

# STUDENT CODE OF CONDUCT

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## STUDENT CODE OF CONDUCT

Iowa State University is an institution that encourages the intellectual and personal growth of its students as scholars and citizens. As an educational institution, the university recognizes that the transmission of knowledge, the pursuit of truth, and the development of individuals requires the free exchange of ideas, self-expression, and the challenging of beliefs and customs.

To best maintain an environment where these goals can be achieved safely and equitably, the university promotes civility, respect, and integrity among all members of the community. The university strives to guide the educational community by establishing a Student Code of Conduct with policies and procedures that promote individual and social responsibility. Choosing to join the Iowa State University community obligates each member to a code of conduct. Individuals and recognized student organizations are expected to observe the policies, rules, and regulations of Iowa State University, the City of Ames, the State of Iowa, and the United States of America. University policies have been designed to protect individuals and the campus community and create an environment conducive to achieving the academic mission of the institution.

The purposes of the Student Code of Conduct and associated policies and procedures are to set forth the specific authority and responsibility of the university community toward maintaining an environment conducive to learning and in keeping with the educational objectives of Iowa State University. The Student Code of Conduct has established procedures for ensuring fundamental fairness and an educational experience that facilitates the development of the individual and of the recognized student organization.

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### 1. GENERAL DEFINITIONS AND TERMS

The following general terms and definitions apply to the student disciplinary process.

#### 1.1 Advisor

An advisor is someone from within the university community (e.g., faculty, staff, student) or outside the university community (e.g. family, friend, personal attorney, other support person) who students or recognized student organizations select to support and advise them as they navigate the student disciplinary process.

#### 1.2 Complainant

Refers to an individual who is named as the reporting party in a complaint filed pursuant to this policy. The university may serve as the complainant in a complaint filed pursuant to this policy when the individual reportedly harmed by the prohibited conduct does not wish to participate and the university has determined that it will proceed in the best interest of the university community. Third parties reporting an incident are not complainants.

#### 1.3 Confidentiality

The Office of Student Conduct is not a confidential resource or office. Confidentiality refers to the protections provided to information disclosed within legally protected or privileged relationships pursuant to university policy and/or federal and State of Iowa law, including communications with licensed medical and clinical care professionals, licensed mental health care providers and counselors, ordained clergy, personal attorneys, and certain victim counselors as defined by Iowa Code § 915.20. These confidential resources can engage in confidential communications when the information is disclosed within the scope of that person's professional services.

#### **1.4 Deferral Revocation Hearing**

If a student or recognized student organization (RSO) under the sanction of Deferred Suspension is charged with a violation of the Student Code of Conduct while on Deferred Suspension, a Deferral Revocation Hearing may be held with a representative of the OSC. The hearing purpose is to determine whether the respondent or RSO is responsible or not responsible for violations contained in the formal complaint. This hearing provides the reasonable opportunity for students to respond on their behalf to the student disciplinary charges, and if found responsible, the deferral may be revoked, and suspension may be recommended to the Dean of Students.

#### **1.5 Due Process**

In the student disciplinary process, due process includes the following:

- Notice of the specific conduct violations that a student is alleged to have violated and the grounds for the charges.
- The opportunity to participate in an investigation and review any evidence supporting the allegation and provide evidence and witnesses on their behalf.
- The opportunity to participate in a hearing that is fair and consistent with the policies of the institution and past decisions.
- The opportunity to challenge the hearing administrator or hearing board members for bias.
- Notice of any disciplinary decision that concludes a case.
- The opportunity to appeal any disciplinary decision that concludes a case.

#### **1.6 Hearings in Absentia**

When a student or recognized student organization alleged of a violation of the Student Code of Conduct chooses not to participate in the disciplinary process, and does not attend their conference or hearing, the information in disciplinary file will be considered, and a finding and decision made in their absence.

#### **1.7 Investigation**

The Office of Student Conduct may initiate an investigation to gather additional information after a complaint has been made. Investigations may involve requests for reports from other university offices, police departments, recognized student organizations, or other external agencies; individual student investigation meetings; and other processes to gather additional documentation or information. Where the alleged misconduct is related to discriminatory or sexual harassment, the Office of Student Conduct will refer the complaint to the Office of Equal Opportunity.

#### **1.8 Preponderance of the Evidence**

The university applies the “preponderance of the evidence” standard in determining whether a respondent is responsible for violating the Student Code of Conduct.

General definition: A finding of responsibility based on a preponderance of the evidence means that weighing all relevant evidence and reasonable inferences from that evidence, the greater weight of information indicates that it is more likely than not that the respondent violated policy.

#### **1.9 Privacy**

Privacy refers to the way in which the university will treat reports and information relating to prohibited conduct. Reports and information relating to prohibited conduct will be shared only with individuals who have a legitimate administrative or legal reason to be so informed, and in order to assist in the assessment, investigation, and/or resolution process, or when a student has signed a release of information. Any unauthorized information will be redacted as appropriate when shared.

**1.10 Prohibited Conduct**

Behaviors or attempted behaviors that are considered violations of the Student Code of Conduct and are subject to adjudication and disciplinary sanctions by the Office of Student Conduct.

**1.11 Cause**

Whether there are articulable facts and circumstances that, if true, would amount to conduct in violation of the Student Code of Conduct, and the student or recognized student organization alleged is the one responsible for the violation.

**1.12 Recognized Student Organization (RSO)**

An organization or group that has been registered or has received recognition according to university policies and procedures.

**1.13 Release of Information**

A dated form signed by a respondent indicating what student disciplinary information they are asking to be shared, who they want this information shared with, and for what period of time information can be shared. The Office of Student Conduct can provide a release of information upon request to students for their completion.

**1.14 Respondent**

Refers to a student or recognized student organization who is responding to a complaint filed pursuant to the Student Code of Conduct, and is the party accused of engaging in prohibited conduct.

**1.15 Sanction**

Sanctions are a requirement imposed upon a finding or determination of responsibility for a violation through the student disciplinary process. Sanctions are intended to preserve individual and institutional integrity, and whenever appropriate, help students or recognized student organizations (RSO) learn from their mistakes and decision-making. Assignment of sanctions may account for demeanor, prior conduct record(s), the nature of the violation, the severity of the violation, the student / RSO's own statement, any impact statements (where applicable), as well as other relevant factors.

**1.16 Student**

"Student" for purposes of this Student Code of Conduct means any person who is currently registered or enrolled in a university course at the time of the alleged violation. Individuals admitted to ISU at the time of the alleged policy violation may also be subject to these regulations if they matriculate at ISU, except where admission has been revoked.

**1.17 Student Conduct Conference**

The Student Conduct Conference is an opportunity for the respondent or recognized student organization (RSO) to meet with a representative of the Office of Student Conduct for the purpose of determining whether the respondent or RSO is responsible or not responsible for violations contained in the formal complaint. The Student Conduct Conference provides the reasonable opportunity for respondents to present a statement and respond on their behalf to the student disciplinary charges. Complainants (where applicable) are also given an opportunity to provide a statement to be considered during the Student Conduct Conference. Agreed Resolutions may be developed during a Student Conduct Conference (see 7.2.2).

**1.18 Student Conduct Hearing Board**

The Student Conduct Hearing Board (SCHB) process involves a trained board of at least three university faculty, staff and students that hear cases for adjudication in Separation Level cases, which are student disciplinary cases that may result in suspension or expulsion from the university. The SCHB may also



hear Non-Separation Level cases (cases where suspension or expulsion from the university is not a potential sanction) which have been referred by the OSC. Members of the SCHB are also selected for the Appeal Board, or Title IX Policy Hearing Boards, which respectively consist of separate three-member boards drawn from the full membership of the SCHB.

### **1.19 Witness**

Refers to an individual who may have information relevant to a report of prohibited conduct. A witness may be a university student, faculty member, employee, or third-party.

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## **2. OFFICES AND ROLES**

The following describes the roles of various university offices and functions pertaining to Iowa State University's Student Code of Conduct. These conduct officials and bodies are not designed to and should not be expected to function as courts of law. The process is designed to address all matters with regard to the individual circumstances while ensuring due process and striving for fairness and reasonableness in all considerations.

### **2.1 Board of Regents, State of Iowa**

The Board of Regents, State of Iowa, governs the Regent universities, including Iowa State University. Persons who have exhausted their appeal rights within Iowa State University may appeal to the Board of Regents. [Regent policies and rules](#) govern such appeals.

### **2.2 President**

The Board of Regents has delegated to the President of Iowa State University general authority over the university. Responsibility for student conduct has been delegated to the Senior Vice President for Student Affairs.

### **2.3 Senior Vice President for Student Affairs**

The Senior Vice President for Student Affairs is the chief administrative officer responsible for the Student Code of Conduct. The Senior Vice President may review and modify sanctions determined by an appeal board to be outside the university's sanction range for the violation and/or not justified based on the totality of the circumstances. The Senior Vice President's action on appeal will be the final decision of the university, subject to an appeal to the Board of Regents.

### **2.4 Dean of Students**

The Dean of Students has supervising authority of the Director of the Office of Student Conduct. The Dean of Students or designee is involved in the disciplinary process as follows:

- Conducts Interim Action Hearings,
- Receives recommendations from the OSC and various hearing boards,
- May provide notification to students and recognized student organizations of the outcome of various hearing boards, when applicable, and,
- Reviews documentation and requests for reinstatement, and issues decisions regarding reinstatement following separation from the university.

The Dean of Students or designee may modify sanctions issued by a hearing board, if appropriate based on the totality of the circumstances. The Dean of Students' action on an appeal will be the final decision of the university, subject to an appeal to the Board of Regents.

## **2.5 Office of Student Conduct (OSC) and Director**

The staff of the OSC is responsible for:

- Administration of the Student Code of Conduct and related policies, as aligned.
- Receiving reports of misconduct.
- Investigating allegations of misconduct or assigning a case to another unit for investigation and/or resolution.
- Determining if allegations represent a potential violation of the Student Code of Conduct.
- Classifying cases as Separation Level or Non-Separation Level.
- Referring student conduct cases to the appropriate hearing board or process.
- Issuing notices pertaining to the administration of the Student Code of Conduct.
- Holding Student Conduct Conferences for Non-Separation Level violations.
- Developing Agreed Resolutions.
- Maintaining accurate records regarding OSC disciplinary actions and disclosing records according to law and policy pertaining to educational record disclosure.
- Campus and stakeholder consultation and education around the Student Code of Conduct and student disciplinary process and procedures.

The OSC Director or designee oversees and is responsible for the activities of the OSC and coordinates with other university offices and hearing boards related to the administration of the Student Code of Conduct and related processes and procedures. The OSC Director is responsible for ensuring appropriate training for all students, staff, and faculty associated with the student disciplinary processes, and the review and revision of student disciplinary policies and procedures, as necessary.

## **2.6 Student Conduct Hearing Board (SCHB)**

The Student Conduct Hearing Board (SCHB) hears Separation Level cases, which are student disciplinary cases that may result in suspension or expulsion from the university. The SCHB may also hear Non-Separation Level cases (cases where suspension or expulsion from the university is not a potential sanction) which have been referred by the OSC. The SCHB hears cases in boards of at least three persons, including at least two faculty / staff and one student. The SCHB makes its recommendation to the Dean of Students.

The SCHB is composed of members of the university community, including faculty members identified by the Faculty Senate, staff members identified by the Office of the Dean of Students, colleges and staff councils, graduate students identified by the Graduate and Professional Student Senate and the Office of the Dean of Students, and undergraduate students identified by the Student Government and the Office of the Dean of Students.

All appointments are for a two-year term and may be extended or reappointed if the member is willing to serve, unless the member has been removed by the appointing authority. All chairpersons are selected, approved, and trained by the Office of Student Conduct, and are faculty or Professional and Scientific staff that have experience serving on the SCHB.

## **2.7 Student Conduct Appeal Board**

Members of the SCHB are also selected for the Appeal Board. Appeal Boards consist of a separate three-member board drawn from the full membership of the SCHB. The constitution of an Appeal Board must include at least two faculty / staff and one student.

The Appeal Board reviews appeals submitted by students and issues determinations regarding whether any of the grounds for appeal identified by the appellant are present. Based on their deliberations, they grant or deny appeals, pursuant to the process in the Student Code of Conduct.

## 2.8 Office of Equal Opportunity and Title IX Coordinator

The university has designated the Director of the Office of Equal Opportunity (OEO) to administer the university's [Discrimination and Harassment policy](#). The OEO director is also the Title IX Coordinator for the university and is charged with administering the university's [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures. Those policies govern complaints of discrimination, harassment, sexual assault, sexual harassment, stalking, and dating and domestic violence, and nothing in these regulations should be read to contradict or supersede those policies. This office conducts investigations of formal complaints pursuant to these policies, and provides final investigatory reports to the Office of Student Conduct for their review and determination of any applicable charges of the Student Code of Conduct.

The Director of Equal Opportunity and Title IX Coordinator, or a designee, is authorized to respond to alleged incidents of sex or gender-based discrimination or harassment, and other federal or state discrimination laws. This includes providing interim relief such as removing a student from a class on a temporary basis, issuing a temporary restricted contact notice or other actions consistent with the University's responsibilities. Questions about discriminatory harassment, as well as the implications of Title IX, should be directed to the [Office of Equal Opportunity](#).

## 2.9 Title IX Policy Hearing Board

Members of the SCHB are also selected for the Title IX Hearing Board. Title IX Hearing Boards consist of a three-member board drawn from the full membership of the SCHB. The constitution of the Title IX Hearing Board must include at least two faculty / staff and one student.

The Title IX Hearing Board hears cases in violation of the [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#), and as noted in the associated procedural guidelines.

## 2.10 Senior Residence Life Coordinator

The Senior Residence Life Coordinator /designee has oversight of Department of Residence violations, including conduct in violation of housing contracts and other residential behavioral / conduct policies. The Senior Residence Life Coordinator / designee works with the OSC to determine whether a case will be managed in the Residence conduct system or by the OSC and refers cases that are violations of the Student Code of Conduct to OSC.

More information about Department of Residence Policies, including information on Residence hearing and appeal processes, can be found here: <https://housing.iastate.edu/forms/policy>.

## 2.11 Other Student Regulatory Bodies at ISU

Other regulatory bodies may exist within university offices and organizations with the authority to resolve internal disputes within the organization and between its members. Other organizations, departments, colleges, and offices may have specific policies pertaining to their services for which they have enforcement oversight. These regulatory bodies do not have jurisdiction to resolve alleged violations under the university's student disciplinary process. Reports involving alleged violations of other university policies may be referred to the appropriate university office(s) for investigation and/or resolution.

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### 3. STUDENT CODE OF CONDUCT STANDARDS

The following general standards apply to the Student Code of Conduct.

#### 3.1 Accommodations

Students requesting accommodations for the disciplinary process should alert the OSC staff member administering the matter as soon as possible, as applicable deadlines may be reasonably extended to ensure adequate time for assessment through the [Student Accessibility Services \(SAS\)](#) interactive process. SAS, a unit in the Dean of Students Office, is located in room 1076 Student Services Building. Contact SAS by email at [accessibility@iastate.edu](mailto:accessibility@iastate.edu) or by phone at 515-294-7220 for additional information.

#### 3.2 Aiding / Assisting or Attempted Violations

Students and recognized student organizations (RSO) that act with the purpose of aiding, abetting, facilitating, promoting, or encouraging others in violating university conduct regulations are subject to disciplinary action under these regulations.

A student or RSO may be disciplined for attempting to violate the Student Code of Conduct, even though the attempt is not successful.

#### 3.3 Code Amendment

The Student Code of Conduct may be amended through the routine decision-making process of the university and appropriate notification to the university community through the Iowa State Daily. Any organizations or members of the university community may propose amendments by providing a written proposal to the Dean of Students.

The OSC or Dean of Students will convene, at least every five years or as determined necessary, a committee to review the current Student Code of Conduct and recommend any amendments to the university community. Amendments to the Student Code of Conduct will not be effective until approved by the President and published in the Iowa State Daily.

This amendment procedure shall not be construed to supersede the Board of Regents policy that places authority in the President to declare a state of emergency and sanction any person who is found to have violated a presidential order concerning a declared state of emergency.

#### 3.4 Defer / Revoked Admission

Authority to defer or revoke admission before matriculation rests with the university's Admissions Conduct Committee (ACC). Admission may be deferred or revoked for fraud, misrepresentation, material omission of fact, dishonesty, violation of university standards in the application for admission, violation of university academic and/or misconduct standards, or any other pre-matriculation misconduct.

#### 3.5 Effect on Payment of Tuition and Fees; Housing / Dining Contracts

Disciplinary action shall not affect payment of tuition and fees, nor will refunds of fees be granted. Exceptions may be granted in the case of a delay, not the fault of the student or recognized student organization, that causes the student to incur tuition or fees that could have been reasonably avoided. Students involved in the disciplinary process have the responsibility for communicating and managing processes related to payment of tuition and fees, and addressing any financial aid, housing, and/or dining contract matters.

### **3.6 Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) A student disciplinary record is an educational record. More information regarding FERPA can be found here:

<https://www.registrar.iastate.edu/policies>.

### **3.7 Jurisdiction of Process**

The Student Code of Conduct and applicable processes and procedures apply to the conduct of all students and recognized student organizations as defined by this Code.

The University has jurisdiction over conduct that occurs on University property, or in connection with official University functions whether on or off University property. The University may, at its sole discretion and on a case-by-case basis, exercise jurisdiction over student conduct that occurs off campus that takes place during official functions of the university, and/or incidents that affect a clear and distinct interest of the university, when the alleged misconduct:

- 1) Indicates the student / RSO may pose a threat to the health, safety, or wellbeing of any member(s) of the University community;
- 2) Occurs during the events of RSO;
- 3) Occurs during a Study Abroad Program or other university-related international travel;
- 4) Involves the use of university-owned or provided resources;
- 5) Involves behavior that causes significant university community disruption, or behavior that is otherwise detrimental to the educational mission or interests of the university; or
- 6) Otherwise significantly contributes to the creation or continuation of an unsafe, disruptive, or discriminatory environment within the Ames or university community

In determining whether or not to exercise off-campus jurisdiction of alleged prohibited conduct, the University will consider the seriousness of the alleged misconduct; whether an alleged victim is a member of the campus community; the ability of the University to gather information, including the statements of witnesses; and whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

“University Property” includes: the geographic confines of the university, including its land, institutional roads and buildings, its leased premises, common areas at leased premises, the property, facilities and leased premises of organizations affiliated with the university, such as the Memorial Union, university housing, and university-recognized housing, and roads and pathways immediately adjacent to campus, including all property as reportable under the Jeanne Clery Act. University housing includes all types of university residence housing such as halls and apartments, as well as university-recognized housing that includes fraternity and sorority chapter dwellings. Other university property includes intellectual and virtual property, computers and network systems owned, maintained or controlled by the University or funded by University budgets or designated by the University as subject to these policies.

### **3.8 Organizational Responsibility**

Recognized student organizations (RSO) and their leaders and members may be held both collectively and individually responsible for violations of the Student Code of Conduct. The Office of Student Conduct will determine appropriate charges. Criteria used to determine whether to pursue disciplinary action against an RSO may include but are not limited to:

- 1) The alleged incident arises out of an event sponsored, financed, endorsed, or otherwise occurred at or in connection with an event or activity that would reasonably be associated with the RSO;
- 2) Members of the RSO act in concert to violate the university policies;

- 3) RSO leadership (formal or informal) has knowledge of or reasonably should have had the knowledge of the act or incident before or while it occurs and fails to take corrective action;
- 4) The incident occurs at a facility, on or off campus, which is owned, leased, rented, or used by the RSO.

If an RSO is affiliated with a national or international organization, the Office of Student Conduct may notify the inter/national office at any time. The Office of Student Conduct and/or notifying office may attempt to work in partnership with the inter/national office.

### **3.9 Seriousness of Violations**

A violation of the Student Code of Conduct may be regarded as more serious if:

- 1) The conduct involves threatened or actual physical injury to another person, or endangers other persons;
- 2) The conduct is willful or intentional;
- 3) The conduct results in, contributes to or enhances the severity of a public disorder, group violence, riot, or a mass disturbance;
- 4) The conduct involves interference with safety officials (e.g., police, fire, and emergency medical responders) in the performance of their work;
- 5) The conduct involves the use of drugs, alcohol, or medicine to incapacitate a student's ability to give consent to participate in an activity;
- 6) The same or similar conduct is repeated;
- 7) The conduct impairs another's ability to continue their education and/or participate in or benefit from university programs and services; or
- 8) Any other relevant, mitigating, aggravating, or compelling factors.

A violation of the Student Code of Conduct may be regarded as less serious if:

- 1) Immediately after the conduct, and before being notified that disciplinary action may take place, the student / recognized student organization (RSO) takes significant measures to correct their conduct or lessen the damage caused;
- 2) In the case of public disorder, group violence, riot, or mass disturbance, the student / RSO can show that their actions were consistently directed to quelling the disturbance; or
- 3) The student / RSO can show they were encouraged or coerced to act in an uncharacteristic manner.

### **3.10 Simultaneous Criminal Proceedings**

Alleged violations of the Student Code of Conduct may also constitute violations of local, state or federal law. The disciplinary process is not intended to replace or subvert any criminal or legal process.

The university reserves the right to move forward with the student disciplinary investigative and adjudication process at the same time the criminal process is proceeding. The administration of complaints filed in accordance with these procedures may be carried out prior to, simultaneously with, or following civil or criminal investigations and/or proceedings.

In cases affecting the safety of campus (including, but not limited to cases involving sexual assault, harassment, assault, stalking, and threats of violence), the university will move forward with investigation and adjudication unless all parties, including the university, agree to suspension of the university process, or the prosecuting authority handling the criminal matter requests suspension of the university process. In such cases, the university will suspend its process for a reasonable amount of time if it deems measures to preserve safety are sufficiently enacted under the circumstances.

As the University's proceedings are administrative and not legal proceedings, the University may use the information available from complainants and third party sources, such as law enforcement agencies, the courts, and other witnesses to help determine whether prohibited conduct has occurred.

### **3.11 Student Disciplinary Records**

Student disciplinary records will be maintained in the student's or recognized student organization's disciplinary file in the Office of Student Conduct (OSC), consisting of a statement of charges, summary of the information presented in any investigation, conference, or hearing, findings and sanctions by OSC or the hearing body, records of appeals and rationale for decisions. Student disciplinary records also include the correspondence, evidence and testimony presented, including those of any applicable complainant and/or witnesses. Records will be preserved during the pendency of any related legal proceedings.

A student disciplinary record is part of a formal educational record, and is maintained by the Office of Student Conduct for a period of seven (7) years, after which the file records may be purged. Records may be maintained for a longer time at the discretion of the university, except that the recording of any hearings may be destroyed one semester following the exhaustion of all appeals.

Student disciplinary case records are subject to FERPA and other applicable privacy laws. However, when the student is expelled, suspended, or their admission is revoked, a notation will appear on the academic transcript that the student has been dropped due to disciplinary action and is not eligible to enroll. Student disciplinary case records may be required to be transmitted to the Board of Regents for purposes of appeal, or, in the case of legal action, to the courts or to the parties in litigation.

Because student disciplinary case records may contain records of persons other than the individual authorizing access, records relating to such other persons will be denied or redacted in a manner sufficient to prevent identification of the other person. Disciplinary process information pertaining to students may be shared with an office or department within the university where the requestor has a legitimate need to know.

Records of violations by recognized student organizations may be transmitted for inclusion in the organization's file in the Office of Student Activities.

### **3.12 Study Abroad Program Disciplinary Implications**

A Study Abroad Program is an academic program providing the student involved with an opportunity to pursue academic study for credit outside the United States. The Study Abroad Center has developed rules and regulations that all participants are required to follow while studying in a foreign country. Students who fail to abide by the rules and regulations of the Study Abroad Center may be withdrawn from the Study Abroad Program and sent back to the United States at their own expense pursuant to procedures developed by the Study Abroad Center. In addition, if the student's alleged conduct is in violation of the university Student Code of Conduct, disciplinary action may be taken by the Office of Student Conduct.

### **3.13 Withdrawal during Pending Disciplinary Action**

The Office of Student Conduct does not withdraw students from enrollment at the university as part of the disciplinary process, including during any imposed interim actions. Students may withdraw from enrollment at the university prior to or during the disciplinary process, but this will not prevent adjudication of any pending student disciplinary matters that occurred while the student was registered or enrolled. Students who are suspended or expelled as a result of student disciplinary action will be dropped from the university; this action is distinct from withdrawal.

## 4. STUDENT RIGHTS AND RESPONSIBILITIES

Students have certain rights as members of the university community in addition to those constitutional and statutory rights and privileges provided by the State of Iowa and the United States of America, and nothing in this document shall be construed so as to violate students' constitutional rights. Students have the responsibility not to deny these rights to the other members of the university community. To this end, all students are entitled to the following rights throughout the disciplinary processes as set forth in this Code.

- A. To have access to academic and non-academic university policies, including this code.
- B. To participate or to decline to participate in the disciplinary process.
- C. To be provided information regarding counseling, mental health, and other medical services available on campus and in the community.
- D. To have any two persons from within the university community (e.g., faculty, staff, student) or outside the university community (e.g., family, friend, attorney) advise them and be present for all disciplinary meetings and processes.
- E. To be ensured due process, as required by applicable law and described in the Student Code of Conduct.
- F. To present evidence and/or witnesses on their behalf during the disciplinary process. The relevance of witnesses shall be determined by the investigative office, hearing officer or chairperson during the disciplinary process.
- G. To submit written materials relevant to the sanction decision, which may include written impact statements.
- H. To be informed about the status of the disciplinary case pending in the Office of Student Conduct, including the final decision (both complainant and respondent).
- I. To be free from retaliation and harassment due to reporting or involvement in the disciplinary process.
- J. To privacy, as appropriate and as indicated by FERPA, throughout the investigation and disciplinary process.
- K. To understand that the university may maintain counseling, health, law enforcement and disciplinary records, which can be released only by expressed consent, a court order, or as otherwise permitted by law.
- L. Complainants and respondents involved in allegations of sexual harassment, sexual assault, dating or domestic violence, and/or stalking also have the rights provided by applicable law and the university's [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy and procedures](#).

All students are expected to provide truthful information in any report, investigation, or adjudication under the Student Code of Conduct. Knowingly providing false or misleading information in bad faith in connection with an incident of prohibited conduct is prohibited and subject to disciplinary action. This does not apply to reports made or information provided in good faith, even if the facts reported or stated are not later substantiated.



## 5. PROHIBITED CONDUCT

The following behaviors, or attempted behaviors, are considered violations of the Student Code of Conduct and are subject to disciplinary sanctions by the university.

### 5.1 Academic Misconduct

ISU defines “academic misconduct” as any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community.

Examples of academic misconduct include, but are not limited to the following:

- Unauthorized assistance, or access to or use of unauthorized materials, information, tools, or study aids. Examples include, but are not limited to, unauthorized collaboration or copying on a test or assignment, using prohibited materials and texts, unapproved use of cell phones, internet, or other electronic devices, requesting, hiring, or otherwise encouraging someone to take a course, exam, test, or complete assignments for a student.
- Representing the words or ideas of another person or presenting someone else's words, data, expressed ideas, or artistry as one's own, both word-for-word and/or paraphrasing of another person's work. Examples include, but are not limited to, presenting someone else's opinions and theories as one's own, using another person's work or words (including unpublished material) without appropriate source documentation or citation, working jointly on a project and then submitting it as one's own.
- Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement without permission of the instructor of the course for which the work is being submitted.
- Falsification or fabrication of information. Examples include, but are not limited to, falsifying research, inventing or falsely altering data, citing fictitious references, falsely recording or reporting attendance, hours, or engagement in activities such as internships, externships, field experiences, clinical activities.
- Any action that helps another engage in academic misconduct. Examples include, but are not limited to, providing materials or assistance without approval, altering someone's work, grades or academic records, taking an exam / completing an assignment for someone else, seeking to acquire, selling, bribing, paying or accepting payment for academic work or assistance that contributes to academic misconduct.
- Tampering or alteration of grades, academic records, or an instructor's evaluation of work by altering materials or documents, tampering with evaluation tools, or other means of interfering.
- Recording and/or sale or dissemination (including posting) of instructional content without the express permission of the instructor(s), or an approved accommodation coordinated via Student Accessibility Services.

Course-related presentations and materials are owned by the presenter. Students may take written notes or make other recordings for educational purposes, but specific written permission to sell and/or make publicly available the notes, recordings, or materials must be obtained from the presenter. Failure to secure permission is a violation of these conduct regulations.

In addition, students are responsible for adhering to expectations in course syllabi and on coursework and exams, and for following directions given by faculty, instructors, and testing center regulations related to coursework, assessments, and exams.

Additional information regarding academic honesty is included in the [ISU Catalog](#) and the [Acceptable Use of Information Technology Resources](#) Policy. In addition, students are responsible for following ethical standards adopted by the various colleges and departments.

## **5.2 Assault or Injury**

An unwelcome intentional or reckless act that:

- Causes physical pain or injury to a person;
- Results in physical contact which is insulting or offensive to a person;
- Places a person in reasonable fear of immediate physical contact which will be painful, injurious, insulting, or offensive; or
- Unreasonably and substantially restricts another's freedom to move against the other's will.

Any act meeting the definition of assault under [Iowa Code § 708.1](#) is a violation of these regulations.

## **5.3 Bribery / Extortion**

Offering or soliciting a bribe or favor to any student, employee or faculty member, in an attempt to influence a decision or action. Extortion is the attempt to obtain property, services, or benefits from another induced by wrongful use of actual or threatened force, violence, fear or coercion, or false pretense.

## **5.4 Coercion**

To force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, the threat or use of force and/or nonphysical forms of pressure, expressed or implied threats, or intimidation. Coercion also includes forcing a person to act by impairing the faculties of that person through the administration of a substance.

## **5.5 Damage to Property, Vandalism, Defacement**

Actual or attempted damage / vandalism or defacement to property and/or services owned or maintained by the university, property owned or controlled by recognized student organizations, by a member of the university, by any person or visitor on campus, or by any person attending a university-sponsored event is a violation. Participating in group behavior that involves damage to property / vandalism or defacement or threatened damage to property / vandalism or defacement is also a violation.

## **5.6 Dating / Domestic Abuse**

Dating violence and domestic violence, as those terms are specifically defined in the relevant policy, are prohibited forms of misconduct governed by the university's comprehensive [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to those forms of prohibited conduct. In addition, any act meeting the definition of dating or domestic abuse under Iowa Code § 708.2A and/or 236.2 is a violation of these regulations.

## **5.7 Discrimination**

Discrimination is governed by the university's comprehensive [Discrimination and Harassment Policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to discrimination.

## **5.8 Disruptive Activity**

Disruption or obstruction of teaching, research, administration, or other University activities (including public-service functions on or off campus) or of other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

- Behavior that is a disruption to the normal operations of the university or its affiliated programs.
- Leading or inciting others to disrupt scheduled and/or regular activities on University premises.
- Classroom behavior that seriously interferes with either (a) the faculty member's ability to conduct the class or (b) the ability of other students to profit from the instructional program, may constitute a violation of this section, where faculty have taken the appropriate steps through the Classroom Disruption policy and the behavior has escalated or continued. (See the [Faculty Handbook](#), section 10.5).
- Any behavior in class or out of class, which for any reason significantly interferes with or otherwise disrupts the regular and essential operation of the University.
- Starting, aiding, or participating in group behavior that constitutes a riot or mass disturbance.
- Disturbing the peace.

### **5.9 Disorderly Conduct**

Disorderly conduct is defined as any unreasonable or reckless conduct by an individual or group that is inherently or potentially unhealthy or unsafe to other persons or their properties. Any unruly behavior or unauthorized activity that significantly disturbs the academic pursuits or infringes upon the privacy, rights, privileges, health or safety of other persons or their properties is prohibited.

### **5.10 Endangerment**

The creation of a hazard or otherwise intentionally or recklessly endangering the physical safety of self or others or property.

### **5.11 Failure to Comply or Complicity**

Failure to comply with legitimate directives of authorized university officials, law enforcement, or emergency personnel. This includes but is not limited to: failure to identify oneself or to show an identification card when so requested; knowingly misleading university employees and/or police officers in the conduct of their official duties; failure to complete sanctions by the date required or agreed upon; or the violation of any disciplinary sanctions and/or interim actions.

Complicity is any act taken with the purpose of aiding, abetting, facilitating, promoting, or encouraging the commission of an act of prohibited conduct by another person. Complicity may include, but is not limited to, the following behaviors:

- Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information.
- Removing, destroying, or altering documentation / evidence relevant to an investigation.
- Providing false or misleading information to university officials who are involved in an investigation or resolution of a complaint or encouraging others to do so.
- Assisting an individual in the commission of any act of prohibited conduct or assisting an individual in hiding or covering up the commission of any act of prohibited conduct.

### **5.12 Fire or Safety Violations**

Fire or safety violations include but are not limited to:

- Willful and/or reckless creation of a fire hazard or fire;
- Tampering with, damaging, or misusing fire / safety equipment, emergency exits, barriers, and/or signs;
- Intentional or reckless obstruction of fire, police, or emergency services;
- Falsely reporting or setting alarms for fire, explosion, or other emergencies on campus;
- Possession or unauthorized use of fireworks, explosives, dangerous chemicals or other flammable materials;

- Obstruction of the free flow of pedestrian or vehicular traffic on or adjacent to University premises or at University events;
- Failure to evacuate a university facility when an alarm has sounded and/or when directed to do so by emergency personnel and/or university officials; or
- Other interference with emergency personnel and/or evacuation procedures.

### 5.13 Harassment

- A. Harassment, or general harassment (i.e., harassment not based on or motivated by protected status), is prohibited by these regulations. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:
- Communicates with another directly, by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm;
  - Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person;
  - Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent;
  - Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur; or
  - Disseminates, publishes, distributes, posts, or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting.

Considerations for harassment include behavior that is continued after a request to cease the behavior, as well as a determination of significant impact on an individual's rights, privacy, or safety.

In addition, any act meeting the definition of "harassment" under Iowa Code Section 708.7 is a violation of these regulations.

- B. Discriminatory harassment (i.e., harassment based on or motivated by protected status) is governed by the university's comprehensive [Discrimination and Harassment Policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to discriminatory harassment.

### 5.14 Hazing

Hazing is any intentional, knowing, or reckless action, request, or creation of circumstances that may include, but is not limited to, the following:

- Endangers the mental or physical health or safety of any person; or
- Causes or presents a substantial risk of physical injury, serious mental distress, or personal humiliation to any individual; or
- Involves any act solely based on the classification status of a student; or
- Involves the damage, destruction or removal of public or private property; or
- Involves impairment of physical liberties, such as sensory deprivation, kidnapping, isolation, sleep or meal deprivation, and personal servitude;
- Involves a violation of local, state, or federal law or university policy; or
- Otherwise creates an interference with academic endeavors;

**And** is in connection or associated with initiation or admission into, or continued membership in, or elevating status within any recognized student organization or group affiliated with the university,

including but not limited to, any student, campus, fraternal, academic, honorary, musical, athletic, or military organization.

Individual acceptance of or agreement to engage in any activity that occurs during an initiation rite does not affect a determination of whether the activity constitutes hazing.

Both individuals and groups may be held accountable under this policy. Failing to intervene to prevent and/or failing to report those acts may also violate this policy. Any individual who plans or intentionally assists in hazing is in violation of this section, whether or not that individual is present when the hazing activity occurs.

Violations under this section may include activities that are not consistent with the parent organization's (where applicable) rules and regulations.

In addition, any act meeting the definition of "Hazing" under [Iowa Code Section 708.10](#) is a violation of these regulations.

### **5.15 Indecent Exposure**

Indecent exposure, defined as intentionally, in a public place where other persons are present, exposing your genitals under circumstances where the exposure is reasonably likely to offend, annoy or alarm another person is prohibited.

### **5.16 Misuse of Alcohol**

Unauthorized or illegal use, possession, manufacturing, distribution, or sale of alcohol; public intoxication; operating a vehicle or other mode of transportation under the influence of alcohol; or any violation of ISU's [Alcohol, Drugs, and other Intoxicants](#) Policy.

Alcohol may not, except as expressly permitted by law, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

It is a violation of this section if organizations or groups affiliated with the University:

- Intentionally, knowingly, recklessly, or negligently supply alcohol to persons under age; or,
- Fail to adhere to university policies regarding alcohol (including failure to register events with alcohol and/or do not follow established policies regarding alcohol at registered events).

### **5.17 Misuse of Controlled Substances and Drug Paraphernalia**

Use, possession, manufacturing, distribution, or sale of cannabis, cocaine, narcotics, or other controlled substances (including prescription drugs and drug paraphernalia) except as expressly permitted by law, and any violation of ISU's [Alcohol, Drugs, and other Intoxicants](#) Policy.

Neither recreational nor medical cannabis is permitted on university property, in any university or university-affiliated housing, or at university sponsored off-campus events.

### **5.18 Misuse of Identification or Falsification**

Improper actions of identification or falsification may include but are not limited to:

- Providing inaccurate identifying information to authorized officials with reason to request such information;
- Allowing another person to use identifying information of a different person for the purpose of accessing university services or misleading authorized officials;
- Tampering with or falsifying official records, documents, identification cards;

- Providing, procuring, or attempting to procure, false information or evidence in any university or administrative process; or
- Forgery.

### **5.19 Misuse of Keys or Access Cards**

The unauthorized possession, duplication, or use of keys or cards that permit access to any university or university-related services, vehicles, or premises, including university housing and housing or premises affiliated with recognized student organizations.

### **5.20 Misuse of Technology Resources**

Students and student organizations are subject to ISU's [Acceptable Use of Information Technology Resources](#) policy. See Resources below. Examples of technology misuse may include, but are not limited to:

- Accessing, damaging or altering records, programs or databases without permission;
- Accessing or disclosing another user's private files without permission;
- Unlawful copying of, improperly using, or distributing copyrighted material;
- Use of university computing facilities for personal financial gain without permission of the university; or
- Sending or posting obscene, harassing, or threatening material via an ISU account.

### **5.21 Possession or Misuse of Weapons**

Possession of weapons, unless authorized by the university, is a violation. A weapon is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death or injury when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the possessor intends to inflict death or injury upon another, and which, when so used, is capable of inflicting death or injury upon another, is a weapon.

Weapons include any pistol, revolver, shotgun, machine gun, rifle or other firearm, BB or pellet gun, electrical projectile, bomb, grenade, mine or other explosive or incendiary device, ammunition, archery equipment, dagger, stiletto, switchblade knife, or knife having a blade exceeding five inches in length. Residents of university housing may possess knives having a blade exceeding five inches for cooking purposes.

A "weapon" also means an object that is not an instrument capable of inflicting death or injury but closely resembles such an instrument (for example, a realistic toy, replica, imitation weapon or look-a-like gun that is reasonably capable of being mistaken for a real weapon) where the student used the object in a manner that created the impression that the object was such an instrument (for example, wrapping a hand in a towel to create the appearance of a gun).

Additional details are available in the [Firearms and Other Weapons Policy](#).

### **5.22 Public Urination and/or Defecation**

Urinating and/or defecating in a public place or physical property that is not intended for use as a restroom.

### **5.23 Research Misconduct**

Students must also comply with the university policy on [Research Misconduct](#). The policy prohibits research misconduct, which is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.

### **5.24 Retaliation**

Any form of conduct or action constituted as retaliation, as indicated by the [ISU Non-Retaliation Against Persons Reporting Misconduct](#) policy.

Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from reporting prohibited conduct and/or from participating in any investigation or proceeding under this Policy. Retaliation is an independent violation of policy and may be present even where there is a finding of “no responsibility” on the underlying report of prohibited conduct.

### **5.25 Title IX Sexual Harassment and Sexual Assault**

Sexual harassment and sexual assault are prohibited forms of misconduct. These forms of misconduct are governed by the university’s comprehensive [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to those forms of misconduct.

### **5.26 Stalking**

Stalking is a prohibited form of misconduct. Title IX Stalking, as that term is specifically defined in the relevant policy, is governed by the university’s comprehensive [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to Title IX Stalking.

In addition, any act meeting the definition of stalking under [Iowa Code § 708.11](#) is a violation of these regulations. Per 708.11, a person commits stalking when all of the following occur: the person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened or to fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family; and the person has knowledge or should have knowledge that a reasonable person would feel terrorized, frightened, intimidated, or threatened or fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family by the course of conduct.

### **5.27 Theft**

Unauthorized removal or stealing and/or attempted removal or stealing of property of a member of the University community. This includes knowingly possessing such stolen property. This also includes theft of services and/or misuse of another’s property including, but not limited to, unauthorized use of another’s property, and attempted or actual unauthorized use of a credit / debit card, student identification card, cell phone, personal identification number, University Bill account information, or parking permit.

### **5.28 Threat**

Making explicit or implied threats of physical harm or physical violence to any person(s), or any intentional or reckless behavior that puts another person(s) in objectively reasonable fear for their physical safety, and/or results in physical contact with another person; displays in a threatening manner any dangerous weapon toward another.

\*Nothing in this section is meant to curb, impede, or prohibit speech that is protected by law.

### **5.29 Unauthorized Entry or Use of Space**

Unauthorized or attempted unauthorized entry, occupation or use of any leased or university-owned or controlled property, equipment, or facilities. Examples of this conduct include, but are not limited to,

the unauthorized entry into or occupation of any University room, building, or area of the campus, including such entry or occupation at any unauthorized time, or any unauthorized or improper use of any University property, equipment, or facilities. It is a violation to enter restricted areas of the university such as restricted research areas, restricted or closed offices, and utility tunnels. Refusal to leave a space at the request of a University official is considered prohibited conduct. Assisting another individual to enter a restricted area without authorization is prohibited.

### **5.30 Violation of Department of Residence Regulations**

Prohibited conduct, as noted in this policy, that is also a violation of the Department of Residence behavioral / conduct regulations and policies.

### **5.31 Violation of other University Regulations or Policies**

Violation of any Iowa State University policy, rule, or regulation published in the Policy Library subject to disciplinary action.

### **5.32 Violation of Regents Uniform Rules of Personal Conduct**

The Board of Regents, State of Iowa, has adopted Uniform Rules of Personal Conduct applicable to the public universities under their jurisdiction. See [681 IAC §9.1](#). A violation of the Uniform Rules of Personal Conduct is also a violation of this Student Code of Conduct.

### **5.33 Violation of Study Abroad Regulations**

Students who participate in an ISU Study Abroad Program are subject to the full extent of the Student Code of Conduct as well as the following additional rules and regulations:

- Rules and regulations adopted by the ISU Study Abroad Center and provided to each student in the Study Abroad Code of Conduct (see Resources below);
- The laws of the host country in which the student is traveling or living; and
- The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying.

### **5.34 Criminal Conduct**

Iowa State University expects students to conduct themselves in accordance with city, state, and federal law. It is a violation of the Student Code of Conduct for a student or a RSO to engage in criminal conduct (including violations of court protective orders) that affects a [clear and distinct interest of the university](#).

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## **6. PROCESS**

### **6.1 Reports of Academic Misconduct**

The Office of Student Conduct (OSC) has a referral process for cases of academic misconduct reported by faculty and instructors. Students wishing to make a report of academic misconduct are asked to consult with the faculty for the course of the suspected misconduct to complete a referral. Academic misconduct reports should be submitted as soon as possible after the alleged misconduct occurs. Although there is no time limit on the reporting of misconduct, the Office of Student Conduct may be limited in pursuing academic misconduct reported after the halfway point of the subsequent semester of the alleged incident.

#### **6.1.1 Investigation of Academic Misconduct**

In initiating an investigation, the OSC will review information provided by the faculty / instructor. Pursuant to the referral template, the information provided should include a description of the incident, summary and documentation of any interactions with a student



regarding the incident, and all documentation relevant to the case. This might include scans or copies of the work/assignment/paper/assessment in question, generated plagiarism reports with links to or copies of plagiarized content, pictures or other forms of documentation supporting academic misconduct, syllabi and instructions, examples of other students work (where applicable, as supporting evidence), and any other documentation or summary of communication with others that may lend support for the allegations. Information on other students reporting or otherwise involved in an allegation may be necessary for the investigation and/or charges. The OSC will determine if additional information is required. Faculty and instructors may contact the Office of Student Conduct for consultation around suspected academic misconduct.

If there is cause to believe a violation has occurred, the OSC will determine whether the sanction range for the violation should fall under Separation Level or Non-Separation Level classification. OSC will charge all students involved in an incident of academic misconduct, as indicated by the information provided by the faculty / instructor. In most cases involving two or more students, Student Conduct Conferences will be held with all involved students individually prior to issuing findings / decisions. In Separation Level cases involving a SCHB, faculty / instructors may be asked to attend hearings as witnesses.

In the case of allegations of violations of the College of Veterinary Medicine Interclass Honor Code, cases may be brought under these procedures, or under the separate procedures of the College of Veterinary Medicine. Consult the College of Veterinary Medicine Student Handbooks.

For allegations of research misconduct, consult the university's Research Misconduct policy for information relating to the procedures for handling such allegations.

### **6.1.2 Recommended Course of Action for Faculty / Instructors**

If an instructor believes that a student has behaved dishonestly in a course, the following steps are recommended:

1. Arrange for an opportunity, when plausible, to meet with the student and discuss the allegations.
  - In cases involving multiple students, it is recommended to meet with students individually.
2. Allow the student to provide their side of the story and ask if they admit or deny responsibility for the misconduct.
3. If they **deny** responsibility, do not assign a grade for the assignment or course (**leave grade as N for grade processing**).
4. If they **admit** the misconduct, you may assign a grade according to your discretion and what you may have outlined in your syllabus.
5. Refer the case and information to the Office of Student Conduct, including related materials such as emails, exams, essays, websites, external resources, syllabi, and summary of the interaction with student(s), and other information, as requested.

6. When an outcome is determined by the Office of Student Conduct, both the student(s) and the instructor will be notified of the conclusions.
  - In cases involving an initial denial by the student, once the Office of Student Conduct has communicated their outcome, the faculty / instructor can issue the academic and/or course outcome.

If a student either admits misconduct or is found responsible for academic misconduct by the Office of Student Conduct or the Student Conduct Hearing Board, student disciplinary sanctions are imposed based on the totality of the circumstances. Academic decisions imposed by faculty / instructors are at their discretion, based on course, program, college, and/or department policy and procedures. Procedures for case classification and resolution align with those for non-academic disciplinary cases, as indicated below in the section beginning 'Classification and Formal Complaints'.

## **6.2 Reports of Non-Academic Disciplinary Misconduct**

The Office of Student Conduct (OSC) may receive reports of alleged non-academic student misconduct from staff, faculty, police, or other authority or administrator identifying misconduct. Misconduct reports should be submitted as soon as possible after the misconduct occurs. Although there is no time limit on the reporting of misconduct, the university may ultimately be unable to adequately investigate or respond if too much time has passed or if the students involved have graduated. Reports of sexual harassment, sexual assault, dating or domestic violence, and stalking proceed under the [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures. Reports of discrimination and/or harassment based on protected status proceed under the [Discrimination and Harassment Policy](#).

Misconduct reports may be submitted by providing a written statement of the nature of the alleged violation to the following offices:

For all matters: the OSC, who may forward to the appropriate office.

For sexual harassment, sexual assault, dating or domestic violence, and stalking, or discriminatory harassment: the Office of Equal Opportunity.

For university housing matters: the Senior Residence Life Coordinator / designee.

### **6.2.1 Investigation of Disciplinary Misconduct**

The Director of Student Conduct will determine who will investigate the alleged violation except for matters involving sexual harassment, sexual assault, dating or domestic violence, and stalking, or discriminatory harassment. Investigations and procedures associated with these matters will be determined and applied by the Office of Equal Opportunity.

The Office of Student Conduct has the authority to initiate an investigation in the absence of a report, if they become aware of possible misconduct by a student or by a recognized student organization.

#### ***(a) Individual Student(s)***

If it appears an investigation is warranted, the OSC may schedule initial meetings with the respondent and complainant (where applicable), to obtain statements and provide information as to 1) the allegations, 2) the possible resolution processes, 3) student rights, and 4) the possible outcomes of the process. Failure to respond to a request for an initial meeting, or failure to appear for an initial meeting may impact the ability to obtain information from all parties, but will not prevent an investigation from proceeding, where indicated.

**(b) Recognized Student Organizations (RSO)**

If it appears an investigation is warranted, the OSC may:

- 1) Notify the RSO's President and university / chapter advisor(s) on record that an investigation will be commencing.
  - a. For Sorority and Fraternity organizations, OSC may also copy the inter/national headquarters when the information is available.
- 2) Contact the reporting party (student, staff, faculty, or non-student), and request a meeting or otherwise communicate to gather additional information about the incident.
- 3) Contact members of the RSO and ask them to attend an individual interview in order to better understand the information contained in the report of misconduct. The OSC may contact all members, new members, or a random selection of members.

Upon completion of an investigation, the Office of Student Conduct will consult with the investigating office (where applicable), review the information, and determine if there is cause to believe a violation has occurred, and if so, whether the sanction range for the violation should fall under Separation Level or Non-Separation Level classification.

For recognized student organizations, if there is no cause to believe a violation occurred, this information will be provided to the RSO's President and university / chapter advisor(s) on record.

**6.3 Interim Actions**

Interim actions are imposed to protect the health and safety of individuals on campus and/or those involved in an incident or investigation, or in circumstances when a student /recognized student organization (RSO) is alleged to have engaged in conduct that poses a substantial risk to the operation of the university or the health and safety of students, faculty, staff, or visitors.

The following interim actions may be taken where there is reasonable cause that a respondent / RSO is in violation of the Student Code of Conduct, prior to the final adjudication of a student disciplinary case, and after an allegation of misconduct has been reported. Certain policies may have specific procedures that govern interim action under that policy.

**6.3.1 Hold / Other Actions Pertaining to Registration and Records**

The OSC or Dean of Students / designees may place a hold on a respondent's registration, transcripts, new awards of financial aid and/or other university records until a case is adjudicated when the following circumstances occur:

1. The student has failed to respond promptly to requests for information from the investigating office;
2. The student has failed to appear for the initial meeting with the Office of Student Conduct or for any hearing;
3. The student has failed to complete a disciplinary sanction by the assigned deadline;
4. The alleged conduct is such that, if true, may pose a threat of harm to persons or property; or
5. The student is scheduled to graduate prior to the adjudication of the case.

When a student has pre-registered for a term after the one in which the hold is placed, the Director of Student Conduct or Dean of Students / designees may also revoke the registration of a student.

If there are allegations of misconduct relating to the qualifications of a student to graduate, such as allegations of academic fraud or serious allegations of misconduct, the Director of Student Conduct or Dean of Students / designees may delay graduation until the charges are determined.

The decision to place a hold on registration, to revoke registration, or to delay graduation may be appealed to the Dean of Students. The OSC or Dean of Students may impose reasonable conditions on release of the hold.

### **6.3.2 Interim Suspension**

The OSC or Dean of Students / designees may order that a student be immediately excluded from classes, university facilities (including university housing), and/or denied privileges and ability to participate in activities and programs when the student's continued presence may constitute a significant danger to safety or property. The student will receive a written notice stating the reasons for the interim suspension and the time and place of the Interim Action Hearing to be held within two business days.

### **6.3.3 Restricted Contact Notice**

In cases involving allegations of assault, injury, sexual assault or sexual harassment, threats of such conduct, and/or where there is reason to believe continued contact between the respondent and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Office of Student Conduct may require that the parties be subject to restrictions on contact with specific persons. The relevant student(s) / recognized student organization will receive written notice of and reasons for, the Restricted Contact Notice.

### **6.3.4 Interim Removal from University Housing**

The OSC or Dean of Students / designees may order that a student be immediately removed from university housing when the student's continued presence creates a significant danger to persons or property or constitutes an ongoing threat of disruption to the university's programs, activities, or services. The student will receive a written notice stating the reasons for the interim removal and the time and place of the Interim Action Hearing to be held within two business days..

The Senior Residence Life Coordinator may move or remove students from university housing pursuant to Department of Residence contracts and behavioral policies.

### **6.3.5 Other Interim Actions**

Other interim actions are available for implementation prior to the final outcome of a disciplinary hearing, to assist in ensuring the safety and well-being of the university community or to prevent the unreasonable disruption of university programs, activities, or services.

Implementation of such interim actions will depend on the specific facts and circumstances of each case but may include such measures as restriction from services, buildings, or spaces, referrals for support services, changes to on-campus living and dining arrangements, adjusting academic courses, schedules and assignments, and/or on-campus employment assignments or obligations for the involved students. When imposing interim actions, the Office of Student Conduct will work closely with involved university departments.

### **6.3.6 Interim Actions Specific to Recognized Student Organizations (RSO)**

#### ***(a) Interim Suspension of Organizational Recognition***

The RSO is immediately denied all university privileges of recognition, including exclusion from organizational participation in University events / activities, and the RSO must cease operations related to university business. The organization may not represent the University in any capacity.

#### ***(b) Interim Restrictions on Organizational Privileges***

The RSO may be restricted or denied access to all or specific privileges afforded to organizations recognized by the university. Examples of restrictions on privileges include, but are not limited to:

- 1) Participation in University or other organization-sponsored events or activities;
- 2) Use of University facilities, property, or other resources;
- 3) Use of University-held financial accounts;
- 4) Ability to start or continue recruitment, intake, or member education processes;
- 5) Being a sponsor, co-sponsor, and/or participant in any social event or other activity.

### **6.3.7 Interim Action Hearing**

When a respondent / RSO is subject to some type of interim action through the Office of Student Conduct, they will receive a written notice stating the reasons for the interim action. The notice will indicate either the time and place of a scheduled hearing, or how to request a hearing. For most interim actions, the hearing will be before the Dean of Students / designee and will be held within the timeframe indicated on the written notification.

At the hearing, the university shall show reasonable cause why the interim action is warranted, and the respondent / recognized student organization (RSO) shall have the opportunity to show why the interim action is not warranted. If, during an interim action hearing, it appears that the individual student's behavior indicates medical withdrawal is warranted, the OSC or Dean of Students / designees may recommend medical withdrawal, as provided in the Iowa State University Catalog under "Interim or Medical Withdrawal." Hearings regarding medical withdrawal and continued suspension will be held under that policy.

As a result of the hearing, the Dean of Students / designee may take one of the following actions:

- Continue the interim actions;
- Modify the interim actions;
- Lift the interim actions.

Notice of the outcome of the interim action hearing will be sent to the respondent / RSO within seven (7) calendar days of the Interim Action Hearing.

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## 7. PROCEDURES

### 7.1 General Procedural Guidelines

#### 7.1.1 Classification and Formal Complaints

There are two classifications for cases in the student disciplinary process, to distinguish between cases that could result in separation from the university (Separation Level) and those that cannot (Non-Separation Level). When classifying cases, incidents involving interpersonal violence, injury to other students or serious threat of injury, distribution of drugs, repeated violations, and other indicators of egregious or severe behaviors are more likely to result in Separation Level case classification.

The OSC will review all reports to determine whether there is sufficient evidence for charges and whether those charges should fall under Separation Level or Non-Separation Level case classification.

Cases involving formal complaints and investigations referred to the Office of Student Conduct by the Office of Equal Opportunity under the [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures will be classified as such, and proceed under the specifications of this policy through the Title IX Policy Hearing Board.

#### **(a) Separation Level Cases (see 7.2)**

A Separation Level case is defined as any violation of the Student Code of Conduct which may result in a sanction up to and including suspension or expulsion. In a Separation Level case, a formal notice of alleged violations will be provided to a student or recognized student organization (RSO) as soon as practicable after conclusion of any investigation or other process to gather information is complete. A complainant (where applicable), shall be provided a copy of the formal complaint and notice of allegations at the same time as the respondent.

In a Separation Level case, the notice of allegations will include:

- 1) Any provision of the Student Code of Conduct which appears to have been violated;
- 2) A summary of grounds for the alleged violation;
- 3) A specific date by which the student or RSO must schedule an appointment to review the evidence contained in the student's disciplinary file and discuss resolution options; and
- 4) A description of the resolution options available to the student or RSO. The options include a hearing before the SCHB, waiving a SCHB and requesting a Student Conduct Conference before the Office of Student Conduct, and/or possible development of an Agreed Resolution.

#### **(b) Deferral Revocation Hearing (Separation Level; see 7.2.1)**

A Deferral Revocation Hearing may be held where a student or recognized student organization (RSO) under the sanction of Deferred Suspension is charged with further violation of the Student Code of Conduct, to include Failure to Comply with any disciplinary sanctions imposed. A notice of hearing before the OSC will be provided to the student or RSO (to the RSO's president and university / chapter advisor(s) on record) at least ten (10) calendar days before the hearing is held.

The hearing notice will include:

- 1) Any provision of the Student Code of Conduct which appears to have been violated;
- 2) A summary of grounds for the alleged violation;
- 3) Notice that a finding of responsibility may result in a recommendation of a period of suspension to the Dean of Students; and
- 4) A specific date by which the respondent / RSO must schedule a Student Conduct Conference with the Office of Student Conduct.

***(c) Non-Separation Level Cases (see 7.3)***

A Non-Separation Level case is defined as any violation of the Student Code of Conduct that may result in a sanction up to and including Deferred Suspension. Non-Separation Level cases cannot result in a student or recognized student organization (RSO) being suspended or expelled from the institution. In a Non-Separation Level case, a notice of Student Conduct Conference will be provided to the student or RSO (to the RSO's president and university / chapter advisor(s) on record) at least seven (7) calendar days before the Student Conduct Conference is held. A complainant (where applicable), shall be informed of the formal complaint and notice of Student Conduct Conference at the same time as the respondent.

The notice of the Student Conduct Conference will include:

- 1) Any provision of the Student Code of Conduct which appears to have been violated;
- 2) A summary of grounds for the alleged violation; and
- 3) A specific date by which the respondent / RSO must schedule a Student Conduct Conference with the Office of Student Conduct.

**7.1.2 Giving Notice**

Notice of an alleged violation(s) is given to students / recognized student organizations (through the RSO's president and university / chapter advisor(s) on record) via email, which is the primary means the university has for contacting students. Additionally, for sororities and fraternities, OSC will also attempt to copy the inter/national headquarters when the information is available.

Where an ISU student email address is not available, notice may also be given to students living on or off campus by United States mail, or to the student's last known or hometown address on record.

Note that when the day by which some action must be taken falls between terms, or within the weeks of Thanksgiving or spring break, an extension may be provided to the first day after the break or the beginning of the next term, or other arrangements to resolve the matter may be suggested. However, the university may require, with sufficient notification to the respondent / RSO, that extenuating circumstances warrant action and/or response during these periods.

**7.1.3 Burden of Proof**

In all disciplinary cases the Office of Student Conduct uses "Preponderance of the Evidence" as the standard for finding students responsible for violations of the Student Code of Conduct.

A finding of responsibility based on a preponderance of the evidence means that weighing all relevant evidence and reasonable inferences from that evidence, the greater weight of information indicates that it is more likely than not that the respondent violated policy.

#### **7.1.4 Right to Presence of Advisors**

Any two persons from within the university community (e.g., faculty, staff, student) or outside the university community (e.g. family, friend, personal attorney, other support person) may advise the respondent or recognized student organization (RSO). Complainants and witnesses involved in a matter also have the same right to the presence of advisors. However, the Student Conduct Conference and disciplinary hearings are not court proceedings and advisors' roles are limited.

##### ***Advisors may:***

1. Advise the respondent / RSO on the preparation and presentation of the case;
2. Accompany the respondent / RSO to all formal or informal meetings, investigation interviews, and any necessary conferences or hearings; and
3. Advise the respondent / RSO in preparation and presentation of any appeal.

##### ***Advisors may not:***

1. Present any part of the case for a respondent / RSO. However, a student who cannot effectively communicate in the English language may ask OSC or the chair of the assigned SCHB to allow an interpreter to translate the case for the student. In addition, a student with a disability may contact Student Accessibility Services (SAS) to initiate the process for reasonable disability accommodations;
2. Directly examine or cross examine witnesses; or
3. Disrupt or delay the proceedings.

Advisors not complying with these Student Code of Conduct procedures may be removed from the disciplinary proceedings by the OSC or chairperson of the SCHB, and the proceeding may continue at the discretion of the OSC or chairperson.

In cases proceeding to hearings under the [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures, an advisor must be present and designated for purposes of cross-examination, or the Dean of Students Office will provide a questioner for the party.

#### **7.1.5 Right to be Present / Failure to Attend**

The respondent / recognized student organization (RSO) representatives and complainant (where applicable) have the right to be present at the conference or hearing to resolve the matter. If the respondent / RSO fails to attend the conference or hearing after having been given proper notice, the OSC or hearing board chair may find them responsible and recommend an appropriate sanction. The OSC or SCHB must review all relevant and permissible case documentation and evidence prior to making a finding and recommendation.

## **7.2 Procedures in Separation Level Cases**

### **7.2.1 Deferral Revocation Hearing**

A Deferral Revocation Hearing may be held where a student or recognized student organization (RSO) under the sanction of Deferred Suspension (or other deferred sanction) is alleged to have violated the terms and/or conditions of the sanctions imposed in a prior decision. A Student Conduct Conference will be held with a representative of the Office of Student Conduct (OSC) to review the information and evidence in support of the allegations for the purpose of



determining whether the respondent / RSO is responsible or not responsible for the violations, as alleged. The respondent / RSO will have a reasonable opportunity to respond, and to submit information, statements, or evidence on their behalf prior to or during the hearing. This notice will be sent to the student / RSO at least ten (10) calendar days before the deadline for the hearing.

If the respondent / RSO does not take responsibility for an alleged violation, the OSC will make a determination of responsibility based on a preponderance of the evidence. If after considering the information presented, the evidence available does not indicate by a preponderance of the evidence that the respondent / RSO was in violation of the terms and/or conditions of the prior sanctions imposed, they will be found not responsible.

If determined responsible, the OSC may do one of the following:

1. Continue the deferred sanction without a change in conditions;
2. Continue the deferred sanction with modified or additional terms and conditions; or
3. Revoke the deferral and recommend suspension (or the initial sanction that was deferred) to the Dean of Students, who will send the final decision.

If a Student Conduct Conference has not been requested within at least ten (10) calendar days of the date of the notice, the OSC may take the proposed action.

### **7.2.2 Agreed Resolutions**

At any time before a hearing or adjudication under these regulations, including cases associated with the [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures, if the Office of Student Conduct and the respondent / recognized student organization (RSO) each agree on findings for misconduct, the parties may enter into an Agreed Resolution that shall be signed by the respondent / RSO and the OSC, and is binding upon approval by the Dean of Students. Agreed Resolutions typically involve written indication of agreement for responsibility and sanctions pertaining to the alleged violation(s). Discussions regarding Agreed Resolutions shall not be introduced against the respondent or complainant (where applicable) as evidence of responsibility in any disciplinary hearings. In cases involving a complainant, both the complainant and respondent must agree to the terms of the Agreed Resolution.

### **7.2.3 Student Conduct Hearing Board (SCHB) / Waiver of SCHB**

If the OSC classifies a case as Separation Level, a live hearing will be scheduled before the SCHB to resolve the matter. The respondent / recognized student organization (RSO) may waive the SCHB and request a Student Conduct Conference before the Office of Student Conduct. The OSC may grant the request or continue to an SCHB.

All cases associated with [the Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures will proceed under this policy to a Title IX Policy Hearing Board, or through the Agreed Resolution process, as indicated below.

When a Student Conduct Conference is held, the OSC will either facilitate an Agreed Resolution with the respondent / RSO or hear the case under the informal rules for Student Conduct Conferences and, if the respondent / RSO is found responsible, will recommend a sanction to the Dean of Students. When a hearing before a SCHB is waived, the OSC and the Dean of Students may impose any sanction that could have been imposed by a SCHB.

#### **7.2.4 SCHB Notification**

The SCHB is a live hearing process used to determine responsibility / non-responsibility for alleged violations of this policy. The Office of Student Conduct will provide written notice of a live hearing to the respondent and complainant (where applicable). This notice will be sent to the parties at least ten (10) calendar days before the scheduled hearing. The notice of hearing will include the following information, if available:

1. The date, time, and location of the live hearing;
2. The names of the board members and chairperson;
3. The policy(ies) reportedly violated and potential sanction range;
4. A copy or link to the policy describing the applicable hearing process;
5. A description of any supportive or interim measures that are in effect pending the hearing and a reminder of the university's anti-retaliation policy;
6. Information concerning the parties' right to be accompanied by an advisor;
7. Any additional information required for cases that fall under the [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures.

#### **7.2.5 File Review**

After issuance of a formal complaint or notice of the SCHB, the respondent and the complainant (where applicable) may review the documents to be presented to the SCHB and the case summary evidence prepared by the OSC. This review will occur in the OSC. The respondent and the complainant (where applicable) may ask to submit additional information, statements, or evidence, and suggest the names of witnesses to be called during the hearing. The OSC will review information for its relevance to the allegations and totality of the case.

The OSC will provide access to the case file for the hearing to the sitting SCHB at least seven (7) calendar days in advance of the scheduled hearing. After receiving the information, the SCHB may submit questions to OSC or request additional follow-up by the OSC / investigator. If new and relevant information is acquired as a result of these questions, the respondent / recognized student organization and complainant (where applicable) will be permitted to review this new information and respond within an appropriate amount of time. The scheduled hearing may be postponed in order to properly consider any additional information.

#### **7.2.6 Conflict of Interest and Challenging for Bias**

To provide an impartial hearing, members selected for an SCHB are asked to identify conflicts of interest or potential bias. Based upon the disclosure, the Office of Student Conduct may reject the board member and select a new one.

The respondent / recognized student organization or complainant (where applicable) may request removal of members of the hearing board for cause, including reasons of bias. Such requests, including the reasons for it, should be made within three (3) calendar days of the notice of the hearing that includes the name(s) of the board member(s). Challenge to board members may result in a delay in the hearing to identify a replacement.

#### **7.2.7 Hearing Participation**

All hearings are closed to the public. Respondents and complainants (where applicable) are permitted to attend and participate in the hearing.

The respondent and complainant (where applicable) may submit a written statement to the SCHB that contains their position concerning the matter and highlights the information that they feel is most relevant to the SCHB's deliberation regarding whether or not a policy violation has

occurred. Written statements must be submitted to the SCHB at least twenty-four (24) hours before the hearing.

In addition, the respondent and complainant (where applicable) may submit a separate impact statement to the SCHB that describes the impact of the matter on them and/or requests certain sanctions be excluded or imposed. The SCHB will read and consider submitted impact statements ***only in making a determination as to recommending sanctions*** upon a finding that university policy has been violated. Impact statements must be submitted to the SCHB at least twenty-four (24) hours before the hearing.

The hearing may proceed without the participation / presence of the respondent and complainant (where applicable). The matter may be resolved in the absence of either party. The OSC and/or the SCHB will provide sufficient notice of the hearing to all parties (at least seven (7) calendar days before the hearing) and with discretion, may reschedule hearings for extenuating circumstances.

#### **7.2.8 Hearing Procedure**

The structure of the hearing will generally proceed as follows:

- A. The investigator, or hearing administrator, will be present and will provide an overview of the investigation and Final Investigative Report. The board may ask all relevant questions to the investigator and participating parties may ask all relevant questions to the investigator.
- B. The board may allow participating parties to make an opening statement. Participating parties may decline this opportunity. A party's advisor may not make such a statement on behalf of a party, unless as an approved reasonable accommodation.
- C. The board may ask each participating party and any witnesses, all relevant questions.
- D. Parties will have the ability (pursuant to the respective policy hearing process and procedures) to ask the other party and any witnesses, including the investigator, all relevant questions and relevant follow-up questions, including those relevant questions challenging credibility.
- E. Only relevant questions may be asked. Before a party or witness answers a question, the hearing administrator will make determinations regarding relevancy.
- F. The board may allow participating parties to make a closing statement. Participating parties may decline this opportunity. A party's advisor may not make such a statement on behalf of a party, unless as an approved reasonable accommodation.
- G. When the hearing convenes, no new evidence will be considered by the board unless the party offering the new evidence can show that it was: (i) not reasonably available during the investigation phase of the process; and (ii) is relevant to establishing whether or not the Respondent is responsible/not responsible for the policy violation. If the introduction of new evidence is allowed, the other party, if present, will have the opportunity to review and respond.
- H. A video recording will be made of all live hearings before the SCHB (including Title IX Hearings) by the OSC. All other recording devices and/or cameras are prohibited in hearings.

- I. At the conclusion of the hearing, the SCHB will deliberate in private and make a decision of responsibility or non-responsibility, by majority vote, based on the preponderance of the evidence. No member of the SCHB may abstain.
- J. If, after deliberations, the SCHB determines that the information contained in the report, case file, and gathered during the hearing, does not support by a preponderance of the evidence that the respondent is responsible for a violation of the Student Code of Conduct, the hearing board will notify the Office of Student Conduct by means of a written decision, setting forth its rationale.
- K. If, after deliberations, the hearing board determines that the information contained in the report, case file, and gathered during the hearing, does support by a preponderance of the evidence that the respondent is responsible for any of the alleged violation(s) of the Student Code of Conduct, the hearing board will request any impact statement(s) and information regarding any prior student conduct record(s). They will determine appropriate sanctions, and notify the Office of Student Conduct by means of a written decision, setting forth its rationale for the decision and sanctions imposed.
- L. The written decisions described above, and any additional information required for cases that fall under the [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures, will be delivered to the Office of Student Conduct within seven (7) calendar days of the conclusion of the hearing.

#### **7.2.9 Sanctions Permissible in Separation Level Cases**

If the SCHB determines that the respondent is responsible for one or more policy violations, it will recommend appropriate sanctions. Sanctions may include any of the sanctions identified in the Student Code of Conduct. In determining the appropriate sanctions to recommend, the SCHB will review and consider any impact statements submitted by the parties.

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct and any record of prior discipline for prohibited misconduct or other similar violation. The imposed sanction(s) should be designed to eliminate misconduct, prevent its recurrence, and address its effects, while affirming the university's educational mission.

The SCHB will forward its recommendations regarding sanctions to the Dean of Students / Office of Student Conduct who will review the recommended sanctions.

**(a) Students:** In addition to the **Sanctions Permissible in a Non-Separation Level Case**, the following sanctions may be imposed upon an individual student in a Separation Level case:

1. **Revocation of Admission:** If a student violates the Student Code of Conduct after admission, but before attendance at the university, admission may be revoked, and fees may be refunded.
2. **Removal and/or Restriction from University Housing:** A resident may be removed from a residence hall or university housing. The student shall have a maximum of ten (10) calendar days to move. The student's access to specific living or dining areas may be restricted (definitely or indefinitely) as part of the sanction. If the decision is appealed, the Dean of Students shall have power to waive or enforce removal while the appeal is pending. The student's original room or apartment will not be reassigned until the completion of the appeals to the Dean of Students.

3. **Defined Length Suspension:** The student is dropped from the university for a specific length of time. This suspension may not be less than one semester or more than two years. Reinstatement may be contingent upon meeting the written requirements of the SCHB at the time the sanction was imposed. A hold will be placed on reentry until reinstatement is granted under the procedure provided.
4. **Indefinite Suspension:** The student is dropped from the university indefinitely. Reinstatement may be contingent upon meeting the written requirements of the SCHB specified at the time the sanction was imposed. Normally, a student who is suspended indefinitely may not be reinstated for a minimum of two years. A hold will be placed on reentry until reinstatement is granted under the procedure provided.
5. **Expulsion:** The student is permanently deprived of their opportunity to continue at the university in any status.
6. **Transcript Notation:** When a student is sanctioned with an expulsion, suspension or revocation of admission, a written notation will be placed on the student's official transcript.

**(b) Recognized Student Organizations:** In addition to the sanctions permissible in a Non-Separation Level case, the following sanctions may be imposed upon a recognized student organization (RSO) in a Separation Level case:

1. **Term Suspension of Organizational Recognition:** The RSO shall suspend all activities and is immediately denied all privileges afforded to recognized student organizations for a specified period of time of no less than one semester. Through the duration of the suspension period, the RSO will be prohibited from utilizing the organizational support and services afforded to a recognized student organization. The suspension could also indicate specific terms associated with its reinstatement. A suspended RSO must apply for reinstatement through the Code of Conduct reinstatement process, and does not automatically obtain recognition at the conclusion of a period of suspension.
2. **Indefinite Suspension of Organizational Recognition:** The RSO shall suspend all activities and is immediately denied all privileges afforded to recognized student organizations for an unspecified period of time. Through the duration of the suspension period, the RSO will be prohibited from utilizing the organizational support and services afforded to a recognized student organization. The suspension could also indicate that the RSO shall not be considered for reinstatement for a specified period of time and/or will have specific terms associated with its reinstatement. A suspended RSO must apply for reinstatement through the Code of Conduct reinstatement process.

The sanctions noted above, in addition to the sanctions permissible in a Non-Separation Level case, may also be included in an Agreed Resolution with students / RSO's, respectively.

**7.2.10 Actions of the Dean of Students**

In reaching a final decision, the Dean of Students may either accept the sanctions as recommended or make any changes deemed necessary to ensure the sanctions are appropriate, consistent with those issued in similar cases, and are reasonably designed to eliminate the conduct, prevent its recurrence, and remedy its effects.

Where the Dean of Students chooses not to follow an SCHB recommendation, the Dean will consult with the SCHB chair regarding the change, and provide an explanation in the final decision with reasons supporting the modification of the SCHB recommendation.

**7.2.11 Notification of Final Results**

After receiving the SCHB's written decision, the Dean of Students will issue a written notification letter (the "Final Outcome Letter") to the respondent / recognized student organization (RSO) and complainant (where applicable) within seven (7) business days or as soon as otherwise practicable. The letter will set forth:

1. the name of the respondent / RSO;
2. the violations of the policy for which the respondent / RSO was found responsible or a statement that they were found not responsible;
3. the rationale for the finding, as provided by the SCHB;
4. the sanctions / remedial measures imposed on the respondent / RSO, if any;
5. the individual services / resources available to the respondent / RSO and complainant (where applicable);
6. the university's prohibition against retaliation against any party or any individual involved in the process; and
7. the university's procedures and permissible bases for the respondent / RSO and complainant (where applicable) to appeal the determination.

**7.3 Procedures in Non-Separation Level Cases**

If the Office of Student Conduct determines the case is of Non-Separation Level classification, the notice of charges will be sent by the Office of Student Conduct to the respondent / recognized student organization (through the RSO's president and university / chapter advisor(s) on record) at least seven (7) calendar days before the deadline for a Student Conduct Conference. It is the respondent / recognized student organization's responsibility to contact the office to schedule the meeting before the deadline.

**7.3.1 Student Conduct Conference**

A Student Conduct Conference is a meeting for the respondent / RSO to meet with a representative of the Office of Student Conduct (OSC) for the purpose of determining whether the respondent / RSO is responsible or not responsible for violations contained in the notice of charges. At a Student Conduct Conference involving Non-Separation Level charges, the respondent / RSO is informed of the evidence supporting the charges and has a reasonable opportunity to make a statement and respond on their behalf to the charges. Upon request, the complainant (where applicable) shall have a reasonable opportunity to provide a statement to the Office of Student Conduct.

In a case involving an RSO, OSC may develop an Agreed Resolution to resolve the matter, that shall be signed by the RSO and the OSC. Agreed Resolutions typically involve written indication of agreement for responsibility and sanctions pertaining to the alleged violation(s).

If the respondent / RSO does not take responsibility for an alleged conduct violation, the OSC will make a determination of responsibility based on a preponderance of the evidence, and if determined responsible, may impose or recommend sanctions. If after considering the information presented, the evidence available does not indicate by a preponderance of the evidence that the alleged violation occurred, the respondent / RSO will be found not responsible.

If a Student Conduct Conference has not been requested within seven (7) calendar days of the date of the notice, the Office of Student Conduct may take the proposed action.

### **7.3.2 Sanctions Permissible in Non-Separation Level Cases**

If the OSC determines that the respondent / recognized student organization (RSO) is responsible for one or more policy violations, they will determine or recommend appropriate sanctions. The following sanctions may also be included in an Agreed Resolution with students / RSO's.

The following sanctions may be imposed in all Non-Separation Level cases.

1. **Disciplinary Reprimand:** An official warning followed by the written notice to the respondent / RSO that their conduct is in violation of university rules and regulations.
2. **Conduct Probation / Conditions:** A more severe sanction than a Disciplinary Reprimand. It is a period of review during which the respondent / RSO must demonstrate the ability to comply with university rules, regulations, and other requirements stipulated for the probation period.

While under Conduct Probation, individual students may be disqualified from serving as an officer of an RSO or as a member of a university committee or council.

3. **Deferred Suspension:** A suspension, but which is deferred subject to a definite or indefinite period of observation and review. If a respondent / RSO is charged with a violation of the Student Code of Conduct or order of a judiciary body while on Deferred Suspension, a Deferral Revocation Hearing may be held, and if found responsible, suspension may be recommended to the Dean of Students.

While under Deferred Suspension, individual students may be disqualified from serving as an officer of an RSO or as a member of a university committee or council.

4. **Limited or Denied Activity, Access, or Privileges:** The Office of Student Conduct may impose reasonable conditions that may include limitations on activity, events, or access to university services or facilities as stipulated.
5. **Education:** A relevant assignment or requirement that is meant to provide or encourage learning and development of the respondent / RSO and is appropriate for the violation.
6. **Restitution:** A requirement to pay the cost of property damage or other appropriate restitution to another student or RSO that occurred during or as a result of a violation.
7. **Substance Abuse Assessment / Screening (Individual students only):** A requirement to complete a substance abuse assessment or screening with an agency licensed to provide such services, and provide documentation to the OSC indicating completion.

8. **Officer or Member Sanctions (Recognized student organizations only):** A requirement for the RSO to remove or suspend an individual from a leadership role or organizational office or prohibit an organizational member from serving as an officer or leader in the organization.

### 7.3.3 Notification of the Result of Student Conduct Conferences

The Office of Student Conduct will send notice confirming the decision to the respondent within seven (7) calendar days of the Student Conduct Conference and will also inform the appropriate university officials and the complainant (if any) of the decision.

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## 8. APPEALS

### 8.1 Who May Appeal

A student or recognized student organization (RSO) found responsible with having violated the Student Code of Conduct may appeal that decision. The party filing an appeal will be identified as the appellant.

In matters governed by the university's [Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy](#) and procedures, both the complainant and the respondent may appeal final determinations of responsibility or non-responsibility and/or any resulting sanctions based on specified grounds (see that policy / procedures for more information).

Failure to appeal or comply with the appeal procedures will render the original decision final and conclusive.

The method of submitting an appeal of a student conduct decision is the completion and submission of the Student Appeal Form.

In cases involving academic misconduct, it is important to note that an appeal of a student conduct decision / finding pursuant to the Student Code of Conduct appeal process is distinct from an academic / grade grievance. More information about that process can be found here: [Appeal](#) of Academic Grievances.

### 8.2 Time for Filing an Appeal

An appeal must be filed through the Student Appeal Form to the Office of Student Conduct (OSC) within seven (7) calendar days after notification of the student disciplinary case decision from which the appeal is taken. In the event of circumstances beyond the appellant's control, an extension may be requested by submitting a written request to OSC. The reason(s) for the extension must be reasonable and supported by evidence. If an extension is granted, the length of any such extension will be at the discretion of OSC with consideration of the totality of the circumstances.

### 8.3 Grounds for Appeal

An appellant may appeal an initial conduct decision based on one or more of the following specified grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence is presented that was not reasonably available at the time the determination regarding responsibility was made, that could reasonably affect the outcome of the matter;



- C. The investigator or hearing administrator had a conflict of interest or bias for or against the respondent or complainant (where applicable) generally, or the individual respondent or complainant (where applicable), that affected the outcome of the matter; or
- D. The sanctions imposed are outside the university's sanction range for such violations and/or not justified in light of the totality of the circumstances.

The appellant must file an appeal through the Student Appeal Form noted in the decision letter, supporting the basis of appeal selected, to include submission of all relevant responses and information, as well as any material supporting the appeal. The OSC will provide a copy of the appellant's Student Appeal Form information to the party who has not appealed the decision (as applicable).

#### **8.4 Appeal Response**

The party who has not appealed may respond in writing to any appeal submitted by the appellant within seven (7) calendar days following delivery of the appeal submitted by the other party. If OSC was the complainant for the university in the case, an OSC staff member may submit a response.

#### **8.5 Access to Record During Appeal**

For purposes of appeal, the appellant and, in applicable cases, the party who has not appealed may review the disciplinary case file used during the hearing, including any recording of a Student Conduct Hearing Board (where applicable) at the offices of OSC. Reviewing parties will be granted the opportunity to fully review the disciplinary case file, but will not be permitted to copy or remove the file from OSC.

#### **8.6 Appeal Board**

A separate three-member Appeal Board drawn from the membership of the full SCHB hears appeals. The Appeal Board's responsibility is limited to determining whether any of the grounds for appeal identified by the appellant on the Student Appeal Form are present. If any or all the identified grounds are found present by the appeal board, by majority vote, the appeal will be granted. If the appeal is denied, the matter is closed, and the initial decision is considered the final decision of the university.

#### **8.7 OSC Supplemental Information**

The OSC may provide information for the Appeal Board in response to the information submitted by parties, identifying available relevant information from the file, policy or procedure. A copy of the OSC Supplemental Information will be sent to the appellant and the party who has not appealed.

#### **8.8 Status During Appeal**

Any sanctions imposed in a disciplinary case, with the exception of separation from the university (suspension or expulsion) or those imposed in a Title IX case, will go into effect on the date of the final decision. Any sanctions involving separation or those imposed in a Title IX case will go into effect on the date following the deadline for an appeal, or once all university appeal processes have concluded.

#### **8.9 Appeal Decision**

After having the opportunity to review the disciplinary file and all appeal materials, the Appeal Board will deliberate as to whether any of the grounds for appeal identified by the appellant on the Student Appeal Form are present. Following this review, the Appeal Board may:

- A. Affirm the initial decision, which will be the final decision of the university.
- B. Grant the appeal *due to procedural irregularity that affected the outcome of the matter*: the original decision-maker's determination will be overturned, and a newly convened hearing will re-hear the matter for determination of responsibility, and if necessary, sanctioning.

- C. Grant the appeal *due to the presentation of new evidence that was not reasonably available at the time the determination regarding responsibility was made, that could reasonably affect the outcome of the matter*: the matter will be returned to the original board or hearing administrator, which will determine responsibility, and if necessary, sanctioning, in light of the new evidence.
- D. Grant the appeal *due to the investigator or hearing administrator having a conflict of interest or bias for or against the respondent or complainant (where applicable) generally, or the individual respondent or complainant (where applicable), that affected the outcome of the matter*: the appeal decision-maker will provide a statement regarding how the specific conflict of interest or bias found can be successfully remediated and an appropriate university administrator will coordinate with the appeal decision-maker to implement these remediation measures within a new process to determine responsibility.
- E. Grant the appeal *due to the sanctions imposed being deemed outside the university's sanction range for such violations and/or not justified in light of the totality of the circumstances*: the appropriate senior administrator or designee will modify the hearing sanction as deemed appropriate and reasonable.

Following any reconsideration, the finding will be the final decision of the university.

The decision of the Appeal Board will be based upon the student disciplinary file and the appeal materials submitted by the parties. The decision and the reasons for the decision will be sent to the appellant student or recognized student organization, the complainant (where applicable), the Office of Student Conduct, and the Dean of Students. If the appeal is denied, the written notice will state that it is the final institutional decision on the matter, subject to review by the Board of Regents, as determined by their process and procedures. The university will attempt to render a decision on the appeal within twenty-one (21) calendar days following delivery of the initial request for appeal.

### **8.10 Review of Final Decision**

The decision of the Appeal Board represents the final decision of the university. The university's final decision may be appealed to the Board of Regents, State of Iowa.

### **8.11 Board of Regents**

The Board of Regents may review the final decision of the university. Any review by the Board of Regents will be determined under the rules and procedures established by the Board. See the [Board Policy Manual](#).

### **8.12 Judicial Review**

A final decision by the Board of Regents may be reviewed by an Iowa District Court. All interim actions / sanctions in effect while the investigation and/or hearing were proceeding and/or any sanction imposed as a result of a hearing, may be imposed on an interim basis until the Board of Regents or judicial review appeal process is exhausted.

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## 9. REINSTATEMENT

Students or recognized student organizations who are suspended for a definite or indefinite period of time must apply for reinstatement. To apply for reinstatement, students or recognized student organizations must submit information to the Dean of Students as indicated below.

It is important to note that if the student has been absent for a period of twelve months or more, they will have to reapply to Iowa State, following university procedures for reentry (See Iowa State University Catalog, "[Returning / Reentry](#)").

### 9.1 Time for Filing for Reinstatement

To assure sufficient time for review, the information should be submitted at least two months in advance of the requested date of return.

### 9.2 Applying for Reinstatement

The process for reinstatement varies for individual students and recognized student organizations as follows.

#### **(a) Individual Students:**

- 1) Submit a written / typed statement requesting reinstatement to the Dean of Students indicating the basis for the request, including evidence of compliance with any sanctions and/or conditions for reinstatement, as noted in conduct decision letters or Agreed Resolutions;
- 2) Submit documentation or other evidence of good behavior and ability to make academic progress, such as statements from employers, educational institutions and/or counselors; and
- 3) Supply any additional documentation / information as requested by the Dean of Students supporting reinstatement.

#### **(b) Recognized Student Organizations:**

- 1) Submit a written / typed statement requesting reinstatement to the Dean of Students indicating the basis for the request, including evidence of compliance with any sanctions and/or conditions for reinstatement, as noted in conduct decision letters or Agreed Resolutions; and
- 2) Supply any additional documentation / information as requested by the Dean of Students supporting reinstatement.

### 9.3 Review Process

The Dean of Students will:

- A. Review the information provided by the student or recognized student organization (RSO);
- B. Review the student's or RSO's disciplinary and academic records;
- C. Request a statement from a complainant (where applicable) who filed the complaint leading to suspension, if that person is still a member of the university community, and consider any such statement; and
- D. Issue a determination as to whether the student or RSO will be reinstated, as indicated by a reinstatement decision letter.

Upon reinstatement, any restrictions or limitations included as sanctions in the original conduct decision letter will continue, unless otherwise noted in the reinstatement decision letter.

The determination of the Dean of Students may be appealed to the Senior Vice President for Student Affairs, who will consider the rationale for the determination and the documentation provided by the student / RSO prior to issuing a decision. The decision of the Senior Vice President for Student Affairs will be the final decision of the University.