

Northern Illinois University

Code of Student Conduct

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Introduction

The [mission](#) of Northern Illinois University (NIU) is to empower students through educational excellence and experiential learning. The NIU community 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 Office of Student Conduct within the Division of Student Affairs is charged with administering an educational and developmental student conduct process that is based upon the mission, vision, goals, and values of NIU. The Office of Student Conduct is committed to a fair and responsive resolution for each student conduct case, consistent and equitable treatment of all participants in the process, full consideration of the unique circumstances of each individual case, and the use of restorative practices as appropriate to the situation.

The Northern Pact outlines the expectations we have for student members of our community. It is an expectation that everyone makes a commitment to uphold and practice these principles, we will have the collective benefit of a culture of care, accountability, pride and connectedness.

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 agree to and 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.

Student members of the community are expected to adhere to the community standards of the Code of Student 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. It is designed to serve our students through utilizing educational programming, conflict mediation, and restorative conferencing.

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 not dependent. Procedures and rights in the student conduct process do not include the same standard of proof or due process.

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. (See Section M. Grounds for Appeal Procedures)

Authority and Oversight

The Vice President for Student Affairs is vested with primary oversight and review of all student conduct matters by the President and the Board of Trustees. 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 responsible for final oversight of incident adjudication. The Vice President of Student Affairs or designee may appoint administrative hearing officers and student conduct board members to facilitate the hearing process. The Director of Student Conduct will also assume

responsibility for the investigation of allegations of misconduct to determine if the complaint has merit.

Students at the NIU are annually provided a link to the NIU Code of Student Conduct on the NIU website. Hard copies are available upon request from the Office of Student Conduct. Students are responsible for reading and abiding by the provisions of the *Code of Student Conduct*.

Jurisdiction

The *Code of Student Conduct* and the student conduct process applies to the behavior of undergraduate, graduate or professional law students, student groups including recognized or unrecognized student organizations.

NIU retains jurisdiction under the Code of Student Conduct over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to reenroll, obtain official transcripts and/or graduate. All sanctions must be satisfied prior to reenrollment eligibility, reinstatement of the degree or a student must be approved to do so 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 graduated, NIU may invoke these procedures and, should the former student be found responsible, NIU may revoke that student's degree and block the release of transcripts.

The *Code of Student Conduct* applies to behaviors that take place on the campus, and or at university – sponsored events or programs. The Code of Student Conduct may also apply off-campus when the Director of Student Conduct or designee determines that the off-campus conduct affects a substantial NIU interest. A substantial NIU interest is defined to include but is not limited to:

- Any situation where it appears that the student's behavior may present a danger or threat to the health and or safety of students, faculty, staff or other individuals related to the university community; and/or
- Any situation that significantly impacts the rights, property, or education of the university community or causes significant disruptions to university activities, causes significant disruption; and/or
- Any situation that is detrimental to the educational mission and/or interests of the university.

Students may be charged under this Code for engaging in conduct that violates federal, state, or local laws or ordinances whether such conduct takes place on campus or off-campus or whether civil or criminal penalties may also be imposed for such conduct. A violation of this

policy is not predicated 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 Code of Student Conduct.

All allegations of Sexual Misconduct are adjudicated under the NIU [Sexual Misconduct Policy](#). Likewise, other distinct policies that address specific issues are adjudicated as it is stated in that policy. Such policies are available for your review in the Undergraduate and Graduate catalogs, the Residence Hall handbook, or other handbooks that are officially adopted and promulgated by the university or any of its entities and are also available in the NIU Policy Library at <https://www.niu.edu/policies/>. Other policies may be adopted by the university or the Board of Trustees from time to time and are effective at the time of adoption and thereafter incorporated by reference into this document.

The university fully recognizes the right of all students to debate, seek knowledge, peacefully protest and freely express their ideas. Discourse and disagreement are fundamental components of any academic endeavor and students will not be subject to disciplinary action for their lawful expression of ideas. NIU is committed to freedom of expression and open discussion in all matters of public interest and is further committed to assuring all members of the university community have the privilege to speak, write, listen, challenge and learn. NIU values all individuals and their rights and encourages meaningful dialogue and a respectful exchange of ideas and opinions so that the voices of every student, faculty, staff and visitor to our campus can be acknowledged.

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

Students should also be aware that online postings such as blogs, web postings, chats, social networking sites, as well as media yet to be developed, are in the public sphere and are not private. The *Code of Student Conduct* may be applied to conduct that occurs online, via email, or any other electronic medium. Postings can subject a student to allegations of standards violations if evidence of policy violations is posted online. NIU does not normally seek out this information but may act if and when such information is brought to the attention of NIU officials.

Guests of community members whose hosts may be held accountable for the misconduct of their guests may also be subject to the Code of Student Conduct if their behavior poses a concern for the campus community. Visitors to and guests of NIU may seek resolution of violations of the *Code of Student Conduct* committed against them by student members of the NIU community.

There is no time limit on reporting violations of the *Code of Student Conduct*; however, the

longer someone waits to report an offense, the more difficult it becomes for NIU officials to obtain information and witness statements and to make determinations regarding alleged violations.

NIU email is the university's primary and official means of communication with students. Students are responsible for reading all communication delivered to their NIU email address and to respond as required or requested. Students are responsible for updating their contact information in MyNIU. All communication related to the Code of Student Conduct will be disseminated through the NIU student email address assigned to the student.

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

1. **Employment Regulations:** Obligations regarding student employment are specified in the Student Employment Handbook distributed by the Student Financial Aid Office. Disputes regarding employment are resolved through student employment grievance procedures.
2. **Academic Regulations:** Student grievances over grades are resolved through the Grade Appeals System established by University Council. However, academic misconduct as a violation of The Student Code of Conduct may be adjudicated through Student Conduct.
3. **Financial Regulations:** Disputes over alleged violation of university policies regarding the payment of bills and loans are resolved through the Accounting Office, the Bursar's Office, or Student Financial Aid
4. **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.
5. **Parking Regulations:** The Campus Parking Services handles violations of the university parking policy, outlined in the Motor Vehicle and Parking Regulations Handbook.
6. **Contractual Obligations:** Questions, disputes and alleged violations of contracts between various university offices and students are handled between the student and the contractual office, such as the Bursar's Office, Housing and Residential Services, or Student Financial Aid.
7. **Freedom of expression, bias-related incidents, affirmative action incidents and incidents falling under the auspices of the NIU Sexual Misconduct Policy** are investigated and resolved via the appropriate university policies. (See the NIU [Freedom of Expression Policy](#) and [Bias Response Reporting](#) for further explanation).

Student Accommodations

Any student with an accommodation through the Disability Resource Center 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 Disability Resource Center (DRC). Accommodations are determined on an individual basis by DRC staff based upon appropriate documentation and consultation with the student. Please see more information about types of accommodations on the [Disability Resource Center website](#).

Student Conduct

NIU considers the conduct described in the following subsections as an infringement of the Code of Student 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:

A) Alcohol

1. **Alcohol misuse:** (1) use of alcohol which includes but is not limited to the providing 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.
2. **Consumption On-Campus:** Consumption of alcohol by any student of legal age with a person younger than 21 years of age including but not limited to residing in the same residence hall room.
3. **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.

B) Cannabis/Controlled Substances /Drugs

1. **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.
2. **Possession of Drugs and/or Controlled Substances** – The possession of any drug or controlled substance prohibited by federal or state law.
3. **Cannabis** – the use, possession, furnishing, or distribution of cannabis, in any amount or in any form, is prohibited on NIU property. Under federal law, recreational and medical use or possession of cannabis is illegal on campus property. Legal off-campus (non-NIU property), possession or distribution of cannabis, is not subject to this policy.
4. **Use of Drugs and/or Controlled Substances** – The use of any drug or controlled substance prohibited by federal or state law. See the [NIU Policy on Tobacco, Alcohol, Cannabis and other Drugs](#).
5. **Sharing, Furnishing, and/or Distributing Drugs and/or Controlled Substances** – Manufacturing, producing, selling, furnishing, exchanging, or otherwise distributing drugs or controlled substances prohibited by federal or state law.

C) Harmful Conduct

1. **Bullying and Cyberbullying:** Ongoing and deliberate patterns of negative behavior from an individual, group or student organization. Bullying is behavior that includes but is not limited to cyber-bullying, intimidating language, belittling gestures or demeaning communication made in writing or electronically. 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 individual's physical or mental health;
- 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 is defined as bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, 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. Cyber-bullying also includes but is not limited to the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects mentioned in the definition of bullying outlined above. Cyber-bullying includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons.

2. **Coercion:** Conduct, actions, or implied threats that would compel with unreasonable pressure, a reasonable person to engage in an unwanted activity.
3. **Disruptive Behavior:** Disruption behavior is conduct that significantly 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. The 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.
4. **Dishonesty/Fraud:** Dishonest or fraudulent behavior, such as forgery, alteration, or misuse of documents, records, or identification (including but not limited to One-cards, credit cards, debit cards, pin numbers, and/or computer usernames/passwords), or knowingly furnishing false information to university officials
5. **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 candles in the residence halls or other areas of the university without prior permission.
- Engaging in pranks involving fire.
- Refusing to comply with fire alarm and fire drill procedures.

6. Harassment: Unwelcomed, unwanted verbal, written, visual, or physical conduct or behavior towards an individual, including via electronic means and the conduct is sufficiently severe, pervasive, and objectively offensive to:

- Unreasonably interfere 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.

7. Hazing: Behavior which includes participation in any act or activity by an organization, group or member of the organization or group that endangers, creates or causes a substantial risk to an individual's mental or physical health or safety or that defaces, destroys, or removes public or private property, for the purpose of initiation into, admission into, affiliation with, or continued membership in, any group or organization. Hazing includes any act or activity that might cause but is not limited to the following: fear or intimidation, embarrassment or ridicule, physical harm, injury or exhaustion, endangerment, mental and/or physical fatigue, harassment, or duress. The intent of the act or the consent or cooperation of the individual(s) experiencing hazing shall not constitute a defense of the behavior. This behavior is not limited to campus property.

8. Physical Violence/Abuse: Using force to knowingly cause bodily harm or injury, or any negligent use of force which causes bodily harm or injury is considered physical violence/abuse. This includes the use of any weapon or other means that might cause bodily harm, including but not limited to physical fighting, mob action, battery, restraint of an individual or individuals, or any action that threatens or endangers the physical, emotional, or mental health or safety of any person or causes reasonable apprehension of such harm.

9. 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.

10. Verbal Abuse: Persistent, severe, and/or pervasive abuse, threats, intimidation, coercion, bullying and/or other conduct which threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm.

D) Community Safety

1. **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.
2. **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, 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.
3. **Guest Responsibility:** NIU students may be held responsible for the actions of their guests. When a guest commits a violation, the student host may be charged with violation of the NIU Student Code of Conduct.
4. **Weapons:** Possession and/or use of any device, whether loaded or unloaded, that shoots a bullet, 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, 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, Rockford and the Lorado Taft Field campus. Please see the [NIU Department of Public Safety website](#) for more information about concealed carry and firearms.

E) Property

1. **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.
2. **Keys:** The unauthorized possession, duplication or use of keys to any university premises, or the unauthorized entry to or use of NIU premises.
3. **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.
4. **Unauthorized Entry:** Attempted or completed entry into or use of university facilities, property or the property of any individual, group, or entity without authorization.

F) Noncompliance

1. **Aid to a Violation:** Aiding another individual in committing a conduct violation as

defined in the Code of Student Conduct. Active association with or active encouragement of another student(s) whose conduct is in violation of the Code of Student 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.

2. **Contractual Obligations:** Failure to abide by the behavioral expectations with the university including terms and conditions of living in university housing.
3. **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 Ethics and Compliance Office.
4. **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.
5. **University Space:** Failure to abide by all policies and regulations governing the use of university space or the registration process of university sponsored (including student and student organization) events.

G) 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 individual's 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 Code of Student 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 Ethics and Compliance Office.

H) 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.

I) Other Legal Violations

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 Code of Student Conduct. This also includes State of Illinois Executive Orders when applicable.

J) 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. Nothing in the Code of Student Conduct shall supersede information in either the Undergraduate or Graduate Catalogs.

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 accused student shall be given the opportunity to resolve the alleged incident in a meeting with the faculty member, and if requested the department chair. If the facts of the incident are not disputed by the accused student, the faculty member may elect to resolve the matter at 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 accused student 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 accused student 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 nonacademic 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 handle the incident according to the notice and preliminary review procedure outlined in the *Code of Student 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 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 a 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.
- The quorum at all hearings shall be three members.

Notice of Hearings

An accused student and faculty complainant shall receive notice in writing and/or electronic form not 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, accused student, their advisor (if any) and conduct board members. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the conduct board hearing shall be at the discretion of the hearing facilitator. Only the members of the Academic Misconduct Board will be present during deliberations.

Hearings Involving Multiple Accused Student

If an academic misconduct incident alleges to have more than one accused student, 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 accused student 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 accused student and the faculty complainant of the hearing decision in writing within two 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 Code of Student 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 a audio recording, of all hearings. Only the Office of Student Conduct may audio-record a hearing. Deliberations shall not be recorded. The record is the property of NIU and will be maintained by the Office of Student Conduct.

Nonattendance of an Accused Student: It is the responsibility of an accused student and faculty complainant to attend the scheduled hearing. The hearing will proceed without the accused student or faculty complainant, if proof of delivery is held of the notice of hearing.

Grade Appeal for Academic Misconduct: Any accused student 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 situations 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 Code of Student Conduct. This notice shall be sent to the student's official NIU (Z-ID) 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 meeting, also called a Preliminary Review, 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 includes supportive writings or statements, reports, etc., that support or deny the allegation. Evidence may also be secondhand or "hearsay" evidence. While it is acceptable for the adjudicator to consider and hear relevant second-hand information, hearsay evidence may not be the only evidence used to establish responsibility in a case. 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 inherently 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 Code of Student 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 shifts 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 a preliminary inquiry into the nature of the incident, complaint, or notice, the evidence available, and the parties and witnesses involved. The respondent is granted three business day notice before the scheduled preliminary review.

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.

When a Preliminary Review is held, the possible outcomes are:

- 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 Code of Student 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 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 Reviewer.

If a decision on the allegation is made and the finding is that the respondent is not responsible for violating the *Code of Student 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 recommendations for sanctions. The

case resolution form will contain one or more of the following resolution options:

- I accept responsibility for violating the Code of Student 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 case. 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 sanctions. (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 the paperwork necessary 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 business days to change the resolution initially agreed to on the case resolution form. After five 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 can decide if they want a hearing officer or student conduct board.

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 appeal 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 Code of Student Conduct, sanctions will be determined by the hearing officer or Student Conduct board. The findings and sanctions will be communicated to the respondent within in 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 jointly bring 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:

1. A facilitator will coordinate and facilitate the restorative conference with all appropriate parties.
2. 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.
3. 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.
4. 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 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 appointed by the Vice President for Student Affairs or designee and trained annually through the Office of Student Conduct.
- Each board will be comprised of at least one student, one faculty member, and one staff member or administrator.
- 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 Conduct. A serious 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

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 will 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.

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 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 Code of Student 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, a formal notice will be given to the respondent. 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 an explanation of the alleged violations, hearing date, time, and location of the meeting.

Hearing Procedures

A hearing will be scheduled for any allegation which is not resolved during the Preliminary Review. It is the respondent's choice to have the matter resolved with a hearing officer or a student conduct board hearing, except when the student or student organization fails to attend the Preliminary Review. The respondent will be given a minimum of three calendar day 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 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 to appear for the hearing, their case will be resolved 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, complainant, university presenter, witness, advisor, and observer.
- The respondent and complainant may select an advisor to assist them during the student conduct proceeding. 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 hearing board 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 scripted, 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.

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 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 considered 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 board will privately deliberate and make its decision and, if necessary, 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

In a situation where it is determined that a student presents as an imminent danger to the health, safety, 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, temporary removal from the university community, temporary suspension of the right to access specific areas of campus,

and other interim actions as deemed necessary. Interim measures for Title IX matters will be processed through the Ethics and Compliance Office.

Students or recognized student organizations receiving an interim action may request an administrative review of the interim action by submitting their request in writing to the office of the Vice President for Student Affairs or designee. Requests for administrative review 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.

The Vice President for Student Affairs or designee may then ask questions regarding the situation. The Vice President for Student Affairs students or designee will issue a decision in writing, normally within five business days of completion of the administrative 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 or recognized student organization's conduct file). There is no appeal of this decision. This time frame may be reasonably extended by the Vice President for Student Affairs or designee when appropriate.

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. Once issued, interim actions issued by Student Conduct may only be modified or removed by the Vice President for Student Affairs or designee. 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. As soon as possible or within 10 business days of issuing an interim action, unless circumstances warrant an extension, a hearing will be conducted to adjudicate the allegations. For cases involving an interim action, no Preliminary Review Meeting will be held but the investigation into the allegations will continue. The process will move to a student conduct board hearing to minimize the time a student is under the interim action sanctions.
2. If the determination of the hearing is not responsible, the interim action will no longer be in effect. 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 arrange with faculty members or instructor for completing 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 reached.
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.

Sanctions

Sanctions are assigned, including any pursuant to an interim action, to meet specific learning and developmental outcomes to assist students to understand the impact of their actions, to hold them accountable for their conduct, or to protect individuals, property, or normal operations of the university. Sanctions are also assigned with the intent of improving upon a student's success at the university by acquiring new skills and promoting growth in various dimensions of moral and ethical development. Any sanctions will be proportionate to the severity of the violation of the Code of Student 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 one or more sanctions from the list below:

- 1. 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.
- 2. Community Service:** A sanction that requires a student or recognized student organization to complete hours of service to NIU or the DeKalb community.
- 3. Counseling 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 counseling. (e.g., referral to Counseling and Consultation Services for Substance Use Assessment, Anger Intervention Assessment, etc.).
- 4. 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 policy. Any sanction may be deferred; the deferred sanction will include the length of deferment and the expiration date of the deferred sanction.
- 5. 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.
- 6. Formal Warning:** A written warning may be given to the student indicating they have been found to be in violation of the *Code of Student Conduct*, a university policy, or regulation. 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.

7. **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 *Code of Student Conduct*, more serious sanctioning may be issued. The Probation period is in effect for no less than a 6-month period.
8. **Community Reparations:** Community Reparations are tasks which benefit the individual, campus, or community.
9. **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.
10. **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.
11. **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.
12. **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 office in any university governance organization, serve on university committees, or representing 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.
13. **Loss of Visitation Privileges in University Owned/Operated Housing/Facilities:** This condition prohibits a student from being present within university owned/operated housing or other designated facilities for any purpose for a specific time period.
14. **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.
15. **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.
16. **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 Code of Student 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.

- 17. 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 2 years after the effective date of this sanction. 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.
- 18. Expulsion:** A recommendation may be made to the Vice President for Student Affairs or their designee that a student is expelled from the institution. Expulsion from the university is permanent dismissal. The Vice President for Student Affairs or designee shall notify the respondent in writing regarding the determination of the recommendation of expulsion within five business days of receiving it.
- 19. Withholding Degree:** A withholding of the awarding of a degree otherwise earned until the completion of the process set forth in the Code of Student 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 and student organizations, 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. Provision of incomplete or fraudulent information upon which sanctions were lifted or rescinded will result in those sanctions being automatically reinstated, pending a hearing on charges resulting from the provision of such incomplete or fraudulent information.

Appeal Review

Grounds for Appeal

Upon receiving notification of the outcome of a hearing, either the respondent or the complainant may appeal in writing for any of the following reasons:

- 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 Code of Student Conduct.

Appeal Procedures

Upon receiving the hearing decision notice, the individual will have five (5) business days to submit an appeal. The individual submitting the appeal must present a formal written appeal that specifically articulates one or more grounds for appeal. The five (5) day requirement may be waived by the Director of Student Conduct or designee where extenuating circumstances prevail and only if the grounds for appeal are met. Appeals cannot be submitted by a third party on behalf of the respondent or the complainant. An appeal is not a rehearing of the matter and will not have merit simply because the person submitting the appeal disagrees with the original outcome.

Once the appeal has been received, the Director of Student Conduct will conduct an initial review to determine if one of the above grounds is identified and is timely.

If the appeal is denied due to failure to meet the grounds for appeal or was not timely submitted, the Director of Student Conduct will provide a response to the respondent

including an explanation of why the request was denied. If the appeal is not timely and or substantively eligible, the original finding and sanction will stand, and the decision is final.

If the appeal has merit and is timely, the appeal will be forwarded to the Appeal Reviewer for review. The Appeal Reviewer determines whether to revise the sanctions, refer the appeal to the Appeal Review Board, or to recommend it for a new hearing, either to the original or new decision-maker(s). Where the original decision-maker(s) may be unduly biased by a procedural or substantive error, a new board will be constituted to reconsider the matter, which can, in turn, be appealed once. Full re-hearings by the Appeal Review Board are not permitted. The Appeal Review Board must limit its review to the challenges presented.

On reconsideration, the original or new decision-maker(s) may affirm or change the findings and/or sanctions of the original decision-maker according to the permissible grounds. Procedural errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative record.

Appeals of suspension or expulsion will be submitted to the Office of Student Conduct and reviewed by the Vice President or a designee. The Vice President will respond to a respondent in writing regarding the appeal of a suspension or expulsion decision.

All decisions 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, as are any upheld decisions made by the original decision-maker(s) as the result of reconsideration consistent with instructions from the Appeal Reviewer.

Appeal Review Board

The Appeal Review Boards 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.

The Vice President for Student Affairs or designee will have final authority to approve all those serving on the board.

Appeals are not an opportunity for the Appeal Review Board to substitute their judgment for that of the original decision-maker(s) merely because they disagree with the finding and/or sanctions. Appeal decisions are to be deferential to the original decision-maker(s), making changes to the sanction only if there is a compelling justification to do so.

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 will not release a student's records without the written consent of the student. The only exceptions to this guideline are those outlined in the Family Educational Rights and Privacy Act of 1974. The Office of Student Conduct cannot guarantee confidentiality but will maintain a student's privacy to the greatest extent possible.

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 Code of Student 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 Residence Hall Association.
- One student appointed by the president of the Student Government representing the fraternity and sorority community.
- One student appointed by the director of Off Campus and Commuter Student Programs representing off campus and commuter 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 provisions of the *Code of Student Conduct*. A material deviation from these rules will, generally, 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 *Code of Student 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 *Code of Student Conduct* will be referred to the Vice President for Student Affairs or designee, whose interpretation is final.

The Code of Student Conduct and related Policies and Procedures shall be reviewed at least every other year following adoption of this Code. The Code of Student 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 Code of Student Conduct only.

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

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 Code of Student Conduct.

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

Appeal Review Board: A panel of 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 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 reviewer. 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 determines 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 Code of Student 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. Students can plagiarize in several ways, as explained in more detail at this [university website](#).

Referral: Any document which contain information regarding an alleged violation of the Code of Student Conduct. This includes but is not limited to reports referred by the Ethics and Compliance 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 Code of Student 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 Code of Student Conduct.

Student: Any person who has a 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 student and two faculty or staff members trained to determine responsibility for nonacademic alleged violations of the Code of Student 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 Code of Student 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 members with information about the alleged incident.