be allowed to confer with his/her advisee. The advisor will not be allowed to participate in the Student Conduct Process on behalf of his/her advisee.

Business Day: Any day the university is in operation. This is not intended to cover Saturday, Sunday, university observed holidays and administrative closures.

Claimant: The student, employee, or third party who suffers sex-based misconduct by the conduct of another.

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 Recognized Student Organization violated Northern Illinois University policy.

Consent: A clear, unambiguous, informed and voluntary agreement between all participants to knowingly engage in sexual activity. Consent must be mutually understandable by words or actions (i.e. a reasonable person would consider the words or actions to indicate mutual agreement to engage in the sexual activity). Consent is active, and cannot be based on the absence of an affirmative statement or act of denial. Silence or lack of resistance does not constitute consent.

Seeking and receiving consent is the responsibility of the person(s) initiating the sexual act or acts regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent to any sexual act or prior consensual sexual activity between or with any party does not in and of itself constitute consent to any other sexual act.

Consent may be initially given, but withdrawn at any time. Consent cannot be given when a person is incapacitated (including, but not limited to, a person or someone with a physical or mental disability that causes impairment resulting in incapacitation) or a person who is intoxicated. Consent cannot be given when it is the result of coercion, intimidation, force or threat of harm. The University prohibits any sexual activity that does not involve the consent of each individual.

Consent must be given to engage in the act of sexual activity, and consent should also be given to any person who records or photographs any aspect of the sexual encounter as well as third parties who wish to view the sexual activity either in person or via any electronic equipment, methods or devices. Any of these acts will be deemed to be sexual exploitation. Sexual exploitation includes, but is not limited to, the following acts:

- Sexual voyeurism or allowing others to witness or observe the sexual or intimate activity of another person without that person's full knowledge and consent;
- Indecent or lewd exposure or inducing another person to expose themselves when consent is not present;
- Recording any person engaged in sexual or intimate activity in a private space without that person's full knowledge and consent, even if the person recording the sexual or intimate activity is also engaged in the consented to sexual activity;
- Distributing sexual or intimate information, images or recordings about another person without that person's full knowledge and consent;
- Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Constructive Possession: Constructive possession of an illicit item may occur in any location. A person is in constructive possession of contraband when such is in a place under his immediate and exclusive control. Knowledge is also a necessary condition of constructive possession. The university must establish sufficient elements beyond an accused student's mere status as a passenger to support a finding of responsibility. For instance, a person who is a passenger in a vehicle who is observed making a twisting motion towards the location of contraband may be found responsible for constructive possession. (*People v. O'Neal* (35 Ill. App. 3d 89; 341 N.E.2d 36; 1975 Ill. App. LEXIS 3464))

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 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 who are facing concurrent criminal charge(s) at the time of their preliminary conference.

Observer: A person who attends a Student 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.

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.

Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

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 & Residential Services.

Residence Hall Conduct Board Advisor: A Housing & Residential Services 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.

Respondent: The alleged offender/accused; a person alleged to have engaged in any of the conduct prohibited by the Title IX Policy and Procedures

Self Defense: A person uses only sufficient force to repel or stop an attack by another person. When presented with an opportunity to remove oneself from the situation, the person engaging in self defense shall take advantage of said opportunity. Engaging in further physical contact with a person after an opportunity to remove oneself from the physical altercation shall invalidate a claim of self defense.

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

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 who 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 who may impose 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 Student Conduct staff member who will be at all Student Conduct Board hearings and at all Administrative hearings held in the 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 person who is allegedly harmed by a *Student Code of Conduct* violation.

Violation of the Student Code of Conduct: A student who is found responsible for not being in compliance with a provision outlined in Article III of the NIU *Student Code of Conduct*.

Violence: Cases involving violence shall include, but are not limited to: Physical Abuse, Sexual Misconduct, Stalking, and Weapons (used in a threatening manner)