

**Student Code of Conduct**  
**Northwest Missouri State University**  
**May 2016**

**Article I: Definitions**

1. The term “University” means Northwest Missouri State University.
2. The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, enrolled in person or online. 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 University residence halls, although not enrolled in this institution. This Student Code applies at all locations of the University, including the Kansas City and St. Joseph Centers.
3. 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.
4. The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities and the Board of Regents and its members.
5. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Vice President of Student Affairs.
6. 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 all adjacent streets and sidewalks).
7. The term “organization” means any number of persons who have complied with the formal requirements for University recognition by the Student Senate.
8. The term “Student Conduct Board” means any person or persons authorized by the Vice President of Student Affairs to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed.
9. The term “Student Conduct Administrator” means a University official authorized on a case-by-case basis by the Vice President of Student Affairs to impose sanctions upon any student(s) found to have violated the Student Code. The Vice President of Student Affairs may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator and the sole member or one of the members of the Student Conduct Board. The Vice President of Student Affairs may authorize the same Student Conduct Administrator to impose sanctions in all cases.
10. The term “Appeals Board” means any person or persons authorized by the Vice President of Student Affairs to consider an appeal from a Student Conduct Board’s determination as to whether a student has violated the Student Code or from the sanctions imposed by the Student Conduct Administrator.
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The Vice President of Student Affairs is that person designated by the University President to be responsible for the administration of the Student Code.

14. The terms “policy” or “regulations” mean the written regulations of the University including, but not limited to, the Student Code, Residence Life Handbook, the University web page and computer use policy, and Graduate/Undergraduate Catalogs.
15. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community submitted the charge itself.
16. The term “Accused Student” means any student accused of violating this Student Code.
17. The term “Acts of dishonesty” has the meaning as set forth herein in Article III. Notwithstanding any language herein to the contrary, incidences of academic dishonesty will be handled in accordance with the processes outlined in the Undergraduate and Graduate Handbooks/Catalogs. Accusations of academic dishonesty (including cheating and plagiarism) are considered by the Academic Affairs Division of the University.
18. The terms “Student Code of Conduct”, “Student Code” and/or “student conduct code” mean this Student Code of Conduct.
19. Definitions for violations of state statutes are available in the Missouri state statutes and in the Annual Security Report (when applicable) on the [University Police website](#).

## **Article II: Student Code Authority**

1. The Student Conduct Administrator shall determine the composition of Student Conduct Boards and Appeals Boards and determine which Student Conduct Board, Student Conduct Administrator and Appeals Board shall be authorized to hear each matter.
2. The Student Conduct Administrator may develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board Hearings that are not inconsistent with provisions of the Student Code.
3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.
4. In the event of a conflict between the terms of this Student Code of Conduct and the terms of any policy referenced herein for which this Student Code of Conduct provides a sanction, the terms of this Student Code of Conduct will control.

## **Article III: Proscribed Conduct**

### **A. Jurisdiction of the University Student Code**

The University Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects a member of the University community and/or the pursuit of its objectives. Each student shall 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 Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Vice President of Student Affairs shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion.

Student Organizations may be disciplined/sanctioned via (1) Student Code of Conduct procedures while represented by an officer or member who has been chosen by the membership but who was not directly involved in the incident in question as determined by the Student Conduct Administrator and/or (2) under the powers of the Student Senate as set forth in the University's Manual of the Student Government Association.

## B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
  - a. Furnishing false information to any University official, faculty member, office, or hearing board.
  - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
2. 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.
3. Conduct that materially and substantially disrupts the functioning of the University, or is unlawful, or conduct that rises to the level of illegal harassment as defined by the University's policies prohibiting discrimination and harassment. This includes, but is not limited to, stalking, bullying, physical threats, and incitement. This applies to conduct which occurs in any form whether in person, online, by phone, or through any other medium.
4. Conduct which causes physical injury or endangers the health and safety of another person, which includes, but is not limited to, acts of physical violence and assault.
5. Any and all acts of sexual misconduct, including domestic assault, dating violence, stalking, sexual harassment, or any other act outlined in the University [Title IX policy](#).
6. Attempted or actual theft of 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.
7. Hazing, please see the University's [Hazing Policy](#) for definition.
8. 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.
9. Unauthorized possession, duplication or use of keys (traditional or electronic) to any University premises; or unauthorized entry to, or use of, University premises.
10. Use of any university property or services without express authorization.
11. Violation of any University policy, rule, guideline, handbook or regulation published in hard copy or available electronically on the University website.
12. Violation of any federal, state or local law.
13. Smoking, as outlined in the University's [Smoking Policy](#), is prohibited on all University owned or leased grounds and in all University owned vehicles.

14. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law. (NOTE: Possession could mean knowingly in the presence of controlled substances)
15. Possession or knowingly in the presence of drug paraphernalia. Paraphernalia includes any items used in conjunction with controlled substance use and/or ingestion and includes any items used to mask the use or possession of controlled substances.
16. Consumption, possession, manufacturing, or distribution of alcoholic beverages not specifically permitted within the University's [Alcohol Policy](#). (NOTE: Possession could mean knowingly in the presence of alcohol)
17. Illegal or unauthorized possession of firearms, explosives, weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others. The University's policy on weapons can be found in the Campus Security Report on the [University Police](#) website.
18. Possession or use of fireworks.
19. Obstructing the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
20. Destroying, tampering with, or altering fire alarms or other safety equipment.
21. Conduct that is disorderly, lewd, or indecent. Disorderly Conduct includes but is not limited to:
  - a. Any conduct which materially and substantially disrupts the functioning of the University
  - b. Any conduct which is or aiding, abetting, or procuring another person to materially and substantially disrupt the functioning of the University
  - c. Any use of electronic or other devices to make an audio or video record of any person while on University premises, when such conduct constitutes an invasion of privacy or is otherwise unlawful. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom
  - d. Any conduct deemed inappropriate as a result of alcohol/drug impairment.
22. Any violation of the [University Computer Policy](#).
23. Abuse of the Student Conduct System, including but not limited to:
  - a. Failure to obey the notice from a Student Conduct Board or University official to appear for a meeting or hearing as part of the Student Conduct System.
  - b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
  - c. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
  - d. Institution of a student conduct code proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
  - f. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
  - g. Harassment (verbal and physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding.
  - h. Retaliation toward any individual involved in the Student Conduct process.
  - i. Failure to comply with the sanction(s) imposed under the Student Code.
  - j. Influencing or attempting to influence another person to commit and abuse of the student conduct code system.
24. Any violation of a policy of [Residential Life](#), including a list of policies specific to the Residence Hall community.

### C. Violation of Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violated both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President of Student Affairs. Determinations made or sanctions imposed under this Student Code shall 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.
2. 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 Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the University. 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 government representatives as they deem appropriate.

#### D. Amnesty Provision

1. In an effort to protect the health, safety, and well-being of all students, the University will not impose sanctions that are punitive in nature against (i.e. it will grant “amnesty” to) those students who seek emergency medical attention for themselves or someone else related to the consumption of alcohol or other drugs. Additionally, any student who requires medical attention for the consumption of alcohol and other drugs will also be provided amnesty. Only sanctions related to the consumption and possession of alcohol and other drugs are covered under this provision.

While no punitive sanctions will be pursued, students involved may be required to attend educational counseling session(s) to provide counseling to prevent similar situations in the future. Not only does this provision serve to protect students, it also serves as an educational format to educate students on the abuse of alcohol and other drugs.

To fall within this provision, reporting students should:

- Contact appropriate officials (UPD, other law enforcement, etc.) to report the incident and request assistance
- Provide names and contact information to appropriate officials
- Demonstrate care and cooperation throughout incident by remaining with student in need of medical attention until appropriate officials arrive and fully cooperating with officials before, during, and after the incident

Failure to comply with any of the above steps or attending the educational counseling session(s) could result in conduct charges and possible punitive sanctions.

It should also be noted this provision only applies to University conduct charges. This provision does not grant amnesty from criminal, civil, or legal consequences for violations of Federal, State, or Local laws. Note that, in some instances, UPD may be bound to report certain possible criminal details to law enforcement or government agencies.

Furthermore, this provision only grants amnesty for consumption and/or possession of alcohol and other drugs. It does not provide amnesty for other conduct violations such as assault, theft, sexual misconduct and other Title IX violations, etc.

This provision only applies to initial incidents. Subsequent violations are not guaranteed amnesty from conduct charges and punitive sanctions. In rare cases, where there are egregious violations of alcohol and drug policies, the University reserves the right to adjudicate students on initial incidents.

Organizations are required to seek immediate medical assistance for their members or guests when any health risk is observed, including medical emergencies relating to the use of alcohol and/or drugs. Where an organization is found to be hosting an event where medical, emergency, or other professional assistance is sought for an intoxicated guest, the organization may be held responsible for violations of University policies, including those relating to alcohol and drugs. However, the organization’s willingness to seek assistance will be viewed as a mitigating factor in determining sanctions.

## Article IV: Student Conduct Code Procedures

### A. Charges and Student Conduct Board Hearings

1. Any member of the University community may file charges against a student for violations of the Student Conduct Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within one week.
2. The Student Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator may later serve in the same matter as the Student Conduct Board or a member thereof. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).
3. All charges shall be presented to the Accused Student in written form. A time shall be set for a Student Conduct Board Hearing, not less than five nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Student Conduct Board Hearings may be extended at the discretion of the Student Conduct Administrator.
4. Student Conduct Board Hearings shall be conducted by a Student Conduct Board according to the following guidelines except as provided by article IV(A)(7) below:
  - a. Student Conduct Board Hearings normally shall be conducted in private.
  - b. The Complainant, Accused Student and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.
  - c. In Student Conduct Board Hearings involving more than one Accused Student, the Student Conduct Administrator, in his or her discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
  - d. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Board Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
  - e. The Complainant, the Accused Student and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The University will try to arrange attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the Student

Conduct Board Hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board.

- f. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.
- g. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.
- h. After the portion of the Student Conduct Board Hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by majority vote if the Student Conduct Board consists of more than one person) whether the Accused Student has violated each section of the Student Code which the student is charged with violating.
  - i. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code.
  - j. 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 shall be a single verbatim record, such as a tape recording, of all Student Conduct Board Hearings before a Student Conduct Board (not including deliberations). Deliberations shall not be recorded. The hearing record shall be maintained by the Student Conduct Administrator. A student wishing to review the record for purposes of an appeal must do so by scheduling a time with the Student Conduct Administrator to review the record in person in the Student Affairs Office. The hearing record is closed to all other persons except University employees with a legitimate educational interest and such persons who have a specific right of access under pertinent state or federal law.
6. If an Accused Student, with notice, does not appear before a Student Conduct Board Hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.
7. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of Vice President of Student Affairs to be appropriate.

## B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
  - a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations and includes the possibility of more severe disciplinary sanctions if the student is found to further violate any institutional regulation(s).
  - b. Probation- A written reprimand for violation of specified regulations with an associated probation for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional

regulation(s) during the probationary period.

- i. Campus Conduct Probation
  1. This is a formal probationary status for a period of time as specified by the Board
  2. Restrictions and provisions of this probation are individualized to allow for the particular need of the student, the University and/or situation
  3. The student will be prohibited from holding office in extracurricular clubs, governing groups and activities
  4. Any further violation of residence hall standards or University regulations while on probationary status means that the student is subject to further disciplinary action
- ii. Strict Campus Conduct Probation
  1. This action is a formal probationary status during which the student is removed from good standing at the University
  2. This term describes a set of conditions making it possible for a student to remain a student in the residence halls and/or the University in spite of a serious violation
  3. The status is very near dismissal from the residence halls and/or from the University, and indicates the extreme seriousness of the probation
  4. The student will have the following conditions imposed when removed from good standing. These conditions will remain in effect until the student is returned to good standing at the University
    - a. Student will be ineligible to graduate from this University until returned to good standing
    - b. Student will be restricted from operating or parking a vehicle on University property
    - c. Student will be restricted from representing the University in any public performance or exhibit, sporting event, intramural event, committee assigned or in running for and/or holding any governmental office or any office in a recognized student organization
    - d. Student will be ineligible to receive scholarships and/or grants from the University with the exception of need-based aid
  5. Any further violation of University or residence hall standards while on probationary status means that a student is subject to suspension from the residence halls and/or the University
- c. Loss of Privileges—Denial of specified privileges for a designated period of time.
- d. Educational Response
  - i. Mandatory online or in person classes regarding specific topics (i.e. alcohol, marijuana use, etc.). Board may impose a deadline for completion of program.
- e. Fines—Fines may be levied as a sanction. The amount of a fine should correspond to the severity of the violation with a maximum fine of \$400 per violation.
- f. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- g. Discretionary Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.

- h. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - i. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
  - j. University Suspension—Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - k. University Expulsion—Permanent separation of the student from the University.
  - l. 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.
  - m. Withholding Degree—The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this 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.
    - a. Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s disciplinary record. 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 Student Conduct Administrator. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, University expulsion or revocation or withholding of a degree shall be expunged from the student’s confidential record five (5) 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, the records of the process and of the sanctions imposed, if any, shall be considered to be the education 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.
  3. The following sanctions may be imposed upon groups or organizations:
    - a. Those sanctions listed above in article IV(B)(1)(a)-(g).
    - b. Loss of selected rights and privileges for a specific period of time.
    - c. Deactivation. Loss of all privileges, including University recognition, for a specified period of time.
  4. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student Conduct Board Hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the Accused Student

(and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

### C. Interim Suspension

As set forth herein, the Vice President of Student Affairs, or a designee, may impose a University or residence hall suspension prior to the Student Conduct Board Hearing before a Student Conduct Board.

1. Interim suspension may be imposed only when there is reasonable cause to believe the student's participation in certain University activities will lead to conduct that threatens the health or safety of any member of the University community; or other activity that is disruptive to the orderly operation of the University.
2. During the interim suspension, a student's access will be restricted to the minimum extent necessary as the Vice President of Student Affairs or the Student Conduct Administrator may determine to be appropriate.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Board Hearing, if required. However, the student will be notified in writing of this action and the reasons for the suspension. The notice will include the process for a student to appeal the interim suspension decision.
4. Appeals of an interim suspension are considered by an Appeal Board made of three (3) Northwest Leadership Team members. The student's appeal should include information the student would like considered by the Appeal Board. When submitting an appeal, the student may write a letter and submit any evidence for the Appeal Board to show why there was no reasonable cause for the interim suspension. The student will be given notice of the date and time of the meeting of the Appeal Board, which will take place within seven (7) days of the interim suspension appeal. Limited exceptions to this timeline may apply on a case by case basis. Students will not be present for this meeting unless requested by the Appeal Board. The Appeal Board has the option to uphold, overturn, or modify the interim suspension. The Appeal Board will make a determination and communicate the determination to the student. Decisions of this Board are final. The terms of the Interim Suspension will be in effect until a final decision is made by the Appeal Board.
5. Notice of an interim suspension will not be used as evidence in a Student Conduct Board Hearing. However, failure to comply with the provisions of an interim suspension is a violation of this Student Code of Conduct and may be used as evidence when there is an alleged violation of the provisions of the interim suspension.

### D. Appeals

1. A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Administrator may be appealed on the grounds specified in Section IV. D. 2 by the Accused Student(s) or Complainant(s) to an Appellate Board established by the University within five (5) school days of the decision, or at such later time as reasonably determined by the Appellate Board. Such appeals shall be in writing and shall be delivered to the Student Conduct Administrator or his or her designee.

2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board Hearing and supporting documents for one or more of the following purposes:
  - a. To determine whether the Student Conduct Board 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 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 decision reached regarding the Accused Student was contrary to the substantial weight of the evidence such that no reasonable person would have found a violation of the Student Code.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
  - d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.
3. If the accused student or accused student organization files an appeal in a case involving an alleged victim, the written appeal will be shared with the alleged victim. The alleged victim will be given an opportunity to provide a written response to the appeal, and the response will be provided to the Appellate Board for consideration. If the alleged victim submits the written appeal, it will be shared with the accused. The accused will be given an opportunity to provide a written response to the appeal, and the response will be provided to the Appellate Board for consideration.
4. After reviewing the appeal and related information, the Appellate Board may accept, modify, or reject the decision and/or sanction imposed. The Appellate Board may also remand the case for a new hearing in appropriate circumstances (e.g., procedural issues with first hearing, newly discovered information). The Appellate Board will issue a short written statement of its decision, including the reasons for it, and this statement will be provided to the party(ies). The decision of the Appellate board is final and binding upon all involved, except in cases that have been remanded for another hearing.

#### **Article V: Interpretation and Revision**

- A. Any question of interpretation of application of the Student Code shall be referred to the Vice President of Student Affairs or his or her designee for final determination.
- B. The Student Code should be reviewed no less than every five years under the direction of the Student Conduct Administrator.