

# Appendix A

## Institution's Response

March 22, 2010

U.S. Department of Education  
Federal Student Aid/PC/SEC  
830 First Street, NE-UPC, Room 74B21  
Washington, DC 20002

ATTN: Linda Shewack

RE: Program Review Report  
**OPE ID: 00189000**  
**PRCN: 2009 3 07 26934**

Dear Ms. Shewack:

Enclosed is the response from the University of Northern Iowa (UNI) on the Program Review conducted by your agency during the month of April 2009. We received the Program Review Report on February 25, 2010.

Each of the items identified in your review is fully addressed, and changes have been made to our program and report for compliance under the Clery Act requirements. Information relating to those changes is provided in this response letter.

**Finding #1: Inaccurate Reporting of Campus Crime Statistics**

This finding stems from a reporting error to the U.S. Department of Education (DOE) on the disciplinary actions for liquor law violations occurring on campus during the 2007 calendar year. In the report sent to DOE, a total of 40 violations was recorded for disciplinary action rather than the 491 which were referred for action and reflected on the UNI Web site information.

To ensure compliance with the Clery Act and eliminate the type of discrepancy identified, UNI has changed the reporting form provided for the Department of Public Safety Web site to record all crimes and disciplinary actions in the residence halls which are included in the total of on-campus statistics. The revised copy of the campus report is attached to this report.

In our 2008 Clery Report submitted last year, we changed the process of data collection. The Department of Public Safety now receives a spreadsheet of all disciplinary actions within the residence system. These reports are compared with other campus Security Authority report submissions of disciplinary actions to ensure we do not double count violations and we maintain a record of disciplinary actions for auditing purposes. Refer to the attached UNI Department of Public Safety policy and procedure pertaining to "Clery Crime Act Reporting Procedures."

The Clery crime statistics on the Department of Public Safety Web site are reflective of the changes noted in the U.S. Department of Education report and indicate the figures in question were changed to reflect the numbers of disciplinary actions taken during the 2007 calendar year.

**Finding #2: Failure to Distribute the Campus Security Report (CSR) in Accordance with Federal Regulations**

At the onset of the audit by the U.S. Department of Education, UNI identified a deficiency in the reporting to all students, faculty, and staff of the posting of the Clery Crime Statistics and Safety information. This reporting is accomplished with an e-mail to each student, faculty, and staff member. UNI does, and continues to, provide information regarding the current Clery Report in multiple ways such as through the UNI Online e-mail system, meetings with parents and students, and in many of the campus department publications.

The notification and posting of the 2008 Clery Act reports were provided to all UNI students, faculty, and staff via e-mail prior to the October 1, 2009, deadline. Copies of the e-mails sent to students and to the UNI faculty and staff are provided with this report. The UNI Online campus e-mail system also provided the information to the campus (see copy attached). The University is committed to continued compliance.

**Finding #3: Insufficient Information Regarding Timely Warning**

The program reviewers stated the UNI early warning system as lacking sufficient information on the process and modes of communication used in the event of an emergency. We confirmed with the program reviewers our experiences with a possible shooter on campus during the March 11, 2007, event and our process of emergency notification. We also indicated to the program reviewers at the time of the 2007 report, we did not have our outdoor loudspeaker notification system in place. The following information is now posted on the UNI Clery Crime Act Information under the Department of Public Safety Web site. In addition, please refer to the attached UNI Department of Public Safety policy and procedure relating to "Campus Emergency Notification."

The UNI Alert and Outdoor warning system notifies the campus community of emergencies and threats to physical safety in situations such as tornadoes/severe weather, violence, hazardous materials incidents, fires, etc.

The UNI Alert system allows University of Northern Iowa administrators to send to all UNI students, faculty and staff, recorded text messages and/or e-mail messages to cell phones, office phones, and e-mail addresses. This process can be completed within a 15 to 20 minute period.

In addition to the UNI Alert system, UNI has an outdoor speaker system which can be activated in the event of an emergency. This notification mode can provide live or pre-recorded messages instantly. The system also provides siren notification for outdoor notification. The loudspeakers may be activated at any of the eight individual signal locations on campus or as a collective system. The system allows for siren activation for all weather related emergencies. Depending upon the nature and scope of the emergency, the messaging will be tailored to ensure prompt and accurate information to all members of the campus community. The UNI home page Web site will also provide updated information on the nature and extent of the emergency on campus.

All emergency situations are dynamic, and confirmation of the specific emergency must be verified prior to any activation of the UNI Alert system. Activation of the warning systems must be provided in a manner that ensures the scope and content of the message does not inhibit the UNI Department of Public Safety or any responding emergency service agency from assisting victims and containing and/or mitigating the emergency.

The UNI Public Safety Department's Director, Associate Director, and Shift Supervisor, in consultation with the President, Vice President for Administration and Financial Services, and/or Critical Incident Team, will confirm the emergency, determine the content of the messages, and initiate the timely warning as soon as possible. Messages will be provided regarding evacuation of buildings and/or campus locations affected by the specific emergency. Operational planning also permits the UNI Public Safety Shift Supervisor to confirm and issue warnings in emergency situations when time and circumstances do not permit immediate notification to immediate supervisors.

The Department of Public Safety Dispatchers assist in the activation of the UNI Alert and UNI Loudspeaker system notification process. Dispatchers receive training in the operation of the UNI Alert and UNI Loudspeaker system and activate the system during scheduled alert testing throughout the year. In addition, during those months when the County Emergency Siren testing is completed, UNI activates its Loudspeaker system after notification of the Black Hawk County siren testing. The campus community is notified prior to any testing dates scheduled for the activation of the alert systems. The Public Safety Dispatchers are certified by the State of Iowa.

More information can be found at [www.uni.edu/alert](http://www.uni.edu/alert) and at [www.uni.edu/pubsaf](http://www.uni.edu/pubsaf).

#### **Finding #4: Sexual Offense Policy Insufficient**

This finding refers to the information provided on the UNI Safety Report which did not directly include a statement to victims and suspects of their ability to have someone with them during the Student Judicial Conduct hearing. This statement is included in the UNI Policies and Procedures 3.02 Student Conduct Code, Article IV, *Student Conduct Code Procedures*, Section D. 4(e). As provided in the policy, "The complainant and the accused student have the right to be assisted by an advisor they choose." This can be found at [www.uni.edu/policies/302](http://www.uni.edu/policies/302). The UNI Annual Security Report includes a

Linda Shewack  
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reference and link to the UNI policy 3.15 "Student Sexual Misconduct Policy" (found at <http://www.uni.edu/policies/315>) which includes language relating to the rights of students in the process, including a link to UNI policy 3.02 "Student Conduct Code," noted above.

The Annual Security Report contains information on Sexual Assault and reporting procedures under the section titled, "Filing a University Disciplinary Complaint." The information provides the victim and the accused the following information: "Victims/survivors, as well as those accused of sexual misconduct, are afforded the right to have a person of their choosing accompany them throughout the disciplinary process."

See [www.vpaf.uni.edu/pubsaf/crime\\_stats](http://www.vpaf.uni.edu/pubsaf/crime_stats).

The University appreciates your work and assistance in providing the information necessary and helpful for students, parents, faculty, staff, and visitors of the University of Northern Iowa. If you need any additional information relating to your report or this response, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin J. Allen", followed by a long horizontal flourish.

Benjamin J. Allen  
President

Enclosures

Enclosures:

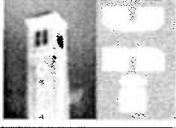
1. Copy of the Clery revised Crime Report.
2. Copy of the UNI Public Safety Clery Crime Statistic Reporting policy.
3. Copy of e-mail verification for Crime Stats to all UNI students.
4. Copy of e-mail verification of Clery Report to all faculty and staff.
5. Copy of e-mail verification of notice of Clery Report to UNI-Online media.
6. Copy of UNI Public Safety Emergency Notification Policy.
7. Copy of UNI *Student Conduct Code 3.02*.

# Crimes Reported to University of Northern Iowa Department of Public Safety

Reported according to Uniform Crime Report procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Total Crimes Reported for:	UNI Campus						Non-Campus Building or Property			Public Property (2)			Total		
	2006		2007		2008		2006	2007	2008	2006	2007	2008	2006	2007	2008
	Residence on Campus (1)	Total on Campus (1)	Residence	Total on Campus (1)	Residence	Total on Campus (1)									
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter/Non-Negligent	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	2	2	6	8	*4	4	1	0	0	0	0	0	3	8	4
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0
Aggravated Assault	1	1	1	2	3	3	0	0	0	0	0	0	2	2	3
Burglary	8	10	6	8	3	5	1	0	0	0	0	0	11	8	5
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	1	0	0	0	0	0	2	0	0
Hate Crimes—by prejudice															
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Number of arrests/referrals for selected offenses															
Offense Type	2006		2007		2008		2006	2007	2008	2006	2007	2008	2006	2007	2008
	Residence	Other (1)	Residence	Total on Campus (1)	Residence	Total on Campus (1)									
Liquor Law Violation:															
Arrest	2	13	3	25	9	16	0	0	0	83	77	59	96	102	75
Disciplinary Referral	428	457	*355	*407	305	356	0	0	0	15	14	15	472	*421	351
Drug Law Violation:															
Arrest	13	17	14	23	9	11	0	0	0	8	3	6	25	26	17
Disciplinary Referral	10	12	9	9	13	13	0	0	0	0	0	0	12	9	13
Weapon Law Violation:															
Arrest	0	0	0	0	1	1	0	0	0	1	0	0	1	0	1
Disciplinary Referral	1	3	1	1	0	0	0	0	0	1	0	0	4	1	0

1. Total on campus crimes includes residence halls incidents.
2. Statistics reflect a January through December calendar year.
4. \*2008 Sexual assaults includes 3 anonymous reports.
5. \*Based on DOE audit, the 2007 total disciplinary referrals from the residence system was changed from 451 to 355 referrals. The total revise disciplinary referrals for 2007 is 421.

 <b>department of public safety</b>	<b>University of Northern Iowa Department of Public Safety Policy &amp; Procedure</b>
<b>Category: Records</b>	<b>Number: Page 1 of 4</b>
<b>Subject: Clery Crime Act Reporting Procedures</b>	<b>Effective Date:      Revision Date: March 1, 2010</b>

## **INTRODUCTION:**

The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to this law. The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Security Act of 1990, was championed by Howard and Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986.

## **PURPOSE:**

The purpose of this policy is to define the reporting procedures and requirements of the University of Northern Iowa for compliance with the Clery Act legislation.

## **PROCEDURES TO REPORT:**

It shall be the policy of the University of Northern Iowa Police Department to provide to the general public an annual campus security report to be in compliance with the federal law known as the Clery Act. This security report will be updated annually and presented as one cohesive document as required by federal law 20 USC 1092 (f).

### **1. Annual Report Procedures**

The Director of Public Safety or designee will publish an annual report each year by October 1<sup>st</sup> that contains 3 years of campus crime statistics and University policy statements including sexual assault policies, which assure basic victim's rights, law enforcement authority of campus police, and where students, faculty, staff, and the general public should report crimes on and off campus.

- 1.a.** The report is to be made available automatically to all current students, faculty and staff at UNI via the Department of Public Safety website at [www.uni.edu/pubsaf](http://www.uni.edu/pubsaf). The report shall be distributed to all students, faculty and staff via UNI e-mail notification prior to or on October 1<sup>st</sup> of each calendar year.



- 1.b Prospective students and employees are to be notified of the report and are afforded an opportunity to request a paper copy.
- 1.c All required statistical information must be submitted to the U.S. Department of Education website on or before October 1<sup>st</sup> of each calendar year.
- 1.d All reports and information compiled for the submission of the Clery Report will be kept in the Department of Public Safety. All copies of reports used to compile the information for the Crime Report are to be available for audit.

## 2. **Crime Statistics**

The University of Northern Iowa Police Department will disclose its crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote campus facilities and classrooms.

### 2.1 **Definition of Campus Security Authority**

Campus Security Authorities are those University of Northern Iowa employees who have significant responsibility for student and campus activities.

- a. A campus police department or campus security department of the University.
- b. Any individual who has responsibility for campus security but who is not a member of the UNI Police Division or the campus security staff. (e.g. UNI Student Patrol, parking enforcement staff, campus escort service and special event security).
- c. Any individual specified in the University's statement of campus security policy as an individual to which students and employees should report criminal offenses.
- d. Any individual of the University who has significant responsibility for student **and/or** campus activities. (e.g. student housing, student discipline, athletic director, campus judicial officials).
- e. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Counselors are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

### 2.2 Statistical data will be gathered from the following sources:

- a. Cedar Falls Iowa Police Department

- b. Waterloo Iowa Police Department
- c. University of Northern Iowa Dean of Students Office
- d. University of Northern Iowa Department of Residence
- e. University of Northern Iowa Victim Services
- f. University of Northern Iowa Safety Office
- g. University of Northern Iowa Student Involvement and Activities Center (Greek Life)
- h. University of Northern Iowa Facilities Planning (Campus and non-campus buildings)
- i. University of Northern Iowa Athletic Director
- j. University of Northern Iowa Compliance and Equity Management Officer

### **2.3 Reportable Crimes for Clery Statistics:**

- a. Murder
- b. Manslaughter
- c. Sex Offenses
  - 1. forcible
  - 2. non-forcible
- d. Robbery
- e. Aggravated Assault
- f. Burglary
- g. Motor Vehicle Theft
- h. Arson
- i. Hate Crimes
- j. Drug/Narcotic Violations
- k. Alcohol Violations
- l. Weapons Violations

Disciplinary violations for alcohol, drugs, and weapons violations are recorded, however, if an arrest has been made in the incident, the University disciplinary action is not counted in the incident. These violations do not include public intoxication or drunk driving. In addition, policy violations are not included in the disciplinary reporting of these categories.

Uniform Crime Statistic Definitions can be found at:  
[www.vpaf.uni.edu/.../crime\\_defs.shtml](http://www.vpaf.uni.edu/.../crime_defs.shtml).

### **2.4 Reporting areas for Clery Statistics:**

For the purposes of Clery Crime reporting, the following areas are included for reportable crimes under the Clery Crime Act legislation.

- 1. **On-Campus Property:** Any building or property owned or controlled by the University of Northern Iowa within the same reasonable contiguous geographical area and used by the University in direct support of, or in a

- manner related to, the University's educational purpose, including buildings or property owned by the University but controlled by another person.
2. On-Campus residential life buildings or residential buildings owned, leased or controlled by the University of Northern Iowa. Statistics are recorded as a subset of all on-campus crimes and disciplinary actions.
  3. **Non-Campus Property:** Non-campus property or buildings owned or controlled by the University that is frequently used by students and is **not** within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the institution.
  4. **Public Property:** Public property located immediately adjacent to and accessible from campus, including thoroughfares, sidewalks, streets, lands, parks, waterways.

**Subject:** 2008 Campus Crime Report

**From:** Dean of Students <deanofstudents@uni.edu>

**Date:** Wed, 30 Sep 2009 06:31:26 -0500

**To:** all-enrolled-uni-students@uni.edu

**CC:** DAVID J ZARIFIS <david.zarifis@uni.edu>

The Cleary Act requires that the University publish an annual report regarding certain crimes reported to UNI Public Safety and other specific offices on campus. The 2008 Clery Campus Crime Report and Statistics are now available on-line at: [http://www.vpaf.uni.edu/pubsaf/crime\\_stats/clery.shtml](http://www.vpaf.uni.edu/pubsaf/crime_stats/clery.shtml).

Please review this information. If you have any questions, contact Public Safety or the Dean of Students Office.

Thank you,  
Jon Buse  
Dean of Students

**Subject:** RE: 2008 Campus Crime Report

**From:** David Zarifis <david.zarifis@uni.edu>

**Date:** Thu, 01 Oct 2009 11:02:39 -0500

**To:** hrs-inst-off@uni.edu, hrs-acad-admin@uni.edu, hrs-uf-ten@uni.edu, hrs-uf-non-ten@uni.edu, hrs-non-uf@uni.edu, hrs-ps-all@uni.edu, hrs-merit-tec@uni.edu, hrs-merit-cler@uni.edu, hrs-merit-security@uni.edu, hrs-merit-bl-col@uni.edu, hrs-merit-n-org-sup@uni.edu, hrs-merit-n-org-con@uni.edu

The Clery Act requires that the University publish an annual report regarding certain crimes reported to UNI Public Safety and other specific offices on campus. The 2008 Clery Campus Crime Report and Statistics are now available on-line at:

[http://www.vpaf.uni.edu/pubsaf/crime\\_stats/clery.shtml](http://www.vpaf.uni.edu/pubsaf/crime_stats/clery.shtml)

Please review this information. If you have any questions, contact Public Safety or the Dean of Students Office.

Thank you,  
Dave Zarifis, Director  
UNI Police

**Subject:** Clery confirmation  
**From:** Liz Conklin <liz.conklin@uni.edu>  
**Date:** Thu, 1 Oct 2009 08:20:40 -0500  
**To:** David Zarifis <david.zarifis@uni.edu>

**Liz Conklin**  
University of Northern Iowa  
University Marketing & Public Relations  
103 E. Bartlett  
273-6728

Thursday, Oct. 1, 2009

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UNI Online is a compilation of notices distributed to faculty and staff. The deadline for submission is noon, the day before publication. UNI Online is distributed Tuesday and Thursday mornings. Submitted items must be sponsored by a UNI department, program or organization. No commercial or personal announcements are allowed. Announcements must have news, not opinion content. Submit items to: <http://www.uni.edu/unionline/>

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An easy-to-read (HTML) version may be found at <http://www.uni.edu/unionline/archive/2009/100109.shtml>

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NEWS:

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2008 CLERY CAMPUS CRIME REPORT & STATISTICS AVAILABLE:  
The Clery Act requires UNI to publish an annual report regarding certain crimes reported to UNI Public Safety and other specific offices on campus. The 2008 Clery Campus Crime Report and Statistics are now available at [http://www.vpaf.uni.edu/pubsaf/crime\\_stats/clery.shtml](http://www.vpaf.uni.edu/pubsaf/crime_stats/clery.shtml).

 <b>department of public safety</b>	<b>University of Northern Iowa Department of Public Safety Policy &amp; Procedure</b>
<b>Category: OPERATIONS</b>	<b>Page 1 of 3</b>
<b>Subject: Campus Emergency Notification</b>	<b>Effective Date:      Revision Date: 02-01-08</b>

### **Introduction:**

The Department of Public Safety serves as the primary agency in providing critical information in the event of an emergency to the campus community. It is imperative that information released to the campus is provided in an accurate and timely manner.

### **Purpose:**

To establish how and when emergency messages are provided to the campus community.

### **Procedures:**

**Electronic emergency Messaging – UNI ALERT  
Loudspeaker System – Siren and Voice Messaging**

#### **A. Declaration of Campus Emergency: Pre-Authorized Emergency Messages**

When an emergency arises constituting an immediate and life threatening consequences to the University community, the following pre-authorized messages are provided for immediate delivery upon approval of the on-duty shift commander or senior administrative staff within the Department of Public Safety.

##### **1. Declaration of Campus Emergency:**

- a. **WHEN:** An immediate, life threatening situation is occurring on campus and time is of the essence. Examples include an active shooter, explosion, or an active, large scale fire.
- b. **ACTION:** The Public Safety dispatcher will activate the UNI Loudspeaker system with the appropriate voice notification. The UNI-Alert system will be activated, dependant upon the circumstances of the emergency with appropriate information and actions requested of the campus community. appropriate message. After sending a Declaration of Campus Emergency the shift supervisor will notify, as soon as possible, the Director and Associate Director. The Director, or his designee, will initiate responses

according the to UNI Emergency Management Basic Plan.

**2. Tornado Warning:**

- a. When: The National Weather Service has issued a Tornado Warning for Black Hawk County. Activation of the Louspeaker system and the UNI-Alert will be initiated.**

**3. Severe Weather Warning:**

- a. When: The National Weather Service has issued a Severe Thunderstorm Warning for Black Hawk County and there is a large outdoor event on campus.**

**B. Emergency Messaging Authorization**

**Messages other than those identified in the Pre-Authorized messages will only be sent out with the permission of the Vice President of Administration and Finance or the Director of Public Safety or his designee in accordance with the University of Northern Iowa's Multi-Hazard Operational Plan.**

**C. Operation**

**Public Safety Dispatchers will be the primary operators for the UNI Alert and the UNI Loudspeaker messaging system for messaging after normal business hours during the week, and on weekends.**

**During normal working hours, Monday through Friday, the Office of Marketing and Public Relations will be the primary initiators of the UNI Alert messaging system. UNI Dispatcher will retain the responsibility for the UNI Loudspeaker activation.**

**Specific members of the Information Technology Service will also have the capability of initiating the UNI-Alert System if necessary.**

**All dispatchers will be trained, and demonstrate proficiency in operating the emergency messaging system and the UNI Loudspeaker system. UNI Public Safety Shift Supervisor's and Officers in Charge will have the capability of activation of the UNI Loudspeaker system in the Shift Commander vehicle if circumstances require the activation from a remote location.**



**D.    Testing**

**Public Safety Dispatchers will test the messaging system on the dates prearranged by Black Hawk County Emergency Management to ensure the system is fully operational.**

<p><b><u>This procedure is to be used in conjunction with all relevant existing Departmental Policies, Rules, and Regulations.</u></b></p>
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## Policies and Procedures

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### 3.02 Student Conduct Code

#### Preamble

The University of Northern Iowa values teaching and learning in an environment that supports the rights of individuals to express views and opinions, to associate freely with others, and to live, work, and assemble peacefully. This student conduct code maintains the principles of respect, honesty, and responsibility to create a safe, healthy environment for members of the campus community while preserving an educational process that is consistent with the mission of the University.

#### Purpose

It is the purpose of this document to prescribe procedures to be followed in disciplinary cases in order that cases may be handled in a timely manner while serving the interests of the University community and safeguarding the rights of all students. Administrative responsibility for the establishment and enforcement of policies governing non-academic student conduct and disciplinary action has been delegated by the President of the University to the Vice President for Student Affairs. The Vice President has, in turn, delegated considerable authority for the establishment of rules and handling of violations to designated judicial bodies, Department of Residence professional staff, and the Dean of Students Office.

#### Article I: Definitions

- A. The term "accused student" means any student accused of violating the student conduct code.
- B. The term "Appeal officer(s)" means any person or persons designated and authorized by the President to review a Hearing Panel's decision and/or sanctions.
- C. The term "class days" means all days when classes are in session. Saturdays, Sundays, holidays, and days when classes are not in session are not counted. When counting days, the day a complaint is received at any point in the procedure shall be considered "day one".
- D. The term "complainant" means any person who submits a charge alleging that a student violated this student code. A complainant and alleged victim (even if he/she is not serving as the complainant) have the same rights under the student conduct code as the student charged.
- E. The term "faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
- F. The term "Hearing Panel" means any persons selected from the Student Conduct Committee by the Dean of Students or designee to determine whether a student has violated the student conduct code and to recommend sanctions that may be imposed when a rules violation has been committed.
- G. The term "Hearing Panel Chairperson" means an individual selected by the Dean of Students or designee to facilitate a Hearing Panel from the list of eligible Student Conduct Committee members described in Article V. The Chairperson does not vote unless the hearing panel vote is evenly split.
- H. The term "member of the University community" includes any person who is a student, faculty member, staff member, university official, visitor, or a member of the Board of Regents, State of Iowa. A person's status in a particular situation will be determined by the Dean of Students or designee.
- I. The term "organization" means any number of persons who have complied with the formal requirements for university recognition.
- J. The term "policy" means the written policies, procedures, and regulations of the University as found in, but not limited to, the student conduct code; UNI Policies & Procedures, e.g., the sexual assault and misconduct policy and the use of computer resources policy; residence life policies; and university catalog.
- K. The term "staff member" means any person employed by the University who is not a faculty member.
- L. The term "student" includes all persons taking courses at the University of Northern Iowa, either full-time

or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the student code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in the University residence system or who are students participating in partnership agreements between the University and another college or university (e.g. community college partnership agreements), although not enrolled in this institution.

- M. The term "Student Conduct Administrator" means a University official authorized by the Dean of Students or designee to determine whether a student has violated the student conduct code and to impose sanctions upon any student(s) found to have violated the student conduct code.
- N. The term "Student Conduct Committee" means the University committee appointed by the President to serve as participants on hearing panels during conduct hearings.
- O. The term "University" means "University of Northern Iowa."
- P. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
- Q. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets or sidewalks).

## Article II: Student Code Authority

- A. The Dean of Students will designate Student Conduct Administrators and the composition of Hearing Panels. The Dean of Students or designee will determine if a Student Conduct Administrator or a Hearing Panel will be authorized to hear each matter.
- B. Generally, an alleged conduct violation which seriously threatens the health or safety of any person or which seriously interferes with or disrupts the educational or other functions of the University may result in the sanction of suspension or expulsion, and as such will be considered by a Hearing Panel.
- C. The Dean of Students or designee will develop policies for the administration of the student conduct system and procedural rules for the conduct of Hearing Panels that are consistent with provisions of the student conduct code.
- D. Decisions made by a Hearing Panel and/or Student Conduct Administrator will be final, pending the normal appeal process.

## Article III: Prohibited Conduct

- A. Jurisdiction of the Student Conduct Code
  - 1. The student conduct code will apply to conduct that occurs on University premises, at University sponsored activities, activities that can be interpreted as representing the University, and to off-campus conduct that adversely affects the University community and/ or the pursuit of its objectives. Each student will be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The student conduct code will apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students or designee will decide whether the student conduct code will be applied to conduct occurring off campus, on a case by case basis. Generally, this decision will be based on whether or not a conduct violation seriously threatens the health or safety of any person or adversely interferes with or disrupts the educational or other functions of the University.
- B. Conduct-Rules and Regulations
 

The conduct rules and regulations exist for the protection and safety of all members of the University community. The University values an educational environment built on three core principles of honesty, respect, and responsibility. Any student or organization found to have (1) committed, (2) attempted to commit, and/or (3) aided or assisted others in committing the following misconduct will be subject to the disciplinary sanctions outlined in Article IV:

  - 1. Honesty
 

Living a life of integrity is at the heart of what makes us good citizens, leaders, friends, and colleagues who share the common goal of building our community. Acts of dishonesty include, but are not limited to, the following:

    - a. Furnishing false, incomplete, or misleading information to any University official, faculty member, staff member, or office.
    - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
    - c. Unauthorized possession, duplication or use of keys or other access devices (e.g., key cards) to any University premises or unauthorized entry to or use of University premises, equipment, or other resources.

- d. Theft and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.
- e. Theft or other abuse of computer facilities and resources, including but not limited to:
  - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - ii. Unauthorized transfer of a file.
  - iii. Use of another individual's identification, email account (without authorization), and/or password.
  - iv. Use of computing facilities and resources to interfere with the work of another student, faculty member, staff member, or University official.
  - v. Use of computing facilities and resources to send obscene or threatening messages.
  - vi. Use of computing facilities and resources to interfere with normal operation of the University computing system.
  - vii. Use of computing facilities and resources in violation of copyright laws.
  - viii. Any violation of the use of computer resources policy.
- f. Research misconduct in a non-academic setting (i.e. not part of a credit-bearing activity) that occurs during the process of proposing, conducting, or reporting research, including but not limited to:
  - i. Fabrication (making up) of data or results and/or having them recorded or reported;
  - ii. Falsification - manipulating research materials, equipment, or processes, or changing or omitting data or results such that research is not accurately represented in the research record; and
  - iii. Plagiarism – intentionally representing the research works of another as one's own, including the theft and misappropriation of intellectual property, the substantial unattributed textual copying of another's work, and the unauthorized use of another person's ideas or unique methods.

## 2. Respect

A community that values respect supports the rights of individuals to live and work with others in a safe environment that reflects the educational ideals of the University. To the extent provided by law, students may not be subject to discipline under this student conduct code for engaging in speech activities that are protected by the First Amendment. Violations of respect include, but are not limited to, the following:

- a. Physical or verbal abuse, threats, intimidation, harassment, stalking, coercion, and/or other conduct which threatens or endangers the health or safety of any person (this rule also applies to the use of electronic resources, such as online communities, email, web logs, etc).
- b. Violation of the Student Sexual Misconduct Policy, which prohibits sexual misconduct in any form and which includes any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. (Note: If you or someone you know may be a victim of sexual misconduct, sexual assault, or any other behaviors prohibited under this policy, you are strongly encouraged to seek immediate assistance from Violence Intervention Services, Student Health Center, Room 60 (319) 273-2137 or UNI Police, Gilchrist Hall, Room 30, (319) 273-2712.
- c. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area or in relation to a University activity.
- d. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
- e. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, assisting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the University community.
- f. Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
- g. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.
- h. Hazing, defined as any act which intentionally, unintentionally or recklessly endangers the physical, mental or emotional health or safety of a student and/or results in ridicule, for the purpose of admission into, affiliation with or as a condition for continued membership in

any group is prohibited. This applies to any group, organization or team connected with the university, regardless of the individual's willingness to participate in any forced or required activity. Failure to report hazing activity may be considered a violation of this policy.

- i. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- j. Intentionally sounding a false fire alarm or tampering with fire safety equipment.
- k. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website.

### 3. Responsibility

Students are expected to engage in responsible social conduct that reflects positively upon the University community and to model good citizenship in any community. Violations of responsibility include, but are not limited to:

- a. Use, possession, manufacturing, dispensation, or distribution of marijuana, narcotics, or other controlled substances except as expressly permitted by law.
- b. Use, possession, manufacturing, dispensation, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Alcoholic beverages may not, in any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
- c. Use or possession on the campus or at or during any university-authorized function or event of firearms, ammunition, or other dangerous weapons, substances, or materials, except as expressly authorized by the University, or of bombs, explosives, or explosive or incendiary devices prohibited by law.
- d. Violation of any federal, state, or local law.
- e. Undue or willful neglect to meet financial obligations to the University when properly notified by the University.
- f. Abuse of the student conduct code system, including but not limited to:
  - i. Falsification, distortion, or misrepresentation of information as part of a conduct proceeding.
  - ii. Disruption or interference with the orderly execution of a conduct proceeding.
  - iii. Submission of a charge that is known to be false.
  - iv. Improperly attempting to discourage an individual's appropriate participation in, or use of, the student conduct code system.
  - v. Improperly attempting to influence the impartiality of a member of a Hearing Panel prior to, during, and/or after the course of a Hearing Panel proceeding.
  - vi. Harassment (verbal or physical) and/or intimidation of any participant(s) of a conduct proceeding or their family members, friends, or acquaintances, including but not limited to, witnesses, panel members, or advisors, prior to, during, and/or after a student conduct proceeding.
  - vii. Retaliation against a victim or other person who files a student conduct complaint or any participant(s) of a conduct proceeding, including but not limited to, their family members, friends, or acquaintances, witnesses, panel members, or advisors, prior to, during, and/or after a student conduct proceeding. This includes any form of intimidation, threats, harassment (verbal or physical) or knowingly filing a false complaint.
  - viii. Violation of a sanction(s) imposed under the student conduct code.
  - ix. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

### C. Violation of the Law and University Discipline

- 1. University conduct proceedings are separate from criminal or civil litigation. Formal rules of process, procedure and evidence, such as those applied in the criminal or civil court are not used in student conduct proceedings.
- 2. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the student conduct code (that is, if both possible violations result from the same factual situation) without regard to civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student conduct code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus, at the discretion of the Dean of Students or designee. Determinations made or sanctions imposed under this student conduct code will not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- 3. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the student conduct code, the University has the right to advise off-campus authorities of the existence of the student

conduct code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives (e.g., attorneys, police officers) as they deem appropriate.

D. Good Samaritan Provision

The health and safety of our students is of the highest priority. At times students may need immediate medical or other professional assistance. However, students may be reluctant to get help because of concerns that their own behavior may be a violation of the student conduct code. To minimize any hesitation students or student organizations may have in obtaining help due to these concerns, the University has enacted the following "good samaritan" provision.

Students who seek medical assistance for themselves or another person who is intoxicated due to alcohol and/or drugs will not be subject to university disciplinary action, except when it has been determined that another violation of university policy has occurred (for example destruction of university property; fire safety violation; physical harm to another person, etc.). This includes an alleged victim of sexual misconduct or another student who shares information as either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith. In order for this policy to apply, the student must agree to complete any and all recommended educational programming or other treatment recommended by the Dean of Students or a Student Conduct Administrator.

Examples where this policy would apply include:

1. A student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.
2. A student is reluctant to report that he/she has been sexually assaulted because he/she had been consuming alcohol and is under the age of 21.

Any exemption from disciplinary action granted under this policy may only apply to disciplinary action and/or sanctions under the Student Conduct Code and does not apply to any criminal action taken by law enforcement, such as issuing a citation or making an arrest.

While this provision applies to individual students, if an organization has been found in violation of the Student Conduct Code, then the organization's willingness to seek medical assistance for a guest may be viewed as a mitigating factor if or when sanctions are issued.

## Article IV: Student Conduct Code Procedures

### A. Charges and Conduct Hearings

Complaints for alleged violations of the student conduct code will be handled in a timely manner that affords the accused student the right to be notified of the specific charges and the right to have a hearing to respond to the charges prior to a decision being made as to whether or not he/she violated the student conduct code. Charges and complaints regarding student conduct will be handled according to the guidelines outlined in Article IV:

1. Any member of the University community may file charges against a student for violations of the student conduct code. A charge will be prepared in writing and directed to the Dean of Students or Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within one calendar year. A student who is not officially enrolled in a particular term but who was enrolled at the time the alleged misconduct is believed to have occurred may file a complaint under this section. While reasonable time is allowed for filing a complaint, a prompt reporting and documentation of the events allows alleged victims to keep open the option of filing criminal or university complaints at a later date.
2. Complaints arising from alleged misconduct in residence halls or dining centers shall be made in writing to the office of the appropriate Residence Life Coordinator or Dining Unit Manager. Generally, when alleged misconduct occurs in residence halls, the appropriate Residence Life Coordinator will serve as the Student Conduct Administrator except in instances when the charge may result in the sanction of suspension or expulsion. All other complaints will be made in writing to the Dean of Students or Student Conduct Administrator.
3. The Dean of Students or Student Conduct Administrator may conduct an investigation to determine if the charges have merit and if they will be resolved through an administrative hearing

or a hearing panel.

4. Generally, a conduct violation which seriously threatens the health or safety of any person or which seriously interferes with or disrupts the educational or other functions of the University may result in the sanction of suspension or expulsion and generally would be disposed of through a hearing panel in accordance with the procedures outlined by Article IV(D) and related provisions.
5. All charges will be presented to the accused student in written form. A time will be set for the hearing, not more than 120 class days after the student has been notified. Maximum time limits for scheduling a hearing may be extended at the discretion of the Dean of Students or designee.

#### B. Administrative Resolution

1. If, after charges have been filed, the parties wish to resolve the complaint without further disciplinary proceedings, this is permissible provided:
  - a. it is approved by the Dean of Students or designee;
  - b. is agreed to in writing by the complainant, the alleged victim, and accused student, and;
  - c. the complainant acknowledges that by his/her agreement he/she forfeits the right to have the complaint reviewed further under any University disciplinary procedures.

#### C. Administrative Hearing

1. Normally, a conduct violation that may not result in the sanction of suspension or expulsion will be resolved through an administrative hearing with a Student Conduct Administrator.
2. Prior to the administrative hearing, the accused student will be informed of the charges in writing, including the time, date, and the rule(s) allegedly violated.
3. At the administrative hearing, the student will be informed, as completely as possible, of all matters relating to the alleged violation(s). The student will be provided with:
  - a. an explanation of the misconduct, the rule(s) violated and the evidence,
  - b. the possible disciplinary action that could be taken in the case,
  - c. the opportunity to respond to the charges, and
  - d. the chance to present evidence contesting the charges.

#### D. Hearing Panel

1. Conduct violations that may result in the sanction of suspension or expulsion will generally be heard by a hearing panel. In the alternative, the accused student may request to have the case heard by the Dean of Students or designee. Such a request will be subject to the agreement of the victim of the alleged misconduct.
2. Prior to the hearing panel, the Dean of Students or designee will:
  - a. Interview the accused student and other witnesses and inform the accused of the charges and the related rights and procedures outlined in this Article IV.
  - b. Appoint a Hearing Panel comprised of two students, one faculty member, and one staff member and a non-voting Hearing Panel Chairperson from the Student Conduct Committee (SCC). Three voting members shall constitute a quorum.
  - c. Notify the accused student in writing of (1) the alleged conduct violation (2) a summary of the specific allegations (3) the time, date, and place of the hearing (4) the names of the Hearing Panel members who will hear the case, and (5) the related procedures outlined in Article IV. Similar notice also will be provided to the complainant.
  - d. Arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, including witnesses who are identified by the complainant and/or accused student at least five (5) class days prior to the hearing.
3. Prior to the hearing panel, the complainant and the accused have the right to:
  - a. Challenge any member of the Hearing Panel, including the Hearing Panel Chairperson, on grounds of prejudice. This challenge, with the reasons for the challenge, must be submitted in writing to the person chairing the Hearing Panel at least two days prior to the hearing; although if the challenge relates to the Chairperson then the challenge must be submitted in writing to the Dean of Students at least two days prior to the hearing. The Hearing Panel shall deliberate in private and determine, by majority vote (excluding the member being challenged), whether the member shall sit on that case. In the case of a challenge relating to a Chairperson, the Dean of Students or designee shall determine whether the Chairperson shall sit on that case. If the challenge is upheld, the Dean of Students or designee will select another SCC member for the Hearing Panel.
  - b. Arrange for witnesses to present pertinent information to the Hearing Panel. The complainant and/or the accused will provide the names, addresses, and phone numbers of witnesses scheduled to participate in the hearing to the Dean of Students, whenever possible, at least two (2) class days prior to the hearing.
4. Hearing panels will be conducted according to the following guidelines except as provided by Article IV (D)(5) below:
  - a. Hearings will be conducted in private.
  - b. To the extent possible and while ensuring that the complaint is heard in a timely manner, an effort will be made to conduct the hearing at a time that allows the accused and the complainant to participate in their normal classroom activities.

- c. The complainant, accused student, and their advisors, if any, will generally be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing will be at the discretion of the chairperson of the Hearing Panel.
- d. In hearings involving more than one accused student, the Dean of Students or designee, at his or her discretion, may permit the hearings concerning the students to be conducted either separately or jointly.
- e. The complainant and the accused student have the right to be assisted by an advisor they choose. A list of trained university advisors will be provided to the complainant and the accused student. The advisor also may be a parent, friend, staff or faculty member, or an attorney provided at the student's own expense.
- f. The complainant and the accused student are responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in the hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing Panel because delays will not normally be allowed due to the scheduling conflicts of an advisor.
- g. The Dean of Students or designee and/or the Hearing Panel may arrange for witnesses to present pertinent information to the Hearing Panel.
- h. Witnesses will provide information to and answer questions from the Hearing Panel. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. Suggested questions will be submitted to the chairperson, rather than asked by the complainant or the accused directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. The determination of whether potential information and/or questions submitted by the complainant or the accused will be allowed during the hearing will be made at the discretion of the chairperson of the Hearing Panel.
- i. Pertinent records, exhibits, and written statements (including student impact statements) may be accepted as information for consideration by a Hearing Panel at the discretion of the chairperson.
- j. All procedural questions are subject to the final decision of the chairperson of the Hearing Panel.
- k. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.
- 5. There will be a single verbatim record, such as a tape recording, of all hearings. Deliberations will not be recorded. The record will be the property of the University of Northern Iowa.
- 6. The Hearing Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontations of the complainant, the accused Student, and/or witnesses by using a visual screen, and/or by permitting participation by telephone, videotape, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of Dean of Students or designee to be appropriate.
- E. Decision – Administrative Hearing
  - 1. The decision of the Student Conduct Administrator will be made on the basis of whether it is, "more likely than not," that the accused student violated the student conduct code (rather than the criminal standard of "beyond a reasonable doubt").
  - 2. After the administrative hearing concludes and all pertinent information has been received, the Student Conduct Administrator will render a decision, and if the student is found responsible for violating the student conduct code, the Student Conduct Administrator will issue the appropriate sanctions.
  - 3. The accused student will be informed in writing within ten (10) class days of the hearing whether he/she has violated each section of the student conduct code for which the student is charged and any sanctions imposed.
  - 4. If an accused Student, with notice, does not attend the administrative hearing, the available information relating to the charges will be presented and considered even if the accused student is not present.
- F. Decision – Hearing Panel
  - 1. The decision of the Hearing Panel will be made on the basis of whether it is, "more likely than not," that the accused Student violated the student conduct code (rather than the criminal standard of, "beyond a reasonable doubt").
  - 2. After the portion of the hearing concludes in which all pertinent information has been received, the Hearing Panel will deliberate in private and render a decision, and if the student(s) is found responsible for violating the student conduct code, the Hearing Panel will issue the appropriate sanctions.
  - 3. The Hearing Panel will determine by majority vote whether the accused student has violated each section of the student conduct code for which the student is charged. If a determination is made that a violation(s) has been committed by the accused student, then the Hearing Panel will determine the appropriate sanction(s) by majority vote.



4. The Hearing Panel Chairperson votes only when the Hearing Panel vote is otherwise evenly split.
  5. The accused student will be informed in writing within ten (10) class days of the hearing by the Dean of Students or designee of the Hearing Panel's decision whether he/she has violated each section of the student conduct code which the student is charged and any sanctions imposed. The complainant will receive similar notification.
  6. If an accused student, with notice, does not attend the hearing, the available information relating to the charges will be presented and considered even if the accused student is not present.
- G. Sanctions for Individual Students
1. The following sanctions may be imposed upon any student found to have violated the student conduct code:
    - a. Warning – A notice in writing to the student that the student is violating or has violated the Student Conduct Code.
    - b. Probation – A written reprimand for violation of a specified part(s) of the Student Conduct Code. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any part of the Student Conduct Code during the probationary period.
    - c. Loss of Privileges – Denial of specified privileges for a designated period of time.
    - d. Fines – Previously established and published fines may be imposed.
    - e. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
    - f. Discretionary Sanctions – Work assignments, essays, service to the University, or other related discretionary assignments. This includes referral for counseling or substance abuse education, evaluation, and/or treatment. The student is responsible for related expenses including expenses for education, counseling, evaluation, or treatment, if any expense is entailed.
    - g. Delayed Registration – A student may be required to delay his/her course registration until a complainant or any other student(s) involved in a conduct matter has completed course registration. Delayed registration is for a specified number of semesters or may be required until the complainant or other involved student(s) graduate.
    - h. Residence System and/or Dining Facility Suspension – Separation of the student from the University residence system and/or dining facilities for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
    - i. Residence System and/or Dining Facility Expulsion – Permanent separation of the student from the University residence system and/or dining facilities.
    - j. No Contact or No Trespass Notices – No contact or no trespass notices may be issued in order to help assure that a member(s) of the University community is not subject to harassment or contact with the accused student/person found in violation of the student conduct code.
    - k. University Suspension – Separation of the student from the University for a specified period of time, after which the student is eligible to return. Separation may be retroactive to the start of the term in which the violation occurred. Conditions for readmission also may be specified.
    - l. University Expulsion – Permanent separation of the student from the University.
    - m. Revocation of Admission and/or Degree – Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
    - n. Withholding Degree – The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the student conduct code, including the completion of all sanctions imposed, if any.
  2. More than one of the sanctions listed above may be imposed for any single violation. The sanction(s) imposed on any student or organization may be enhanced, i.e., of a greater severity than would usually apply to a given type of misconduct, if the student or organization has violated the Student Conduct Code previously.
  3. Other than University suspension, expulsion or revocation or withholding of a degree, disciplinary sanctions will not be made part of the student's permanent academic record, but will become part of the student's disciplinary record. In cases of suspension or expulsion, the notation on the academic record will include the specific policy violation and the length of any suspension.
    - a. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, University suspension, University expulsion, or revocation or withholding of a degree, upon application to the Dean of Students. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, University expulsion or revocation or withholding of a degree will be expunged from the student's confidential record seven years after final disposition of the case.
    - b. In situations involving both an accused student(s) (or group or organization) and a student

(s) claiming to be the victim of another student's conduct, to the extent allowed by law, the records of the process and of the sanctions imposed, if any, will be considered to be the educational records of both the accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

4. As approved by the Board of Regents, State of Iowa, different conditions prevail when a state of emergency has been declared. The conditions which then pertain are outlined in the Regents policies.
- H. Sanctions for Groups or Organizations
1. Complaints regarding recognized student organizations are generally handled by Northern Iowa Student Government (NISG), which is charged with student organization recognition and guidelines. However, under unusual circumstances the Dean of Students or designee may respond to complaints directed at the behavior or actions of a specific organization. In such cases, The Dean of Students or designee will notify NISG in writing of the complaint and will consult with NISG prior to imposing any sanctions against a group or organization.
  2. The following sanctions may be imposed upon groups or organizations:
    - a. Those sanctions listed above in article IV(G)(1)(a)-(m).
    - b. Loss of selected rights and privileges for a specified period of time.
    - c. Deactivation. Loss of all privileges, including University recognition and/or funding, for a specific period of time.
  3. As approved by the Board of Regents, State of Iowa, different conditions prevail when a state of emergency has been declared. The conditions which then pertain are outlined in the Regents policies.
  4. Sanctions against a group or organization do not preclude the initiation of a student conduct proceeding(s) and/or sanctions against an individual student who may have played a distinct role in the violation.
- I. Interim Actions

In certain circumstances, the Dean of Students, or a designee, may impose one or more of the following interim actions prior to the disposition of a conduct hearing.

1. Interim Suspension- may include a University or residence hall suspension. Interim suspension may be imposed only:
    - a. to ensure the safety and well-being of the members of the University community or preservation of University property
    - b. to insure the accused student's own physical or emotional safety and well-being; or
    - c. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
  2. During the interim suspension, a student will be denied access to the residence halls and/or to the campus (including classes) and/or other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students or the Student Conduct Administrator may determine to be appropriate.
  3. The interim suspension does not replace the regular student conduct process, which will proceed up to and through a hearing. However, the accused student should be notified in writing of this interim suspension and the reasons for the suspension. The notice will include the time, date, and place of a subsequent hearing at which the accused student may show cause why his or her continued presence on the campus does not constitute a threat (and at which he/she may contest whether a campus rule was violated).
  4. No Contact and No Trespass Notices – No contact or no trespass notices may be issued in order to help assure that a member(s) of the University community is not subject to harassment or contact with the accused student.
  5. Holds – A student alleged to have violated a conduct regulation may have a hold placed on his/her registration, transcripts, or other University records until a complaint is resolved.
- J. Appeal - Administrative Hearing
1. A decision reached by a Student Conduct Administrator may be appealed by the accused student (s) or complainant(s) to the Vice President for Student Affairs or designee within five (5) class days of the decision. Such appeals will be in writing, and will state the reason(s) for appeal (see #3 below). Appeals will be delivered to the Dean of Students or designee. Failure to do so in said period of time will result in the decision of the Student Conduct Administrator being final.
  2. If the Student Conduct Administrator is a Residence Life Coordinator, the appeal will be directed to the Director of Residence Life. Such appeals will be in writing and will be delivered to the Director of Residence Life.
  3. Except as required to explain the basis of new information, an appeal will be limited to a review of the record of the hearing and supporting documents for one or more of the following purposes:
    - a. To determine whether the hearing was conducted fairly in light of the charges and

- information presented, and in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- b. To determine whether the sanction(s) imposed were appropriate for the violation of the student conduct code which the student was found to have committed.
  - c. To consider new information or other relevant facts not brought out in the original hearing, sufficient to alter the decision, because such information and/or facts were not known or available to the person appealing at the time of the original hearing. Failure to participate in the hearing may not be used as a basis for filing an appeal under this section.
4. The Vice President for Student Affairs or Director of Residence Life may affirm, reverse, or modify the decision regarding the violation and/or sanctions imposed, subject to possible review by the President (see 5. below).
  5. A student or organization may make a written request that the University President review the decision within five (5) class days of receipt of the appellate decision. The President has discretionary authority to grant or deny the request for appeal and may appoint a designee for the review. If the President designates an appeal officer(s) to review an appeal, the Appeal Officer(s) will make a recommendation to the President regarding the President's disposition of the case. The President may affirm, reverse, or modify the decision regarding the violation and/or sanctions imposed.
  6. The Board of Regents, State of Iowa may review the final decision of the University. Appeals of decisions to the Board of Regents will be forwarded, processed, and reviewed under the rules and procedures established by that body.
- K. Appeal – Hearing Panel
1. A decision reached by a Hearing Panel may be appealed by the accused student(s) or complainant(s) to the President within five (5) class days of receipt of the decision. Such appeals will be in writing, and will state the reason(s) for the appeal (see #3 below). Appeals will be delivered to the Dean of Students or designee. Failure to do so in said period of time will result in the decision of the Hearing Panel being final.
  2. If an appeal is filed, the complainant and the accused will receive written notification stating:
    - a. That the appeal has been filed;
    - b. The specific reason for the appeal, including a copy of the written appeal document; and
    - c. That they have the opportunity to submit additional relevant information and/or statements for review by the President or Appeal officer(s) designated by the President.
  3. Except as required to explain the basis of new information, an appeal will be limited to a review of the record of the hearing and supporting documents for one or more of the following purposes:
    - a. To determine whether the hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the student conduct code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
    - b. To determine whether the sanction(s) imposed, if any, were appropriate for the violation of the student conduct code which the student was found to have committed.
    - c. To consider new information or other relevant facts not brought out in the original hearing, sufficient to alter the decision, because such information and/or facts were not known or available to the person appealing at the time of the original hearing. Failure to participate in the hearing may not be used as a basis for filing an appeal under this section.
  4. If the President designates an appeal officer(s) to review an appeal, the Appeal Officer(s) will make a recommendation to the President regarding the President's disposition of the case. The President may affirm, reverse, or modify the decision regarding the violation and/or sanctions imposed.
  5. The Board of Regents, State of Iowa may review the final decisions of the University. Appeals of decisions to the Board of Regents will be forwarded and reviewed under rules and procedures established by that body.

## Article V: Composition of the Student Conduct Committee

The Student Conduct Committee is appointed by the President and is composed of six (6) students nominated by Student Government to serve two (2) year terms, four (4) faculty members nominated by the Faculty Senate to serve four (4) year terms, four (4) staff members nominated by the Vice President for Student Affairs to serve four (4) year terms, and three (3) faculty/staff chairpersons chosen by the President from the University at large to serve four (4) year terms. To be eligible for nomination students must have earned at least fifteen (15) credit

hours of undergraduate course work or twelve (12) credit hours of graduate course work in residence at the University. The terms of voting members will be staggered as follows: one half of the student positions each year and one half of the faculty and staff positions every two (2) years. The Dean of Students or designee will preside over all meetings of the Student Conduct Committee.

### **Article VI: Training**

The Dean of Students or designee will conduct annual training with persons involved in the administration of the student conduct system. This includes, but is not limited to, the Student Conduct Committee members, Student Conduct Administrators, and Appeal Officer(s). Training will be conducted in a manner that is consistent with provisions of the student conduct code.

### **Article VII: Interpretation and Revision**

- A. Any question of interpretation or application of the student conduct code will be referred to the Dean of Students or designee for final determination.
- B. The student conduct code will be reviewed every five (5) years under the direction of the Dean of Students or designee.
- C. It is understood that the policies of the Board of Regents, State of Iowa concerning campus disorders and unrest, enacted July 1970, and any amendments thereto, take precedence over these policies, when applicable.

***Office of the Vice-President for Student Affairs  
President's Cabinet Approval August 31, 2009***

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