

# Northern Illinois University

## Student Code of Conduct

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# Introduction

The **mission** of Northern Illinois University (NIU) is to empower students through educational excellence and experiential learning. NIU is committed to fostering a campus environment that is conducive to academic success, a productive and enjoyable campus life, and thoughtful study and discourse. The **Student Code of Conduct** is intended to explain the behavioral expectations for students and to create a fair and equitable process that holds students accountable through educational interventions and restorative practices.

The Northern Pact outlines the values of the NIU community and describes how you can help support them. We expect each member of the university community to follow the pact. By doing so, you can help us create a more caring, connected campus.

## Curiosity and Creativity

- I am actively involved in the learning experience.
- I am open to new ideas and creative problem-solving.
- I am interested in innovative research, artistry and scholarship.

## Equity and Inclusion

- I seek and appreciate the diverse perspectives of the NIU community.
- I consider how my actions and words affect other people.
- I respect all members of the university community.

## Ethics and Integrity

- I value global perspectives and the work of building a better society.
- I behave ethically in and out of the classroom.
- I am accountable to myself and my community.

## Service and Responsibility

- I work to learn about and address local, national, and global challenges and take responsibility for creating change.
- I share the knowledge I gain and use it to support my community.
- I explore opportunities to achieve my academic, personal, and professional goals.

## Pride in My Pack

I am a Huskie and I take pride in my pack. I support the values of the NIU community with my words and actions. By taking care of myself and others, I support the health and well-being of the entire university community.

Students are expected to adhere to the community standards of the Student Code of Conduct. All members of the NIU community, student or otherwise, bear responsibility for their own behavior.

## Overview

The student conduct process is intended to hold students accountable through educational interventions and restorative practices. All members of our diverse student community are expected to comply with the Student Code of Conduct, which promotes equity and respect for all individuals. The university provides resources to help students understand and comply with these expectations.

Students should be advised that the student conduct process is separate from criminal and civil court processes. While a student may have a criminal or civil matter that is concurrent with a relevant student conduct matter, the conduct and a court process are independent. Procedures and rights in the student conduct process do not include the same standard of proof or due process. Students are entitled to a fair process, including the right to be informed of charges, the right to be heard, and the right to appeal decisions.

Any student who is subjected to the student conduct process has the following rights of due process:

- Written notice of the charges and allegations
- A fair and impartial hearing.
- To be accompanied by an advisor and or observer of their choice
- The opportunity to review all non-FERPA protected information supporting the charges of violations of the Code prior to a resolution.
- The opportunity to present relevant information and witnesses at the preliminary review meeting and/or hearing.
- The opportunity to question and challenge information presented, witnesses and in specific cases, complainants.
- To receive written notice of the outcome of the preliminary review or hearing decision.
- To submit a written appeal of the hearing outcome within the designated timeframe (See page 29 for Appeal Review Procedures)

## Authority and Oversight

The President and the Board of Trustees have delegated authority to the Vice President for Student Affairs for primary oversight and review of all student conduct matters. The Vice President for Student Affairs has designated the Office of Student Conduct and Housing and Residential Services to adjudicate student conduct incidents.

The Director of Student Conduct is the University Official with primary responsibility for oversight of the administration and investigation of all student conduct processes and incident adjudication. The Director of Student Conduct may delegate all or part of this responsibility to other individuals as

appropriate and may take action to ensure fairness as necessary. The Director of Student Conduct will also assume responsibility for the investigation of allegations to determine if the complaint has just cause.

Student Conduct that occurs in the university owned residence halls or apartment complexes typically will be addressed by Housing officials who also function as conduct administrators in their role unless the nature of the alleged violation or the cumulative conduct record of the respondent will result in review for suspension, dismissal or expulsion from the university. In suspension and expulsion level cases, the Director of Student Conduct or a designee will oversee the conduct process and adjudication of that case.

Faculty are responsible for managing the classroom environment but are encouraged to report allegations of disruptive behavior and academic misconduct to the Office of Student Conduct. Faculty who encounter continuous disruptive classroom behavior are also encouraged to follow the [academic regulations procedures](#) outlined in the NIU Undergraduate and Graduate catalog if necessary.

The Office of Student Conduct has no jurisdiction over decisions made by an instructor or faculty in academic programs or departments concerning but not limited to a student's grades or status in an educational program.

NIU Students are provided a link to the NIU [Student Code of Conduct](#) on the NIU website annually. Hard copies are available upon request from the Office of Student Conduct. **All students** are responsible for abiding by the provisions of the **Student Code of Conduct**.

## Jurisdiction

The **Student Code of Conduct** and the student conduct process applies to the behavior of all students, including those enrolled as incoming students, undergraduate, graduate, professional law students, or students at large. All students, including non-traditional and part-time students, are expected to adhere to these guidelines. The **Student Code of Conduct** also applies to student groups including recognized or unrecognized student organizations.

NIU retains jurisdiction under the **Student Code of Conduct** over enrolled incoming students and students who choose to discontinue classes, take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If found responsible, a hold may be placed on the student's ability to reenroll, obtain official transcripts and/or graduate. In general, all sanctions must be satisfied prior to reenrollment eligibility or reinstatement of the degree. This decision is at the discretion of the Vice President for Student Affairs or designee.

In the event of a charge of serious misconduct allegedly committed while still enrolled but reported after the respondent has discontinued classes at the University and or graduated, NIU **may invoke** these procedures and, should the former student be found responsible, the Vice President may revoke that student's degree and block the release of transcripts.

The **Student Code of Conduct** applies to behaviors that take place on the campus, and/or at university sponsored events or programs. The Student Code of Conduct also applies off- campus

when the Director of Student Conduct or designee determines that the off-campus conduct impacts and or substantially affects the interest of NIU as a University. A substantial NIU interest is defined to include but is not limited to:

- Any situation where a student's behavior or actions present a danger or threat to the physical or emotional health and or safety of themselves, students, faculty, staff and/ or other individuals related to the university community; and/or
- Any situation that significantly impacts the rights, property, or educational processes of the university community or causes significant disruption to any university activities, includes but not limited to events, campus community spaces, or classroom activities and professional partnerships associated with the university; and/or
- Any situation that is detrimental to the educational mission and/or interest of the university.

Students may be charged under this Student Code of Conduct for engaging in behavior that violates federal, state, local laws, or ordinances whether such behavior takes place on or off campus and or whether civil or criminal penalties may also be imposed for such conduct. A violation of this policy is not based upon a final determination by a court of law. Therefore, it is not necessary for a student to have been found to have violated a federal, state, or local law by a court of law to be held accountable under the Student Code of Conduct.

Students are required to abide by all campus policies that address specific behavior expectations including but not limited to the NIU Sexual Misconduct Policy, the Undergraduate and Graduate catalogs, and the Housing and Residential Life handbook. All allegations of sexual misconduct are adjudicated under the NIU Sexual Misconduct Policy. University policies in effect at the time of approval and thereafter when applicable are incorporated into the **Student Code of Conduct**.

NIU is committed to freedom of expression as outlined in the Freedom of Expression Policy. All members of the NIU community are encouraged to engage in debate and deliberation in an effective and responsible manner without fear of retribution.

A student retains the rights, protection, guarantees, and responsibilities which are held by all citizens. NIU's student conduct system does not interfere with, in intention or application, the constitutional rights and guarantees of students. Students are encouraged to not express themselves in a manner that may be deemed as harassment, retaliatory, abusive, bullying, cyberbullying, or in other ways that may violate the Student Code of Conduct or interfere with another's pursuit of their own rights and/or the normal operations of the university.

The **Student Code of Conduct** may be applied to conduct that occurs online, via email, or any other electronic medium. This applies to online postings such as blogs, web postings, chats, social networking sites. The university may take action if and when such information is brought to the attention of the university.

Guests of NIU students are expected to abide by the **Student Code of Conduct**. The NIU student hosting the guest may be held accountable for the actions of their guest if they violate the **Student Code of Conduct**. NIU Students and guests are expected to adhere to the guidelines provided, including those related to student safety.

There is no time limit on reporting violations of the **Student Code of Conduct**; however, the longer someone waits to report an offense, the more challenging it becomes for university officials to obtain information and witness statements to make determinations regarding alleged violations.

All communication related to the **Student Code of Conduct** will be done through the NIU student email account. Students are responsible for reading and responding to all communication. In addition, students are responsible for updating their contact information (address, phone number, and emergency contact) in [MyNIU](#).

The **Student Code of Conduct** does not normally apply to the following university relationships with students:

- **Employment Regulations:** Obligations regarding student employment are specified in the Student Employment Handbook. Disputes regarding employment are resolved through student employment grievance procedures.
- **Academic Regulations:** Student grievances over grades are resolved through the Grade Appeals Process. However, academic misconduct as a violation of the Student Code of Conduct may be adjudicated through Student Conduct.
- **Financial Regulations:** Disputes over alleged violation of university policies regarding the payment of bills and loans resolved through the Bursar's Office or Student Financial Aid.
- **Traffic Regulations:** The Department of Police and Public Safety handles violations of the university traffic policy, as outlined in the Illinois Rules of the Road.
- **Parking Regulations:** The Campus Parking Services handles violations of the university parking policy, outlined in the Parking Rules and Regulations policy.
- **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 and Residential Services, Student Financial Aid, etc.
- **Discrimination based incidents:** Incidents of discrimination based on gender, race, religion, sexual preference or physical ability are managed by the Incident Response Team through the Division of Academic Diversity, Equity and Inclusion by filing an [incident report](#).

The [Office of the Ombudsperson](#) serves as a neutral third-party resource that is available to help students navigate university systems, policies, and procedures.

## Student Accommodations

Any student with an accommodation through the [Disability Resource Center](#) (DRC) involved in the student conduct process has the right to **request a reasonable accommodation** to promote their full and equitable participation. Accommodations are inclusive and not limited to closed captioning for video conference meetings, bilingual and sign language interpretation. The Office of Student Conduct will coordinate appropriate services through the DRC. Accommodations are determined on an individual basis by DRC staff based upon appropriate documentation and consultation with the student. Student Conduct

NIU considers the conduct described in the following subsections as an infringement of the Student Code of Conduct and does not align with the core values set forth by the university. NIU encourages community members to report all incidents that involve the conduct described below:

### Alcohol

- **Alcohol misuse:**
  1. Use of alcohol which includes but is not limited to the providing of alcohol to any person under the age of 21; or
  2. The manufacture, possession, sale, or consumption of alcoholic beverages by any person who is less than 21 years of age.
- **Providing/Alcohol to a Minor:** Providing alcohol by any student of legal age to a person younger than 21 years of age including but not limited to residing in the same residence hall room.
- **Sharing, Furnishing, Making/Producing, Selling, and/or Distributing Alcohol:** Sharing, furnishing, making/producing, selling, and/or distributing alcohol by persons of any age to persons under the age of twenty-one, including, but not limited to: charging admission to or using organizational funds for a social event where alcohol is served, hosting or organizing a social gathering where persons under the age of 21 consume alcohol, and/or providing alcohol to persons under the age of 21. This would include collecting money from people before, during, or after an event which was used to fund or partially fund an event at which alcohol was served or available.

### Cannabis/Controlled Substances/Drugs

- **Paraphernalia:** The possession of any equipment, product, or material of any kind containing evidence of or primarily intended for use with any drug and/or controlled substance prohibited by federal or state laws.

- **Possession of Drugs and/or Controlled Substances:** The possession of any drug or controlled substance prohibited by federal or Illinois state law.
- **Cannabis:** Any use, consumption, possession, or distribution of cannabis, in any amount or in any form, is prohibited on NIU property for all students. Under federal law, [recreational and medical use or possession of cannabis is illegal on campus property](#). Off-campus (non-NIU property) use, possession, or distribution that is in accordance with IL State Law is not subject to this policy.
- **Use of Drugs and/or Controlled Substances:** The use or consumption of any drug or controlled substance on NIU property for all students. Such behavior is prohibited by federal or state law. [NIU Policy on Tobacco, Alcohol, Cannabis and other Drugs](#).
- **Sharing, and/or Distributing Drugs/Controlled Substances:** Manufacturing, producing, selling, exchanging, or otherwise distributing drugs or controlled substances prohibited by federal or state law.

## Harmful Conduct

- **Bullying:** Ongoing and deliberate patterns of negative behavior from an individual, group or student organization. Bullying is behavior that includes but is not limited to intimidating language, belittling gestures or demeaning communication. Behavior that is directed towards another student, group, student organization, faculty or staff member, or other campus partner that has or can be reasonably perceived to have the effect of one or more of the following:
  - Causing a substantially detrimental effect on the individuals physical or mental health, and/or
  - Substantially interfering with the individual's academic performance; and/or
  - Substantially interfering with the individual's ability to participate in or benefit from the services, activities, or privileges provided by or related to NIU.
- **Cyber-Bullying:** Cyber-bullying is defined as bullying made in writing, through the use of technology or any electronic communication, including but not limited to transfer of signs, text messages, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photo-optical system, including without limitation electronic mail, internet communications, instant messages, or continuous, perpetual communications to a person or individual. Cyber-bullying also includes but is not limited to the creation of a webpage or weblog in which the creator impersonates another person as the author of posted content or messages. Cyber-bullying may include behavior that is directed toward another student, group, student organization, faculty or staff member, or other campus partner that has or can be reasonably perceived to have the effect of one or more of the following:
  - Causing a substantially detrimental effect on the individuals physical or mental health, and/or

- Substantially interfering with the individual's academic performance; and/or
- Substantially interfering with the individual's ability to participate in or benefit from the services, activities, or privileges provided by or related to NIU.
- **Coercion:** Behavior that includes but is not limited to conduct, actions, implied or articulated threats that would compel unreasonable pressure to a reasonable person to engage in an unwanted activity or fear harm.
- **Disruptive Behavior:** Behavior that obstructs or interferes with a university activity or process, this includes but is not limited to the educational learning process in a classroom setting, the educational environment of housing, campus sponsored events, or the administrative functions of the university. This includes behavior that intentionally causes obstruction which unreasonably interferes with a university sponsored or authorized activity.

Determination of whether the conduct or action rises to the level of disruptive behavior will be evaluated and assessed on an individual case by case basis with the consideration of the relevant conduct history, facts, and circumstances of the incident by the Office of Student Conduct.

For allegations of disruptive behavior in the classroom, it is strongly encouraged that the behavior is first addressed in a meeting between the instructor, faculty member, or department chair. Expectations for the classroom and behavior should be addressed in writing in the class syllabus.

- **Dishonesty:** Knowingly providing false information to a university official(s) or representative.
- **Fire Safety:** Acts relating to fire safety endangerment including but not limited to the following:
  - Knowingly, recklessly or negligently setting a fire on university property.
  - Creating a fire hazard or endangering the safety of persons or property by the improper use or possession of hazardous substances.
  - Falsely reporting a fire.
  - Failing to report a fire.
  - Interfering with the response of university or city officials to emergency calls.
  - Misuse of or tampering with fire prevention and control equipment.
  - Use or possession of any unauthorized electrical appliance in university residence halls or other areas of the university.
  - Burning of any material such as candles, incense, etc, in the residence halls or university apartments is prohibited. (Note: For exceptions to this policy for religious and or spiritual ceremonies **must be authorized and obtained** by Housing and Residential Services).

- Engaging in pranks involving fire.
- Refusing to comply with fire alarm and fire drill procedures.
- **Fraud:** Willful, intentional deceptive and or fraudulent behavior including but not limited to forgery, alteration/falsification of information, documentation or data, or misuse of documents, records, and or identification (including but not limited to One-cards, credit cards, debit cards, pin numbers, and/or computer usernames/passwords).
- **Harassment:** Unwelcomed, unwanted verbal, written, visual, or physical conduct or behavior towards an individual(s), including via electronic means and the conduct is sufficiently severe, pervasive, and objectively offensive to:
  - Unreasonable interference with the individual's work or academic performance;
  - Limit or deny the individual's ability to participate in or benefit from a university program or activity; or
  - Create a hostile, intimidating, or offensive environment on or off campus.
- **Hazing:** Any act, whether occurring on or off campus, that violate the Student Code of Conduct policy and or Illinois State law, or that endangers, or creates a substantial risk to, the mental, emotional, and or physical health or safety of an individual for the purpose of initiation into, affiliation with, and or continued membership in any group, team, organization, or society, whether recognized by the institution or not. Any Hazing also includes but is not limited to:
  - Engaging in behavior that causes or threatens mental, emotional, or physical harm, including physical punishment, deprivation of sleep, food, or hygiene, or the use of physical force of any kind.
  - Coercing or encouraging individuals to perform actions that are degrading, humiliating, or morally compromising, including public stunts, theft or defacement of public or private property, forced consumption of substances, or wearing apparel that is conspicuous, inappropriate, or intended to embarrass.
  - Interfering with or undermining a person's academic responsibilities or performance for the purpose of group initiation or retention.
  - Organizing activities that promote or encourage the illegal or abusive use of alcohol, drugs or other controlled substances.
  - Failing to prevent, discourage, and or report hazing acts when one knows or reasonably should know such acts are occurring, particularly as a member of an organization participating in such activities.

The intent of the act, consent and or cooperation of the individual(s) experiencing such behavior does not justify this prohibited behavior. All students, faculty, and staff are expected to foster a culture of safety and mutual respect. **Anyone aware of alleged hazing should report the behavior immediately.**

- **Physical Harm:** The use of physical force which causes hurt, damage, inflicts harm and or causes injury towards an individual(s). Behavior that may include negligent use of force which causes bodily. This includes but is not limited to the use of any weapon or other means that might cause bodily harm, physical fighting, mob action, battery, restraint of an individual or individuals, or any action that threatens or endangers the physical safety of any person.
- **Retaliation:** To intimidate, threaten, or coerce, any individual that interferes with any right or privilege in response to that person's participation in or involvement with any university student conduct or investigative process.
- **Verbal Harm:** Persistent, severe, and/or pervasive verbal abuse, threats, intimidation, coercion, bullying and/or other conduct which threatens or endangers the emotional and or mental health or safety of any person or causes reasonable apprehension of such harm.

## Community Safety

- **Explosives or Hazardous Chemicals:** Possession and/or use of any explosive or hazardous chemicals is prohibited while on campus. This includes but is not limited to fireworks, smoke bombs, sparklers, any combustible explosive and or hazardous materials or chemicals.
- **General Safety:** Tampering with safety devices including, but not limited to alarm systems, fire extinguishers, exit signs, smoke/heat/particle detectors, fire hoses, sprinklers, or fire-fighting equipment. Failure to conform to safety regulations including, but not limited to, creating an unsafe environment, falsely reporting an incident, failure to evacuate facilities in a timely manner in emergency situations or in response to alarms, or inappropriate use of the fire alarm or emergency call device or system.
- **Guest Responsibility:** NIU Students, organizations and or groups assume responsibility for the behavior of their guest. Student guests are expected to abide by the standards and expectations of conduct applicable to university students. Student hosts, organizations and or groups are responsible for the behavior of their guests and must abide by the expectations of guest policies.
- **Weapons:** Possession and/or use of any device, whether loaded or unloaded, that shoots a bullet, and or any object which can be used to inflict a wound or cause injury or harm. It is a violation to possess any device that discharges a pellet, flare, or any other projectile. This includes but is not limited to, rifles, shotguns, any other firearm, airsoft guns, ammunition of any kind for any prohibited device, knives, switchblades, swords, nun chucks, stun-guns, BB guns, orbeez guns, and/or paintball guns. These items are prohibited while on NIU premises or while engaged in any university related activity on or off campus.

Note: **State of Illinois prohibits the carrying of firearms on college campuses, including NIU.** Concealed carry permit holders **are not allowed** to possess or carry a weapon or firearm while attending class, working, or residing on NIU's campuses in Dekalb, Naperville, and Rockford campus. Please see the [NIU Department of Public Safety](#) for more information about concealed carry and firearms.

## Property

- **Destruction/Damage:** Destruction and/or damage to university property or to the property of any individual, group, or entity. Vandalism, to private or public property. Knowingly taking action that creates a reasonable risk of destruction and/or damage to property.
- **Keys:** The unauthorized possession, duplication, or use of any keys, or identification that provides access to any university premises, or the unauthorized entry to or use of any NIU property.
- **Theft:** Theft or other unauthorized possession of university property or the property of any individual, group, or entity. Possession of property which can reasonably be determined to have been stolen from another person, organization, or the university.
- **Unauthorized Entry:** Attempted or completed entry into or use of university facilities, property, or the property of any individual, group, or entity without authorization.
- **Misuse of university resources:** Using university resources in a way that is inconsistent with university policies and intended purposes.

## Noncompliance

- **Aid to a Violation:** Active association with or active encouragement of another student(s) whose conduct is in violation of the Student Code of Conduct, and/or procedures, university policy, and/or applicable laws. A student who is accused of being complicit in such a violation shall be subject to these procedures as if that student had personally committed the violation.

Students who observe a violation of university policy are expected to remove themselves from participation and are encouraged to report such behavior. Condoning, supporting or otherwise encouraging any violation of the Student Code of Conduct is prohibited, this includes but is not limited to the making, attempting to make, sharing or distributing of any audio or visual recordings, photographs of such actions and when the actions cause or is likely to cause injury, distress, damage or harm.

- **Non-Compliance of Contractual Obligations:** Failure to abide by the behavioral expectations with the university including terms and conditions including but not limited to living in university housing.
- **Non-Compliance of a Student Conduct Sanction:** Failure to fulfill any sanction levied because of any student conduct proceeding, academic integrity, or student organization proceeding, appeal, or interim action, including but not limited to the [Sexual Misconduct Policy and Complaint Procedures](#) through the Civil Rights Office.
- **Non-Compliance of a University Official:** Failure to comply with a directive from or to meet with an authorized university official acting in the performance of their duties or with the direction from any person responsible for a facility or registered function including but not limited to providing identification when requested to do so.

- **Non-Compliance of a University Space:** Failure to abide by all policies and regulations governing the use of university space or the registration process of university sponsored (including students and student organization or groups) events.

## Abuse of the Student Conduct System

Includes but not limited to the following:

- Failure to obey the notice from a conduct board, hearing officer, or university official to appear for a meeting or hearing as part of the student conduct process.
- Falsification, distortion, or misrepresentation of information to a conduct board or administrative officer.
- Disruption or interference with conduct board proceedings or an administrative hearing.
- Knowingly completing and filing a false incident report.
- Discouraging an individuals' participation in or use of the student conduct process.
- Influencing the impartiality of a member of a conduct board prior to and/or during the conduct board proceeding.
- Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
- Influencing another person to commit an abuse of the student conduct process.
- Attempting to influence a witness or an individual related to the student conduct process.
- Failure to comply with sanctions imposed under the [Sexual Misconduct Policy and Complaint Procedures](#) through the Civil Rights Office Office.

## 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:

- Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.
- Acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff.

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 and/or the use of the students' previous assignments for another class without authorization by an instructor.

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.

## Other Legal Violation

Any alleged violation of federal, state, or local laws, regulations, or local ordinances is prohibited. Violation of any NIU policy not specifically stated in the Student Code of Conduct. This also includes State of Illinois Executive Orders when applicable.

## Smoking Violation

The Smoke Free Campus Act, Public Law 98-0895 prohibits smoking on all state- supported higher education institutions including public university and community college campuses. See the [Smoke Free Campus policy](#) on the Department of Police and Public Safety website.

## Academic Misconduct

The procedure to adjudicate alleged incidents of academic misconduct is the same procedure outlined in both the Undergraduate and Graduate Catalogs and is detailed below to serve as a resource.

### 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.

### Departmental Resolution of Academic Misconduct

The respondent shall be given the opportunity to resolve the alleged incident in a meeting with the faculty member, and if requested by the department chair. If the facts of the incident are not disputed by the respondent, the faculty member may elect to resolve the matter at the departmental level by issuing a sanction no greater than an F for that course. If resolution of the incident is achieved at the departmental level, the faculty member shall notify the respondent in writing or via email of the resolution, and the Office of 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 respondent's student conduct record. The respondent shall be given an opportunity to view the completed academic misconduct incident report.

Regardless of resolution between a faculty member and a student about an allegation of academic misconduct, if a student is found responsible or accepts responsibility for more than one instance of academic misconduct during their time as a student at NIU, the Office of Student Conduct reserves the right to issue a charge of academic misconduct against the student. A responsible finding for this charge may carry additional non-academic sanctions against the student. The respondent has the right to utilize the academic misconduct process laid out in this Code.

## Academic Misconduct Incident Reporting

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

## Notification to the Respondent for Academic Misconduct

The faculty member shall send a copy of the academic misconduct incident report to the Office of Student Conduct and the respondent.

## Referral of Academic Misconduct Incident(s) to the Office of Student Conduct for Resolution

When the academic incident is referred to the Office of Student Conduct, a student conduct administrator will manage the incident according to the notice and preliminary review procedures outlined in the **Student Code of Conduct**. The Office of Student Conduct may institute new charges if additional information is brought forward after the resolution of the academic misconduct preliminary conference.

## Additional Sanctions

Sanctions, in addition to a letter grade of an F in the course, may be issued only by the Office of Student Conduct for cases involving academic misconduct.

## Academic Misconduct Hearings

Any student accused of academic misconduct who does not accept responsibility shall have their case heard by an Academic Misconduct Board.

## Composition of An Academic Misconduct Board

Academic Misconduct Boards will be used for all academic misconduct cases and shall be comprised according to the following guidelines:

- One student and two faculty members will participate in the academic conduct hearing
- One faculty member will be a professor.

## Notice of Hearings

The student respondent and faculty complainant shall receive notice in writing and/or electronic form no less than three business days prior to the date and time of the Student Conduct board hearing.

## Privacy of Hearings

All conduct hearings shall be closed hearings and not open to the public. The following people will be allowed to attend the entire hearing: the university presenter, faculty complainant, respondent, their advisor or observer (if any) and the board members. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the conduct board hearing

shall be at the discretion of the hearing facilitator and must be approved by the Director of Student Conduct. Only the board members will be present during the closed deliberations.

## Hearings Involving Multiple Respondents

If an academic misconduct incident alleges to have more than one respondent, a joint hearing will be at the discretion of the Director of Student Conduct.

## Evidence

Information, pertinent records, exhibits, and written statements may be accepted as information for consideration by the board at the discretion of the hearing facilitator.

## Hearing Procedure

All questions must be relevant to the incident. The hearing facilitator will determine if the question is relevant and should be answered. All procedural questions are subject to the final decision of the hearing facilitator. Formal rules of process, procedure, and technical rules of evidence, such as those applied in criminal or civil court are not used in Student Conduct board hearings for academic misconduct.

## Deliberations

After all information and evidence is presented in the hearing, the board shall determine whether the respondent is deemed responsible or not responsible for each alleged violation. The determination shall be made by majority vote of the board. The determination shall be made based on the preponderance of the evidence.

## Notification of Decision

The Office of Student Conduct shall notify the respondent and the faculty complainant of the hearing decision in writing within two (2) business days after the decision is reached. The decision is binding. The Academic Misconduct Board does not have authority to modify or recommend a grade and may only impose sanctions outlined in the Student Code of Conduct. The decision shall include the finding(s) and the sanction(s).

## Records of Academic Conduct Board Hearings

There shall be a single verbatim record, such as an audio recording, of all hearings. Only the Office of Student Conduct may audio-record a hearing. Deliberations shall not be recorded. The records are the property of NIU and will be maintained by the Office of Student Conduct.

**Non-attendance of a Respondent:** It is the responsibility of the respondent student and faculty complainant to attend the scheduled hearing. Non-attendance of the respondent student will not impact the hearing process.

**Grade Appeal for Academic Misconduct:** Any respondent who wishes to appeal the grade in a course may do so by following the rules outlined in the Policy Library.

## Overview of the Student Conduct Process

This overview gives a general idea of how the NIU Student Conduct proceedings work, but it should be noted that not all incidents are of the same severity or complexity. The procedures are flexible and are not the same in every situation, though consistency in similar situations is a priority. The student conduct process and all applicable timelines commence with written notice from the Office of Student Conduct of an alleged violation of the Student Code of Conduct. This notice shall be sent to the student's official NIU (ZID) email. Student organizations will be notified through the email address filed with the university and the student organization president. Organizational advisor(s) will be copied on such notifications.

### Notice

Once an allegation is received from any source, the Office of Student Conduct may proceed with an investigation and/or may schedule an initial Preliminary Review meeting, with the respondent to explain the student conduct process and gather information.

### Evidence

Different types of information may be collected during an investigation or presented during a hearing. This information may include direct evidence, which is based on personal observation or experience. Evidence may be circumstantial, which is information that does not include an eyewitness to the actual event but does include enough information to lead a reasonable person to the conclusion that the individual did what they are alleged to have done. Evidence may include documents, which include supportive writings or statements, reports, etc., that support or deny the allegation. Evidence may also be secondhand or "hearsay" evidence. Evidence may be demonstrative, which is information such as video footage, photographs, and voice recordings collected in the investigation.

The university is not bound by formal rules of evidence; however, evidence shall be reliable. Evidence or information that may not be admissible in a court of law may be admissible in the conduct process. It is up to the adjudicator to decide what information is relevant and admissible as part of a hearing. It is also up to the adjudicator to decide the credibility and relevance of information and the weight that they will assign to that information.

### Standard of Proof

The standard of proof describes the level of proof that must be met to find a respondent responsible for a violation. The university uses the preponderance of the evidence as a standard for proof of whether a violation occurred.

University resolution proceedings are conducted to consider the totality of all evidence available and from all relevant sources. There may be strong, definitive evidence presented to persuade the adjudicator that the respondent did or did not violate the Student Code of Conduct. There may also be ambiguities and contradictions which require the adjudicator to decide credibility of the information. An individual is not considered to be "responsible" for any allegations until the completion of the process determines that it is more likely than not that the alleged violation occurred.

## Burden of Proof

The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of the university to satisfy the burden of proof. The respondent does not have the burden to prove that a violation did not occur. A respondent may decide not to share their side of the story or may decide not to participate in the hearing or an investigation. None of these decisions shift the burden of proof away from the university and does not indicate responsibility nor will it result in increased sanctions if the respondent is found responsible for the accusations.

## Preliminary Review

NIU conducts an initial meeting to address the alleged violation and the nature of the incident, complaint, or notice, the evidence available, and to assess the information of the parties and witnesses involved. The respondent is granted three calendar days' notice before the scheduled preliminary review meeting.

The preferred method to document meetings and hearings is by audio recording. The audio recording provides a verbatim record of the conversation. The recording file is uploaded into the case file, and the student is entitled to a copy of the recording. The audio recording will only be used to identify discrepancies which present themselves during the course of the conduct process. The Conduct Administrator will seek permission from the student before audio recording any meeting. A student has the right to decline permission to audio record the meeting without penalty. If a student does not give permission to record the meeting, another staff member will be asked to witness the conversation. No other party may audio record the meeting beyond the conduct adjudicator.

When a Preliminary Review is held, the possible outcomes are but not limited to:

- A decision not to pursue the allegation based on a lack of insufficient evidence or because the alleged behavior, even if proven, would not violate the Student Code of Conduct. The matter will be closed.
- An admission of or an uncontested decision of the allegation by the respondent.
- Upon the request of both parties and/or with agreement of the Conduct Administrator, the parties may be referred to a Restorative Conference for resolution.
- A finding of responsible and acceptance of responsibility and sanctioning by the student.
- A decision to proceed with a formal hearing.

Failure to attend the preliminary review meeting may result in a decision being made by the reviewer absent any explanation by the Respondent and only on the evidence available to the adjudicator of the case.

The adjudicator may also decide to move a case to a board hearing when the circumstances of an incident are found to be best adjudicated by a student conduct board.

If a decision on the allegation is made and the finding is that the respondent is not responsible for violating the **Student Code of Conduct**, the case will be dismissed, and the process will end. An official dismissal notification letter will be sent to the student via their student email.

If the Conduct Administrator determines that it is more likely than not that the respondent is in violation, and the respondent accepts the decision, it is considered a resolution and the finding and sanctions will be issued in writing. If the respondent rejects the finding and/or sanctions, it is considered a contested allegation by the respondent and the process will move to a formal hearing.

The Conduct Administrator will complete a case resolution form. The case resolution form will contain a list of the alleged violation(s), finding(s) and sanctions. The case resolution form will contain one or more of the following resolution options:

- I accept responsibility for violating the Student Code of Conduct and accept the recommended sanction(s).
- I request a hearing before either a Student Conduct board or administrative hearing officer.
- I accept responsibility for violating the Student Code of Conduct and I agree to participate in a Restorative conference to resolve my I understand that if I do not participate in the conference or if I do not complete the sanctions agreed to in the conference, this case will revert back to the formal conduct process for sanctioning. I understand that if I resolve my case through the restorative conference that this case does not count as a student conduct violation.
- No contest regarding responsibility and acceptance of recommended (The option for “no contest” is only available to respondents who are facing concurrent criminal charge(s) at the time of their preliminary incident review.)

The Conduct Administrator will provide the respondent with a summary notice to complete the imposed sanctions and will follow up at the appropriate time to ensure completion of the imposed sanctions.

A respondent will have up to five (5) business days to change their decision on the resolution initially agreed to on the case resolution form. After five (5) business days from the date on the case resolution form, the decision is final and no change may be made.

If the student is present, they may request an administrative hearing officer hearing or student conduct board hearing. The final decision is at the discretion of the conduct administrator.

If the respondent fails to appear for the Preliminary Review after being notified of the alleged violation, the Conduct Administrator will assess the information and **make a decision** based on the preponderance of evidence of the case. The respondent will be notified of a decision and **given five (5) business days** to submit an appeal request of the decision. After five business days, the decision is final, and **no change** may be made.

## Formal Hearing

When resolution does not occur during the Preliminary Review, a hearing will be held before a hearing officer or student conduct board.

## Sanctioning

If the student is found in violation of the Student Code of Conduct, sanctions will be determined by the hearing officer or Student Conduct board. The findings and sanctions will be communicated to the respondent within two business days of the hearing officer or board reaching a decision.

## Restorative Conference

In cases where the respondent acknowledges a violation and where the involved parties have expressed a desire to bring a joint resolution to the incident, the case may be referred to a restorative conference. The Director of Student Conduct has the discretion to refer a complaint for a restorative conference when appropriate. The following process will be used for the restorative conference process:

- A facilitator will coordinate and facilitate the restorative conference with all appropriate parties.
- If an agreement between the parties is reached, final correspondence will be sent by the facilitator to both parties, and the case file will be updated appropriately. There is no appeal of this decision.
- If an agreement is not reached between the parties, additional correspondence will be sent by the facilitator and the case will revert back through the formal student conduct process. The case file will be appropriately updated.
- If a case is resolved through a Restorative conference, the case will not count as a Student Conduct violation.

## Administrative Hearing Officers

Administrative Hearing Officers are chosen from a pool of annually trained administrators, staff members, and graduate students, appointed and selected by the Vice President for Student Affairs or designee.

## Composition of Student Conduct Boards

The Director of Student Conduct will be responsible for assembling a conduct board according to the following guidelines. Within the student conduct process, there are three (3) different types of conduct boards: a Student Conduct Board, an Academic Misconduct Board, and an Appeal Review Board. The membership of a board is selected from a pool of students, faculty, and staff who are trained annually through the Office of Student Conduct. Hearing Officers and Board Facilitators are appointed by the Vice President for Student Affairs or designee.

- Student Conduct Board and Academic Misconduct Board will be comprised of at least one student, one faculty member, and one staff member or administrator. The Appeal Review Board is comprised of two trained student conduct board members.
- To serve on a student conduct board, students must be in good standing with the university and the Office of Student Conduct. Good standing with the Office of Student Conduct is defined as not currently being on any sanctions or having any incomplete sanctions or unresolved allegations with the Office of Student. A significant history of misconduct will also disqualify a student for service.
- Student conduct boards may be organized as a standing board with established membership, standing meeting days and times, and will meet when the case load dictates the need for the board to meet. This process will be detailed in the Office of Student Conduct operating procedures.
- The facilitator of the board is a trained hearing officer designated to lead a conduct board hearing.
- Decisions and sanctions imposed by the board will be implemented pending the normal appeal process.

Appeal Review Boards are drawn from the student conduct board pool with the only requirement being that they did not serve on the board for the initial hearing. Appeal Review Board members are trained annually through the Office of Student Conduct. Appeal Review Boards will review appeal requests assigned by the Vice President for Student Affairs or designee.

## Formal Student Conduct Process

### Notice of Alleged Violation

Any member of the NIU community, visitor, or guest may report an alleged policy violation for any student by submitting a written report via the NIU Web Site at [Report an Incident NIU Student Conduct](#), phone, email, or in person at the Office of Student Conduct.

Once an alleged violation has been determined, the respondent will be given no less than three (3) calendar day notice for the scheduled preliminary review. The notice will be in writing and delivered via the university-issued email address. Other means of delivery may include delivery in person by the staff of the Office of Student Conduct (or designee), delivery by mail to the local or permanent address of the student or organization as indicated in official NIU records, or delivery by email to a non-university email address confirmed by the student as their personal email account. Once delivered, such notice will be presumed delivered. The letter of notice will include:

- The related incident and/or police report;
- The alleged violation summary;
- The Student Code of Conduct; and

- Other supporting documentation related to the case.

Additionally, administrators may act on notice of a potential violation on behalf of the university at large, regardless of whether a formal allegation is made. All allegations of misconduct should be submitted as soon as possible. NIU as an entity has the right to pursue an allegation of a student conduct violation on behalf of the university, student, faculty, staff, or campus partner.

## Notice of Hearing

Once it is determined that a complaint will go to a hearing. Formal notice will be given to the respondent via student email. Other means of delivery may include delivery in person by the staff of the Office of Student Conduct (or designee), delivery by mail to the local or permanent address of the student or organization as indicated in official NIU records, or delivery by email to a non-university email address confirmed by the student as their personal email account. The letter of notice will include an explanation of the alleged violations, hearing date, time, and location of the meeting. Once communication is delivered, notice will be presumed delivered.

## Hearing Procedures

A hearing will be scheduled for any allegation which is not resolved during the Preliminary Review. It is at the discretion of the conduct administrator to have the matter resolved with a hearing officer or a student conduct board hearing, this will depend on the type of incident and availability of conduct board members within the semester. The respondent will be given a minimum of three calendar days' notice of the scheduled hearing.

## General Guidelines for Student Conduct Hearings

- The respondent shall be provided with specific advance written notice of the alleged violations, the dates (if known), times (if known), and locations (if known) of the alleged violations, and a summary of the actions which led to the charges. Notification of charges against the respondent shall also include, but not be limited to, the following information:
  - Date, time, and location of the hearing
  - Whether the case will be adjudicated by a hearing officer or a student conduct board.
- The respondent(s) shall have their case heard by an impartial body.
- In situations where the original complainant is no longer available or cannot attend the hearing for unavoidable reasons, the university maintains the burden of proof and may serve as the complainant by proxy and may appoint an individual to present the complaint during the Student Conduct proceedings.
- In the event a respondent, complainant, and/or witness is not able to be physically present at the hearing, they may participate via acceptable technological means including, but not limited to, telephone or video call.

- The hearing officer or facilitator will present the charges and relevant information and may ask questions of all hearing participants.
- The university presenter will present information, reports, and other documentation related to the case to the hearing officer or student conduct board. They will also present recommended sanctions.
- The respondent shall have a fair opportunity to question the complainant and/or witness related to the case, to answer questions thoroughly, present information and/or witnesses and provide explanation as they so choose at the hearing. If the respondent intends to have witnesses present at the hearing, they must notify the Office of Student Conduct at least one business day prior to the hearing. It is the responsibility of the respondent to arrange for the presence of witnesses at any hearing.
- If the respondent does not appear for the hearing, a hearing decision will be issued in their absence based upon the information related to specific charges presented at the scheduled hearing.
- Witnesses will be asked to provide relevant information related to specific charges and to respond to questions from the complainant, university presenter, respondent, hearing officer, and board members. Witnesses are not permitted to ask questions of hearing participants except to clarify a question asked of them. The hearing officer or Board may limit witnesses to the university community or witnesses who offer only character testimony.
- All hearings are closed except to designated and approved participants such as the hearing officer, facilitator, or conduct board members, respondent(s), complainant, university presenter, witnesses, advisors, observers and General Counsel.
- The respondent and complainant may select an advisor to assist them during the student conduct. The advisor may consult and interact privately with the respondent or the complainant during proceedings. However, the advisor is not permitted to have a verbal role in the proceedings or to represent or speak on behalf of the respondent or complainant. An advisor can be excused from meetings if they interfere with the student conduct process in any capacity.
- The respondent and complainant may select an observer to be present during the Student Conduct proceedings. The observer is there to provide support for the respondent or complainant. They cannot actively participate in the student conduct process at any point.
- At the hearing, if a respondent chooses not to testify or respond to questions, no inference may be drawn from the lack of testimony. A respondent's lack of testimony does not waive their right to ask questions of witnesses or call witnesses.
- The hearing officer or the facilitator is responsible for leading and maintaining a respectful hearing. The hearing officer or facilitator is expected to address and resolve inappropriate behavior and irrelevant questioning during the hearing process.

- The respondent shall receive a written account of the hearing decision with reasonable specificity of the facts and reasons for the decision within two business days of the decision being reached.
- Hearings will be led with a scripted guide, recorded, and made available to the respondent as needed for appeals of the decision. No one else is allowed to record the hearing. The recording will be available for review only in the Office of Student Conduct and may not be duplicated. No other party may record this meeting as it is solely the property of the Office of Student Conduct.

## Procedures for Cases Adjudicated by a Hearing Officer

- A respondent may challenge the assignment of a specific hearing officer to their case. This challenge must be presented in writing to the Office of Student Conduct at least two business days prior to the scheduled date and time of the hearing. Upon reviewing the details of the challenge, the Director of Student Conduct or designee will either uphold the challenge and appoint an alternate hearing officer or student conduct board, and arrange a new hearing time, or deny the challenge.
- A hearing officer will withdraw from any case when there is a conflict of interest, or they cannot be impartial and reach a fair and objective decision.
- The hearing officer will review all material, hear all information relevant to specific charges pertinent to the case from the complainant, the respondent, and all witnesses, clarify issues raised and render a decision based on the information presented at the hearing.
- Following the hearing, the respondent will be made aware of the hearing decision in writing within two (2) business days of a decision being reached.
- If the respondent is found to be in violation of any university policy or regulation, all materials within the student's past and present student record will be reviewed for relevance and considering in determining appropriate sanctioning.

## Procedures for Cases Adjudicated by a Student Conduct Board

- Any respondent appearing before a student conduct board may challenge the presence of any member of the board for impartiality. Upon reviewing the details of the challenge, the Director of Student Conduct or designee will either uphold the challenge and appoint an alternate student conduct board member, and arrange a new hearing time, or deny the challenge.
- A board member will withdraw from participating in any case in which the member is unable to be impartial and reach a fair and objective decision or for a conflict of interest.
- The board will review all materials and hear all information relevant to the specific charges pertinent to the case from the complainant, respondent, and all witnesses.
- Members of the Board shall be free to ask relevant questions to clarify the information presented.

- All hearings will be digitally recorded by the university and the recording will be retained at the university in accordance with the records and recordkeeping policy. Under no circumstances are other individuals permitted to record hearings.
- After hearing all the information relevant to specific charges, the hearing will end, and the board will privately deliberate and make its decision and determine appropriate sanctions.
- If the respondent is found to be in violation of a university policy or regulation, all materials within the student's past and present student record will be reviewed for relevance and considered in determining appropriate sanctioning.

In cases where the Student Conduct Board or hearing officer recommends suspension or expulsion as the appropriate sanction, the Director of Student Conduct or designee will present the sanction in writing to the Vice President for Student Affairs or their designee within two business days. The recommended sanction will be reviewed by the Vice President for Student Affairs or their designee before being finalized. The Vice President may accept or reject the recommendation. If rejected, the Vice President for Student Affairs may assign alternative sanctions.

## Interim Action

Interim actions, such as temporary suspension or restrictions, are implemented when necessary to protect the NIU community or ensure the integrity of an ongoing investigation. These actions are reviewed regularly and can be modified or lifted based on new information.

Interim actions are implemented when it is determined that a student presents as an imminent danger to the health, safety, and or welfare to self, other students, or the university community, represents a threat of serious physical, psychological, or emotional harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve university property and/or to prevent disruption of, or interference with, the normal operations of the university, the Vice President for Student Affairs or their designee may implement an interim action. The interim action will remain in effect pending final disposition of the case.

Interim actions may include, but are not limited to, a no contact order between students, temporary removal from the university community, temporary suspension of the right to access specific areas of campus or NIU related activities, and other interim actions as deemed necessary. Interim measures for Title IX matters will be processed through the Civil Rights Office.

Students or recognized student organizations receiving an interim action may request an appeal of the interim action by submitting their request in writing to the office of the Vice President for Student Affairs or designee. Requests for an appeal of interim actions must be submitted within two business days of receipt of the interim action, in writing. The student or recognized student organization will be given the opportunity to present and justify their grounds for appeal of an interim action.

The Vice President for Student Affairs or a designee will issue a decision in writing, normally within five (5) business days of completion of the appeal review. The decision will be to sustain, lessen, increase, or remove the interim action(s), and it will be based on the material from the review and other relevant information (e.g., the student's 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 or a designee when appropriate.

Once issued, interim actions issued by Student Conduct may only be modified or removed by the Vice President for Student Affairs or designee. Any interim action that is either upheld or modified by the Vice President for Student Affairs or designee will remain in effect until the final resolution of the student conduct process. Student Conduct has the authority to remove any interim action upon final resolution of a case in which any interim action(s) was issued.

After the interim action is implemented, the following process will proceed:

1. To expedite the process, the case may go to an administrative hearing or a board hearing within ten business days of issuing an interim action. The type of conduct hearing will be decided by the conduct administrator based upon the availability of participant's and the ability to schedule within a timely manner. If circumstances do not allow for a hearing within 10 days, the student, organization, or group will be notified in writing. For cases involving an interim action, a preliminary review meeting may be held if the student, organization, or group requests. If the determination of the hearing is not responsible, the interim action will no longer be in effect.
2. With the approval of the respective faculty member(s) or instructor, the student will be allowed a reasonable opportunity to make up academic work missed during the time of the interim action. It is the **responsibility of the respondent** to contact the faculty member or instructor to make arrangements for completing assignments and missed work.
3. When an interim action has been implemented, upheld by a hearing, and appealed by the student, the interim action will remain in effect until an appeal outcome has been
4. When circumstances outside the control of the university make it impossible to complete the prompt adjudication of a case involving an interim action, the Vice President for Student Affairs or designee may initiate an administrative withdrawal with concurrence of the Provost, and require the student to complete the readmission, reentrance, or reinstatement process through the Office of Admissions to attend in subsequent semesters.

NIU reserves the right to exercise its authority of interim action, even upon notification that a student is facing criminal investigation and/or complaint.

## Amnesty

Amnesty aims to remove the barriers that may prevent an individual from seeking help for themselves or other individuals in need of medical attention or facing a safety risk, reporting a student conduct incident, or participating as a witness in an investigation with the university. If an individual reports a student conduct related incident, in good faith, or participates in an investigation as a witness, the Office of Student Conduct may choose to not pursue disciplinary action for that individual for a separate university policy violation (such as underage drinking) that is revealed in the course of the report or formal student conduct process. 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 not be afforded by the Director of Student Conduct. The Director of Student Conduct or designee shall determine if a student or recognized student organization is eligible for amnesty under this provision.

## Sanctions

Sanctions are designed, including any pursuant to an interim action, with the intent of holding students responsible through educational accountability. To encourage student development, understanding and the impact of their behavior. To protect individuals, property, normal operations, and the integrity of the university.

Any sanction should be proportionate to the severity of the violation of the Student Code of Conduct and the cumulative behavioral history of the student.

Any assigned sanction may be implemented for a specified period as in the student conduct process. Any subsequent violation of university policy, rule, regulation, or law may show cause for a sanction to be implemented or extended. The sanction will not be lifted until the assigned deadline and the student successfully completes all assigned sanctions. A Conduct Administrator, Hearing Officer or Conduct Board may impose but are not limited to one or more sanctions from the list below:

- **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.
- **Community Service:** A sanction that requires a student or recognized student organization to complete hours of service to NIU or the DeKalb community.
- **Counseling Education Program Referral:** A sanction that includes but is not limited to the requirement of the completion of an educational program or assessment available through Counseling and Consultation Services (e.g., referral to Counseling and Consultation Services for Substance Use Assessment or Program, Anger Intervention Assessment, etc.).
- **Deferred Sanction:** A sanction that is deferred and 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 Any sanction may be deferred; the deferred sanction will include the length of deferment and the expiration date of the deferred sanction.
- **Educational Sanction:** A sanction that includes but is not limited to the requirement of the completion of an educational assignment. Examples of educational assignments include, but are not limited to, essays, educational workshops provided by the university or outside entities, participating with staff in community development initiatives, a written apology, etc. The student will be required to submit proof of completion of the educational assignment from a source deemed appropriate by the University.
- **Formal Warning:** A written warning may be given to the student indicating they have been found to be in violation of the **Student Code of Conduct**, a university policy, or Failure to comply with a university policy or regulation in the future may result in referral to the Office

of Student Conduct to be handled as a second offense. A notation is made on the student's record.

- **Probation:** Probation is when there is an indication that a student is at risk of further student conduct action such as removal, suspension, dismissal, or other sanctioning. During the probationary period, if the student is found to be in violation of the **Student Code of Conduct**, more serious sanctioning may be issued. The Probation period is in effect for no less than a 6-month period.
- **Community Reparations:** Community Reparations are tasks which benefit the individual, campus, or community.
- **Disciplinary Removal from University Owned/Operated Housing:** This condition removes a student from university owned/operated housing facilities on either a temporary or a permanent basis.
- **Loss of Eligibility for University Owned/Operated Housing:** The student, whether currently living in university owned/operated housing facilities or not, is denied current or future eligibility for university owned/operated housing on a temporary or permanent basis.
- **Fines:** Monetary amounts, determined by the hearing board or hearing officer, which must be paid before further registration or graduation is permitted. Fines may also be issued as a sanction or for an incomplete sanction.
- **Loss of Eligibility for University privileges, participation in University Intercollegiate competitions or other social activities:** The student or student organization may not participate in university activities and events, hold elective offices in any university governance organization, serve on university committees, or represent the university as a member of an intercollegiate team for a specified period of time. The student may be classified as "not in good standing" with the university.
- **Loss of Visitation Privileges in University Owned/Operated Housing/Facilities:** This condition prohibits a student from being present within university owned or operated housing or other designated facilities for any purpose for a specific time period.
- **No Contact Order:** A formal directive issued by the Office of Student Conduct requiring the parties involved to have no contact, direct or indirect, including but not limited to written or electronic communication (i.e. letters, social media, text messages, etc.), telephone, recordings, or third-party contact (i.e. friends, family members, acquaintances, etc.). A No Contact Order remains in effect until it is officially removed in writing by the Office of Student Conduct.
- **Restitution:** A student may be required to pay for damages to property, including but not limited to, personal and university/co-op property, and/or for personal injury. Payment will be made under guidelines determined by the Office of Student Conduct.
- **Suspension:** A student may be suspended from the university upon an accepted recommendation to the Vice President for Student Affairs or their designee, for a specific

period. A suspension requires that the student remove themselves from the university and any university owned or operated entities, buildings, or properties. They are not permitted to attend classes in person or online, social activities, or be present on university property during the period of suspension. Any terms of the suspension must be completed satisfactorily, and the student or organization must not have been found responsible for further violations of the Student Code of Conduct throughout the suspension period. A student organization which has been suspended through this process is banned from any activity, including recruiting or membership activity, using the university name in any way, using any university facilities, and must comply with all university rules and this Code throughout the suspension to be considered for reinstatement at the conclusion of the period of suspension. The student will be in a probationary period for one calendar year upon return to the university.

- **Loss of Recognition of a Student Organization:** University recognition of a student organization is withdrawn. If the organization wishes to apply for recognition thereafter, they must begin the recognition process as would a new organization, but no sooner than two (2) years after the effective date of this. In some circumstances, when it was determined during the hearing that the actions were especially egregious, at the discretion of the hearing officer or Hearing Board and with the concurrence of the Vice President for Student Affairs, the loss of recognition may be declared permanent, and the organization will not be eligible for reinstatement at NIU in the future.
- **Expulsion:** A recommendation may be made to the Vice President for Student Affairs or their designee that a student is expelled from the university. Expulsion from the university is permanent dismissal. If approved, the respondent will be notified of the decision via student email.
- **Withholding Degree:** A withholding of the awarding of a degree otherwise earned until the completion of the process is set forth in the Student Code of Conduct.

## Notification of Outcomes

The outcome of a hearing is part of the educational record of the respondent and is protected under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Pursuant to the Family Educational Rights and Privacy Act and the Drug Free Schools and Communities Act, the Office of Student Conduct may send written notice to the parents and/or legal guardians of a student under twenty-one years of age who is found to be responsible for violating any state or local laws pertaining to possession, consumption, or inappropriate sale of any alcoholic beverages or controlled substances.

Parents and/or legal guardians may be notified in cases where NIU determines through the Student Conduct process that a student violated a policy that would constitute a “crime of violence.” FERPA defines “crimes of violence” to include arson, assault offenses burglary, criminal homicide, manslaughter by negligence, murder, non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, and non-forcible sex offenses.

For conduct cases involving physical abuse where an individual experienced bodily harm, if requested, the victim/survivor may request a written notice of the finding in the investigation as it relates to the respondent.

## Failure to Complete Sanctions

All students, student organizations and groups, as members of the NIU community, are expected to comply with sanctions within the time frame specified by the board or hearing officer. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional charges, and/or reinstatement of lifted sanctions as a result of any appeal or other reason.

## Appeal Review

### Grounds for Appeal

Upon receiving the hearing decision notice, the respondent will have five (5) business days to submit an appeal. The respondent submitting the appeal must present a formal written appeal that specifically articulates one or more of the grounds for appeal. Missing a scheduled preliminary review or hearing does not constitute grounds for an appeal. Appeals cannot be submitted by a third party on behalf of the respondent. An appeal will not have merit simply because the person submitting the appeal disagrees with the original outcome. Once an appeal is submitted, it is reviewed by the Appeal Reviewer. A hearing decision is considered final if an appeal is not submitted within the specified time. While an appeal is pending, the Respondent must comply with all sanctions and restrictions from the hearing decision, unless otherwise specified by the Vice President. Appeals of suspension or expulsion must be approved and reviewed by the Vice President or a designee.

An appeal is limited to a review of the supporting information and record of the hearing that was evaluated in the decision-making process of the hearing. New information will only be considered if the Appeal Reviewer determines that the information was not available at the time of the hearing. The appeal will only be granted on one or more of the following grounds for an appeal:

- Procedural error that likely impacted the hearing outcome. This may include a demonstrated bias or conflict of interest against the respondent or the complainant which impacted the outcome. The respondent is responsible for demonstrating the bias or conflict of interest.
- Newly discovered information for which there is a legitimate reason this information could not have been presented at the original hearing.
- An allegation that the sanction(s) issued are unreasonable or severe. The respondent must demonstrate in the appeal that there had been a clear error of judgment. The petitioner must show the decision was not based upon consideration of relevant factors, reason, or judgment and was an abuse of discretion or otherwise not in accordance with the Student Code of Conduct.

The Appeal Reviewer will examine the appeal and the record of the hearing to determine one of the following actions:

- Revise the sanctions.
- Recommend the case for a new hearing before a new administrative hearing officer or conduct board. The decision of the hearing will be final. The respondent will receive written notice within two business days of the decision being reached.
- Grant the appeal and refer it to the Appeal Review board to examine the record of the case, make any necessary modifications and render a final decision.
- Deny the appeal.

## Appeal Review Board

The Appeal Review Board members are drawn from the Hearing Board members with the following requirements to serve:

- They did not serve on the Board for the initial hearing.
- They were not involved in the investigation in any way.
- They have been properly trained in appeal procedures.

Cases referred to an Appeal Review board will be limited to the examination of the record and supporting information of the case. The Appeal review board will be responsible for assessing the case for procedural errors that should be corrected, review and consider new evidence, make any necessary modifications and render a decision, sanctions should be proportionate to the severity of the violation and cumulative record. The decision of the Appeal Review Board should be made within ten (10) business days of submission to the Board. If this timeline is not obtainable, it may be further delayed with the approval of the Vice President for Student Affairs. Decisions of the Appeal Review Board are final. Once a decision has been reached, the student will receive written notice to the respondent within two business days of a decision being reached. The Vice President for Student Affairs or designee will have final authority to approve all those serving on the appeal review board.

## Student Conduct Records

The Office of Student Conduct will maintain student records which contain all necessary and appropriate documents related to Student Conduct matters. Material deemed unnecessary may be discarded at any time.

Other circumstances outside the Student Conduct process may require retention of the record for a longer period including a directive to retain records issued by the Office of General Counsel. Cases resulting in expulsion may be retained for a longer period.

NIU requires written consent from the student in order to release any conduct related records. The only exceptions to this guideline are those outlined in the Family Educational Rights and Privacy Act of 1974.

# Student Conduct Advisory Board

## 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

## Membership

The membership of the Student Conduct Advisory board shall include the following:

- The director and associate/assistant director(s) of Student Conduct.
- Two faculty members appointed by the president of the Faculty Senate.
- One representative appointed by the president of the Operating Staff Council.
- One representative appointed by the president of the Supportive Professional Staff Council.
- One student appointed by the president of the Student Government representing the fraternity and sorority community.
- One student appointed by the Director of Military, Veterans, and Off-Campus Student Services representing off-campus & non-traditional students
- One representative from the NIU Department of Police and Public Safety.
- One representative from Housing and Residential Services.
- One representative from Academic Diversity Equity & Inclusion.
- One representative from the Office of General Counsel.
- One representative from Intercollegiate Athletics.
- One representative from the Office of the Ombudsperson

## Term of Appointment to Student Conduct Advisory Board and Voting Privileges

- The term of appointment for the director and associate director(s) of Student Conduct shall be for the term of employment at NIU.
- The term of appointment for the faculty members shall be three years and may be renewed.
- The term of appointment for the students shall be one year and may be renewed.
- The term of appointment for staff from the Department of Police and Public Safety, Housing and Residential Services, Office of General Counsel, Intercollegiate Athletics, Academic Diversity Equity & Inclusion, and the Office of the Ombudsperson shall be at the discretion of administrators of those respective areas.

- The term of appointment for appointees of the Operating Staff Council shall be for three years.
- The term of appointment for appointees of the Supportive Staff Council shall be for three years.

## Attendance at Student Conduct Advisory Board Meetings

All members of the Student Conduct advisory board are expected to attend all scheduled meetings.

## Chair of the Student Conduct Advisory Board

The Director of student conduct shall chair the student conduct advisory board.

## Interpretation and Revision

Procedural rules for the administration of hearings will be developed that are consistent with the provisions of the **Student Code of Conduct**. A material deviation from these rules will only be made as necessary and may include reasonable notice to the parties involved either by posting online and/or in the form of written communication. Procedures may vary with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in the **Student Code of Conduct**. Minor modifications to a procedure that do not materially jeopardize the fairness owed to any party may be made at the discretion of the Director of Student Conduct as appropriate. Any question of interpretation of the **Student Code of Conduct** will be referred to the Vice President for Student Affairs or designee, whose interpretation is final.

The Student Code of Conduct and related Policies and Procedures shall be reviewed at least every other year following adoption of this Code. The Student Code of Conduct and related Policies and Procedures shall be updated as necessary to comply with applicable law, policy, or regulation. The review process shall be coordinated by the Vice President for Student Affairs or designee and shall utilize the Student Conduct Advisory Board to review such changes with recommendations thereafter made to the Vice President for Student Affairs.

## Glossary of Student Conduct

**Academic Misconduct Board:** A panel of trained individuals, led by one hearing officer who will facilitate the hearing. The Academic Misconduct Board is made up of one student and two faculty members trained to determine responsibility for academic misconduct alleged violations of the Student Code of Conduct only.

**Adjudication:** The process by which the university conducts disciplinary meetings, hearings, or other actions, bringing matters to resolution.

**Adjudicator:** The NIU official who reviews the case, consider all relevant evidence, and decides about a student who is accused of violating a university policy.

**Advisor:** Any person who advises a student or student organization regarding student conduct policies or procedures. The advisor provides guidance and coaching throughout the student conduct process. An advisor is not permitted to represent the student at any time nor be related to or involved in a present or any related case. The Office of Student Conduct provides training for advisors. Students are not required to utilize a trained advisor.

**Appeal:** A request to review and reconsider a hearing decision. The method by which a Respondent can challenge a hearing. All appeals must be submitted in writing to the Office of Student Conduct and may only be considered if it is in accordance with the criteria for an appeal as stated in the NIU Student Code of Conduct.

**Appeal Review Officer:** Designee of the Vice President for Student Affairs to review an appeal.

**Appeal Review Board:** A panel of 2 to 3 individuals, selected from among the members of the Student Conduct Board, to review and determine appropriateness of appeals within the student conduct process and determine the final decision on the case.

**Business Days:** Monday through Friday when the Campus is open for business. All parties should consult the official university calendar to determine which days the university is open for business.

**Complainant:** A person(s), department or official entity of the university, or student organization who submits a complaint or report alleging that a student or student organization violated university rules, regulations, or policies.

**Director of Student Conduct:** The individual responsible for logistics and procedures associated with the Student Conduct process; the Director may simultaneously serve as a hearing officer. The Director (or designee) is also responsible for reviewing and approving the decision of a hearing officer or conduct board.

**Educational Intervention:** Steps taken to provide education through dialogue, conferencing, resources, information and or an action plan to encourage accountability of a student, group or student organization.

**Facilitator:** A trained hearing officer who will coordinate and lead the conduct board meeting. They are responsible for submitting the finding once the board has reached a collective decision.

**Good Standing:** A student who has no pending, unresolved or incomplete disciplinary sanctions, actions or matters in place with the Office of Student Conduct.

**Hearing Officer:** Any university faculty, staff, or student who has been appointed to a Student Conduct decision-making role by the Vice President for Student Affairs. Training is provided through the Office of Student Conduct.

**Incident Report:** A complaint that is filed with and reviewed by the Office of Student Conduct and may be adjudicated through the Student Conduct process. An incident report may be a written or electronic statement or report provided by any person to the Office of Student Conduct. Not all complaints result in incident reports or adjudication through the Student Conduct process.

**Mediation:** The process of two or more students or student organizations coming together to amend and reconcile a conflict with the assistance of a trained mediator.

**No contact order:** A written communication emailed or physically communicated to a student(s) prohibiting contact between individuals or towards another individual associated with NIU in relation to a conflict or conduct incident. No contact would include but is not limited to direct and indirect contact between students. (i.e, physical, written, verbal, third party, and/or electronic communication, or any source of contact)

**No Contest:** Response to a violation when a respondent does not challenge the information contained in the written report and information considered in a conduct matter, but accepts the sanctions offered by the Preliminary review. The option for “no contest” is only available to respondents who are facing concurrent criminal charge(s) at the time of the preliminary conference.

**Non-student:** An individual who is not registered for classes and has no intent to enroll in classes at the university.

**Observer:** A person chosen by the complainant or respondent to provide support to them throughout the conduct process. The observer cannot actively participate in the conduct process but can be present during meetings such as the preliminary review and hearing. The observer cannot be involved in the incident in question.

**Organization:** Organizations that include, but are not limited to, any of the following: a fraternity, sorority, association, corporation, order, society, team, club, or service, social, academic, or similar group, whose members are students at the university. Throughout this document, the use of the term student or students will also apply to organizations.

**Preliminary Review:** A meeting to conduct a review into the nature of the incident, complaint, or notice, the evidence available, and the parties and witnesses involved. A staff member will conduct the initial review meeting with the respondent and determine if sufficient evidence exists to believe the respondent is likely responsible for an alleged violation.

**Preponderance of Evidence:** The standard of proof used in all student conduct processes whereby it is determined that it is more likely than not that the respondent committed the alleged violation of the Student Code of Conduct based on the adjudicator showing proof by offering evidence that demonstrates truth greater than 50%.

**Plagiarism:** Plagiarism is a type of cheating that involves the use of another person's ideas or work as one's own, in whole or in part, without acknowledging the author or obtaining their permission. Plagiarism is not limited to written text, but also applies to other works, such as ideas, designs, art, music, etc.

**Referral:** Any document which contains information regarding an alleged violation of the Student Code of Conduct. This includes but is not limited to reports referred by the Civil Rights Office, police and/or other incident reports submitted to the Office of Student Conduct.

**Respondent:** A student, student group or student organization who is alleged to have violated the Student Code of Conduct. In the case of a student group or student organization, the president or

other leadership member will participate in the student conduct process on behalf of their group or organization.

**Restorative conference:** A mediated dialogue between the respondent(s) and the student(s) who experienced harm. The purpose of the mediation is reconciliation and to provide the harmed individual with the opportunity to heal and for the respondent to take responsibility for repairing any harm caused by the incident. At the conclusion of the conference, the written agreement that outlines specific actions that will be taken by the respondent will be established if necessary.

**Sanction:** Requirements and measures set forth upon a finding of individual/organizational responsibility for a violation of university rules, regulations, or policies related to the Student Code of Conduct.

**Student:** Any person who has been accepted to, or enrolled at the university in any of its courses, programs, campuses, or offerings, including, but not limited to, internships, cooperative programs or offerings with other institutions for whom a record is made at the university by the registrar or which is submitted to the university for admission or transfer credit, or during periods between semesters when the person is expecting to attend the subsequent regular semester (Fall or Spring).

**Student Conduct Board** (also called a hearing board or board): A panel of trained individuals, led by one hearing officer who facilitates the hearing. The Student Conduct Board is made up of one (1) student and two (2) faculty or staff members trained to determine responsibility for nonacademic alleged violations of the Student Code of Conduct.

**Student Conduct Record:** The record of a Student Conduct process and its findings. All disciplinary records are considered educational records as defined by the Family Educational Rights and Privacy Act (FERPA).

**University Presenter:** The Student Conduct staff member who represents the university in regard to an alleged violation of the Student Code of Conduct. This staff member will present information regarding the case to the student conduct board or administrative hearing officer. The university presenter may assist in the hearing process when necessary.

**Witness:** Any person within the NIU community who has information relevant to an alleged incident or any non-campus community member with information about the alleged incident.