



Northern Illinois University

Student Code of Conduct

Effective August 19, 2019

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Introduction

In alignment with the educational mission of Northern Illinois University, the work of the Student Conduct Office is deeply rooted in the personal growth and development of our students. The office also plays an integral part in preserving the health and safety of the University community while also working to protect the integrity of the institution.

Through the student conduct process, we provide opportunities for students to clarify values, develop decision-making skills and gain an understanding of the impact of their actions on themselves, others and their community. To facilitate this learning, The Student Conduct Office is committed to: fair and responsive resolution to each student conduct case, consistent and equitable treatment of all participants in the process, full consideration of the unique circumstances of each individual case, and the use of restorative justice practices as appropriate to the situation.

The Northern Pact outlines the expectations we have for members of our community. With each individual making a commitment to uphold these principles, we will have the collective benefit of a culture of care, accountability, pride and connectedness.

The Northern Pact for Students

As a member of the NIU community, *I commit to being:*

Purposeful in my education.

I will:

- Work with my advisor.
- Embrace that my education is my responsibility.
- Participate in and out of the classroom and expand my understanding.
- Know there is much to be learned and even more to be experienced.
- Be my own advocate in my education and in life.
- Soak up all the knowledge I can.

Just in my actions and relationships.

I will:

- Broaden my perceptions by celebrating those different from me.
- Be truthful.
- Support and protect my classmates.
- Know that everyone has a different and important perspective.
- Challenge my preconceived notions.

Caring in my interactions with others.

I will:

- Respect our campus and help keep it clean.
- Look for the best in others.
- Ask a student sitting by themselves in the dining hall to join me.
- Say something when I see something.
- Be thoughtful with my words and actions.
- Work through disagreements in a mature way.

Open to new opportunities, ideas and diverse perspectives.

I will:

- Open myself to possibilities.
- Push beyond my comfort level.
- Open my mind to different viewpoints.
- Respect differences in others.
- Learn about other cultures.
- Admit that I do not know everything.
- Know that what I have to share is important.
- Be a friend and ally to everyone on campus.

Disciplined in my education and my attitude.

I will:

- Devote myself to my education.
- Do my best in everything I attempt.
- Know what is expected of me.
- Not be discouraged by grades that are lower than I expect.
- Lead when I can and follow when I should.
- Learn from my mistakes.
- Do my part and keep my word.

Celebrative about my university, my classmates and my life.

I will:

- Create memories that will last a lifetime.
- Celebrate my accomplishments.
- Cheer on my Huskies.
- Honor old traditions and create new ones.
- Show Huskie Pride in all I do.

I am:

- Hard working.
- Unique and valued.
- Serious and focused.
- Not afraid to ask for help, and happy to give it.
- An ambassador for my school and my fellow Huskies.
- Excited to learn and do.
- Here to grow.
- Part of a legacy.
- A FORCE.

I am a Huskie and I take pride in my pack.

Article I: Rights of Students and Recognized Student Organizations

Every student and recognized student organization is entitled to certain procedural rights and guarantees in the student conduct process. The procedural rights outlined below are not exhaustive, but serve as guidelines to ensure that all students and recognized student organizations are treated fairly.

- A.** An accused student or recognized student organization is entitled to be notified of an alleged *Student Code of Conduct* violation as soon as reasonably possible.
- B.** In accordance with the *Family Educational Rights and Privacy Act of 1974*, as amended, a student may inspect and review their student conduct file upon request to Student Conduct. The process and appropriate forms are available on the Student Conduct website.
- C.** An advisor may accompany any involved party of an incident at any time during the student conduct process. The purpose of an advisor is to assist a student in preparing for the student conduct process. Any person may serve as an advisor. The advisor need not be affiliated with the Northern Illinois University community. If any involved party elects to have an advisor, it is highly recommended that the party choose an advisor trained by the Office of Student Conduct (referenced as “Student Conduct” in this document). Student Conduct maintains a list of advisors who received training in the Northern Illinois University student conduct system. Advisors are not required to attend or participate in hearings. During a hearing, advisors will only be allowed to confer with their advisees. The advisor may not directly participate in the student conduct process on behalf of any party or as a spokesperson or advocate. A person who is involved in a particular incident may not serve as an advisor nor observer to another involved party in the same incident.
- D.** The accused student and the recognized student organization have the right to meet with a Student Conduct administrator about their incident and be informed of the entire student conduct process.
- E.** A Student Conduct administrator will not coerce the accused student or recognized student organization into accepting either responsibility for an alleged violation of university policy or a recommended sanction.

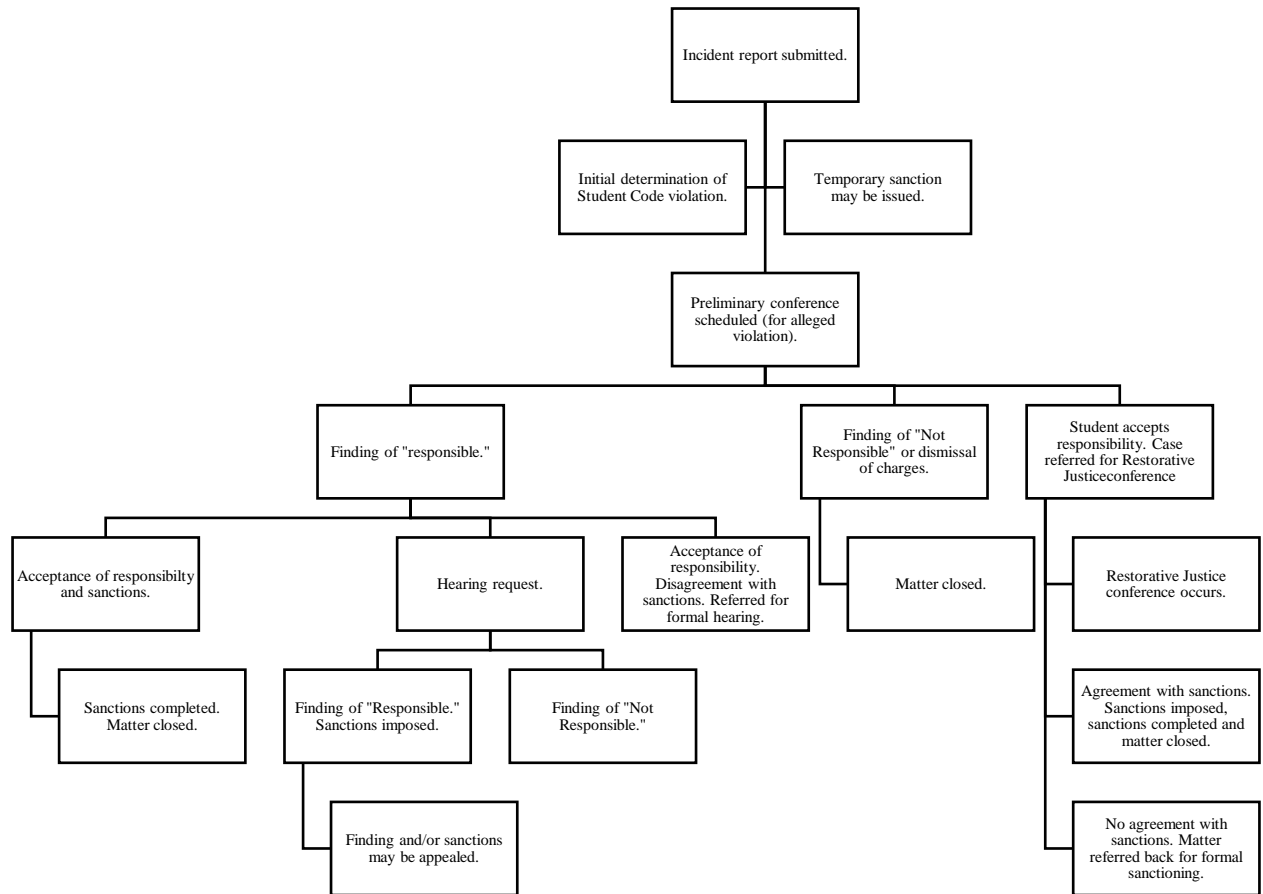
- F.** The accused student or recognized student organization has the right to be informed of the identity of known witnesses to the incident as permitted by FERPA, and to examine all documents, statements or other evidence that will be presented at the hearing if this information is known to the Student Conduct administrator. The identity of confidential witnesses may be redacted as required by law or as deemed appropriate by the hearing officer or Conduct Board chair. The university may act as complainant for incidents including but not limited to those in which a complainant or victim wishes to remain anonymous for fear of retaliation.
- G.** All parties are entitled to a fair and impartial hearing. The accused student or recognized student organization is presumed “not responsible” until proven “responsible.” The burden of proof rests with the complainant, and the standard of proof is a preponderance of the evidence. This means that, based on all the evidence and testimony presented in the case, it is determined that, more likely than not (50.1% of the information presented), the accused student or recognized student organization committed the alleged violation of the *Student Code of Conduct*.
- H.** The Student Conduct administrator shall give written notice of a hearing to all appropriate parties. The notice shall include the date, time and location of the hearing before the administrative hearing officer or conduct board, and it shall be given at least three business days prior to the hearing. If after such notification any involved party does not appear at the hearing, the case may be heard and a decision rendered despite the absence. Students are responsible for notifying the Office of Registration and Records of any address change. Notices mailed to the local address provided by the student and listed in MyNIU will constitute valid notification to the accused student. Additionally, any email notification with correspondence will be considered delivered when the university has proof that the electronic correspondence has been delivered to the accused student’s NIU email account.
- I.** The accused student or recognized student organization, complainant and victim/survivor shall each have the right to request that any particular conduct board member(s) not be allowed to serve on the conduct board if there is reasonable cause to believe that the conduct board member(s) may be biased either for or against a particular party involved

in the incident. The Student Conduct board chair shall make the final determination regarding which, if any board members shall be qualified to hear the case.

- J.** In any administrative hearing or conduct board hearing, the accused student, recognized student organization, complainant or victim/survivor shall have the right to present their respective position by introducing information and any witness(es), making statements and asking questions. No one shall be required to provide information that may be self-incriminating.
- K.** Student Conduct shall notify the accused student and the victim/survivor (in student conduct incidents of sexual misconduct) of the decision of the hearing, in writing, within two business days after a decision is reached. This notification shall be sent in a way to certify receipt of the notification. For any incident involving violent crime or non-forcible sexual offense, as described in the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092(f)*, as amended, both the accused student and the victim/survivor will be notified by the Student Conduct Office in writing within two business days after a decision is reached. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the Student Conduct Office shall notify the victim's next of kin upon their written request.
- L.** The accused student or recognized student organization and the victim/survivor (in student conduct incidents of sexual misconduct) who receives an adverse decision shall have the right to file a written appeal of the decision and/or sanctions of an administrative hearing or conduct board hearing.
- M.** No penalty may be levied by the student conduct system — with the exception of a temporary sanction — without acceptance of responsibility by the accused student or recognized student organization before a Student Conduct administrator, or the finding of responsibility before an administrative hearing officer or a Student Conduct board.
- N.** Students in possession of a valid State of Illinois Compassionate Use of Medical Cannabis, issued by an appropriately licensed physician, may seek accommodation through the NIU Disability Resource Center.
- O.** Students wishing to file grievances against Northern Illinois University faculty or staff members should speak with a member of NIU Human Resource Services, 815-753-6000. Students have the right to be treated respectfully throughout the process.

- P.** The university expects that students and recognized student organizations will fully cooperate with institutional investigations into alleged violation(s) of the *Student Code of Conduct* and other applicable university policies. Students and recognized student organizations who fully cooperate with an investigation may be eligible for amnesty as defined later in this Code.
- Q.** Students receive a copy of correspondence and related materials pertaining to a student conduct case at the time that Student Conduct issues a notice of an alleged violation. Students are provided a copy of appropriate case-related correspondence throughout the time period that the case is subject to resolution during the Student Conduct process. The records will be redacted as provided for by law. For recognized student organization records, correspondence is sent to the organization president. The records will be redacted as provided for by law.

Student Conduct Process Flow Chart (Non-Title IX/Sexual Misconduct Matters)



Article II: *Student Code of Conduct* Authority

- A.** The *Student Code of Conduct* shall be applicable to both individual students and recognized student organizations.
- B.** The policies in the *Student Code of Conduct* are applicable to conduct both on and off campus. Students and recognized student organizations are expected to follow all applicable policies in university documents and publications.
- C.** The *Student Code of Conduct* applies at all locations of the university, university-sponsored events and events sponsored by recognized student organizations. The *Student Code of Conduct* shall also apply to students completing approved study-abroad coursework through the Northern Illinois University Study Abroad Office.
- D.** The *Student Code of Conduct* shall apply to actions and behaviors of students and recognized student organizations, either in person and/or through use of any electronic medium. The associate vice president for Student Affairs and dean of students oversees the student conduct process. The associate vice president for Student Affairs and dean of students has designated Student Conduct with primary oversight and review of all student conduct and student organizational conduct matters. Student Conduct has designated Housing and Residential Services to adjudicate particular student conduct incidents involving residential students and occurring within or on Housing and Residential Services property. Final authority for incident adjudication rests with Student Conduct, unless otherwise delegated. All student and organizational conduct incidents are reported to and overseen by Student Conduct.
- E.** The *Student Code of Conduct* shall not normally apply to the following university relationships with students:
- 1. Employment Regulations:** Obligations regarding student employment are specified in the Student Employment Handbook distributed by the Student Financial Aid Office. Disputes regarding employment are resolved through student employment grievance procedures.
 - 2. Academic Regulations:** Student grievances over grades are resolved through the Grade Appeals System established by the University Council. However, academic misconduct as a violation of The *Student Code of Conduct* may be adjudicated through Student Conduct.

3. **Financial Regulations:** Disputes over alleged violation of university policies regarding the payment of bills and loans are resolved through the Accounting Office, the Bursar's Office, or Student Financial Aid.
4. **Traffic Regulations:** The Department of Police and Public Safety handles violations of the university traffic policy, as outlined in the Illinois Rules of the Road.
5. **Parking Regulations:** The Campus Parking Services handles violations of the university parking policy, outlined in the Motor Vehicle and Parking Regulations Handbook.
6. **Contractual Obligations:** Questions, disputes and alleged violations of contracts between various university offices and students are handled between the student and the contractual office, such as the Bursar's Office, Housing and Residential Services, or Student Financial Aid.
7. Freedom of expression, bias-related incidents, affirmative action incidents and incidents falling under the auspices of *Title IX of the Education Amendments of 1972* are investigated and resolved via the appropriate university policies.

Article III: Proscribed Conduct Violations and Sanctions

A. Conduct

Any student or recognized student organization found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined below.

An organization may be held responsible for a violation of university policy or rule when:

- One or more of its officers, members or authorized representatives acting as a member of the organization commit the violation.
- The misconduct occurs at an event that is sponsored, financed or endorsed by an organization where it is reasonable to believe that the organization's members knew or should have known that one or more of the participants engaged in conduct that is in violation of this Code.
- The misconduct occurs on the premises owned, leased or operated by the organization where it is reasonable to believe that the organization's members knew or should have known that one or more of the participants engaged in conduct that is in violation of this Code.

Proscribed conduct includes the following:

1. **Abuse (Physical):** Physical violence of any nature against any person, on or off campus, other than for self-defense. This includes fighting; battery; the use of a weapon; restraining or transporting someone against their will; or any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.
2. **Abuse (Verbal and Threats):** Persistent, severe and/or pervasive abuse, threats, intimidation, coercion, bullying and/or other conduct which threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm.
3. **Abuse (Student Conduct System):** Abuse of the student conduct system. Includes, but is not limited to:
 - a. Failure to obey the notice from any 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 any conduct board or administrative officer.
 - c. Disruption or interference with the orderly conduct of any conduct board proceeding or administrative hearing.
 - d. Knowingly completing and filing a false incident report.
 - e. Discouraging an individual's proper participation in, or use of, the Student Conduct system.
 - f. Influencing the impartiality of a member of a conduct board prior to, and/or during the course of, the conduct board proceeding.
 - g. Harassment (unwelcome verbal or physical behavior for interference, disruption or retaliatory purpose toward) or intimidation of a member of any conduct board, or other involved party in the conduct process, prior to, during, or after a Student Conduct code proceeding.
 - h. Failure to comply with the sanction(s) imposed under the *Student Code of Conduct*.
 - i. Influencing another person to commit an abuse of the Student Conduct code system.

- j. Attempting to influence a witness in the Student Conduct process.
4. **Academic Misconduct:** The receipt or transmission of unauthorized aid on assignments or examinations, plagiarism, unauthorized use of examination materials, cheating or other forms of dishonesty in academic matters. The term “cheating” includes but is not limited to the following:
- a. Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments.
 - b. Acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff.
 - c. Engagement in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

The term “plagiarism” includes but is not limited to the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment, or the concept of mosaic plagiarism. Plagiarism also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

5. **Accessory to a Violation:** Aiding another individual in the commission of an offense defined in the *Student Code of Conduct*.
6. **Alcohol:** Use of alcohol includes but is not limited to the following:
- a. Providing alcohol to a person younger than 21 years of age by any student.
 - b. Consuming alcohol by any student with a person younger than 21 years of age including but not limited to in the same residence hall room.
 - c. Possessing or consuming of alcohol by any student who is less than 21 years of age.
7. **Cannabis**
- a. Use or possession of cannabis, by any person who is not yet 21 years of age is prohibited, including the use or possession of drug paraphernalia with cannabis residue present. Possession of cannabis also includes constructive possession as defined in the glossary of this document.

- b. Possession of cannabis, by any person at least 21 years old that is not in accordance with Illinois law.
 - c. Distribution of cannabis is prohibited, including the giving or selling of cannabis.
- 8. **Damage to Property:** Causing damage to or vandalizing the property of Northern Illinois University or the personal property of another person.
- 9. **Dishonesty:** Acts of dishonesty include but are not limited to the following forms of deceit:
 - a. Furnishing false information to any Northern Illinois University official, faculty member or office representative.
 - b. Forgery, alteration or misuse of any Northern Illinois University document, record or instrument of identification.
 - c. Impersonating a Northern Illinois University staff or faculty member.
- 10. **Disruptive Behavior:** Disruption or obstruction of a university activity when the conduct occurs on Northern Illinois University premises; conduct that is disorderly, lewd or indecent. Causing a disturbance off campus when the situation or the parties involved are related to the educational mission of the university.
- 11. **Drones:** Possession and/or operation of a drone, unmanned aircraft or other unmanned aircraft system on campus without express written permission of the university's Unmanned Aircraft Systems coordinator.
- 12. **Drugs:** Abuse of drugs includes use, possession, manufacture or distribution of any illegal controlled substance including but not limited to the following: cocaine, hashish, heroin, lysergic acid diethylamide (LSD), marijuana, methamphetamines or any legally controlled substance without a prescription issued by a licensed physician.
- 13. **Fire Safety:** Acts relating to fire safety endangerment including but not limited to the following:
 - a. Knowingly, recklessly or negligently setting a fire on university property.
 - b. Creating a fire hazard or endangering the safety of persons or property by the improper use or possession of hazardous substances.
 - c. Falsely reporting a fire.
 - d. Failing to report a fire.
 - e. Interfering with the response of university or city officials to emergency calls.

- f. Misuse of or tampering with fire prevention and control equipment.
 - g. Use or possession of any unauthorized electrical appliance in university residence halls or other areas of the university.
 - h. Burning of candles in the residence halls.
 - i. Engaging in pranks involving fire.
 - j. Refusing to comply with fire alarm and fire drill procedures.
14. **Fraud:** Acts of fraud include deception, forgery, alteration or the unauthorized use of university documents, records or identification.
15. **Fraud (Degree):** Violations include fraud, misrepresentation or other violation(s) of university standards in obtaining a university degree.
16. **Guest Responsibility:** Northern Illinois University students may be held responsible for the actions of their guests. When a guest commits a violation, the student host may be charged with violation of the Northern Illinois University *Student Code of Conduct*.
17. **Harassment:** Conduct that is unwelcome, discriminatory on the basis of a protected status, directed at an individual or group and is so severe and pervasive and objectively offensive that it substantially interferes with another's educational or employment opportunities, peaceful enjoyment of residence, physical security. Harassment may be a single action (if a single action is sufficiently severe enough a harassment claim may prevail) or behavior, or may be a pattern of actions or behaviors.
18. **Hazing:** Acts of hazing include participation in any act or activity by an organization or group or by a member of the organization or group in which a member(s) or prospective member(s) may be subjected to an activity that might cause or create a substantial risk to one's physical or mental health. Hazing includes any act or activity that might cause but is not limited to the following: fear or intimidation, embarrassment or ridicule, physical exhaustion, endangerment, harm, mutilation or alteration of any part(s) of the body, mental fatigue, harassment, or duress, and defacement, damage, or destruction of property. The intent of the act or the consent or cooperation of the hazing recipient shall not constitute a defense of hazing. The university or the hazing recipient may charge an individual and/or the recognized student organization with responsibility for the hazing act(s) committed either on or off campus.

19. **Keys:** The unauthorized possession, duplication or use of keys to any university premises, or the unauthorized entry to or use of Northern Illinois University premises is prohibited.
20. **Legal:** Violation of any federal or state law, or local ordinance is prohibited.
21. **Noncompliance with University Officials:** Failure to comply with directions of Northern Illinois University officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so is prohibited.
22. **Posting of Signage:** Failure to post signage in accordance with established procedures of the specific building is prohibited.
23. **Retaliation:** Taking any adverse or hostile action, engaging in harassment and/or making an adverse employment/academic decision because an employee/student/third party has opposed violations of this policy or other unlawful employment/academic practices by filing a complaint, testifying, assisting, or participating in an investigation, proceeding, or hearing.
24. **Smoking Violation:** Violation of the Illinois Smoke Free Campus Act, Public Law 98-0895.
25. **Theft (Property):** Theft includes the taking of and/or damage to property of the university or property of a member of the Northern Illinois University community or other personal or public property on or off campus.
26. **University Policy Violation:** Violation of any Northern Illinois University policy not specifically mentioned in the *Student Code of Conduct*. A list of policies applicable to students can be found on the associate vice president for Student Affairs and dean of students website: <http://www.niu.edu/stuaff/audience/students.shtml>.
27. **Use or Possession of Prohibited Items:** Use or possession of prohibited items includes but is not limited to internal combustion engines; acids; automobile batteries; gasoline; torches; lava lamps and halogen desk lamps; weightlifting equipment; animals, birds, amphibians or pets of any kind; Nerf guns; substances from which potentially offensive/overpowering odors emanate (heavy perfumes, room scents, potpourri, sports/camping equipment, etc.); charcoal and other fire starter materials. Residents may

store grills (but not combustible fuels) in their rooms, but may not use them indoors.

Barbecue grills must be located at least 100 feet from any campus building when in use.

28. **Weapons:** The following are prohibited while on Northern Illinois University premises or while engaged in any university-related activity while off campus without the express permission of the NIU Police and Public Safety. Unlawful use or possession of any device, whether loaded or unloaded, that shoots a bullet. It is a violation of university policy and this specific provision to possess or use any device that discharges a pellet, flare or any other projectile including those powered by carbon dioxide (CO₂). This includes but is not limited to rifles, shotguns, handguns or other firearms; BB/pellet guns; flare guns; stun guns; Airsoft guns; dart guns, nunchuck(s); and/or any chemical weapon used in a manner other than as described as self-defense under the “Physical Abuse” provision of this Code, and any ammunition for any such device. Any replica of the foregoing is also prohibited. Any explosive including firecrackers or black powder. Any device that is designed or traditionally used to inflict harm including but not limited to any knife with a blade longer than four inches, hunting knives, fixed-blade knives, throwing knives, daggers, razors or other cutting instrument the blade of which is exposed is also prohibited. A student charged with this violation is subject to a statistical count in the institution’s Annual Security Report as defined by the law known as the Clery Act (20 U.S.C. § 1092).

29. **Sexual Misconduct/Title IX Policy Violation:** Violation of any of the provisions of the NIU Sexual Misconduct/Title IX Policy including but not limited to dating violence; domestic violence; gender-based harassment or discrimination; rape; retaliation; sex-based misconduct; sex discrimination; sexual assault; sexual harassment; sexual penetration; sexual violence; and stalking.

B. Violation of Law and the Northern Illinois University Student Conduct Process

A particular situation may result in civil or criminal litigation, as well as be a violation of the *Student Code of Conduct*. The Student Conduct process is a distinct administrative process designed to address alleged violation of the *Student Code of Conduct* and other applicable university policies, to which students are subject. The Student Conduct process and criminal and/or civil litigation may occur simultaneously or in sequence. The director of Student Conduct,

or designee determines the timeline for the student conduct process. A court determines the timeline for criminal and/or civil litigation. These decisions are made independently.

C. Sanctions

1. The following sanctions may be imposed upon any student or recognized student organization found to have violated the *Student Code of Conduct*:
 - a. **Class Removal or Reassignment:** A sanction that removes a student from a class or requires a student to move into a different class or section.
 - b. **Community Service:** A sanction that requires a student or recognized student organization to complete hours of service to Northern Illinois University or the DeKalb community.
 - c. **Counseling:** A sanction that includes but is not limited to the requirement of the completion of counseling or an assessment. (e.g., referral to Counseling and Consultation Services, Substance Use Assessment, Anger Intervention Assessment, etc.).
 - d. **Deferred Sanction:** A sanction that is deferred may become effective if the student is found “responsible” or accepts responsibility for a future violation of the *Student Code of Conduct* or other institutional policy. Any sanction may be deferred; the deferred sanction will include the length of deferment and the expiration date of the deferred sanction.
 - e. **Discretionary Sanctions:** A sanction that requires work assignments, written assignments, service to Northern Illinois University or other related discretionary assignments.
 - f. **Educational Sanctions:** A sanction that includes but is not limited to the requirement of the completion of an educational assignment or assessment. (e.g., research paper, program presentation, interviews, Partner Abuse Intervention Program, anger assessment, etc.).
 - g. **Fines:** An amount of money applied to the Bursar’s account of the student or recognized student organization for violation of a university or department policy.
 - h. **Formal Written Warning:** A notice in writing to the student or recognized student organization indicating a violation of institutional regulations.

- i. **Loss of Privileges:** A denial of specified privileges for a designated period of time (e.g., inability to have guests/visitors, inability to hold social functions, etc.).
- j. **Loss of Recognized Student Organization Status:** A loss of all privileges including Northern Illinois University recognition as a student organization for a specified period of time.
- k. **Probation:** Probation for a designated period of time that includes the probability of more severe disciplinary sanctions if the student or student organization is found to violate any institutional regulation(s) during the probationary period.
- l. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls.
- m. **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.
- n. **Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- o. **Restorative Justice:** A student who voluntarily agrees may seek education and engage in the process of rebuilding the community and harmed parties by participating in a restorative justice conference.
- p. **Revocation of Admission and/or Degree:** A revocation of admission or a revocation of degree awarded by the university.
- q. **University Expulsion:** A permanent separation of the student from Northern Illinois University.
- r. **University Suspension:** A separation of the student from Northern Illinois University for a definite period of time after which the student may be eligible to return. A hearing board or officer issuing the sanction of suspension must start the suspension immediately, or may not impose the sanction at all. A student who is suspended is also banned from being on all NIU campus property including satellite campuses during the period of suspension. Students who need to be on campus for official business must obtain permission from Student Conduct before entering campus property while on suspension.

- s. **Withholding Degree:** A withholding of the awarding of a degree otherwise earned until the completion of the process set forth in the *Student Code of Conduct*.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. In cases that involve policy violation(s) in which the outcome is subject to disclosure under The Clery Act (1990, as amended) or the Family Educational Rights and Privacy Act of 1974, as amended, Student Conduct may notify the accused student or recognized student organization and the complainant, and the victim/survivor (in cases of sexual misconduct or other Title IX offenses) of the outcome of the proceedings, simultaneously.
4. In each case for which an administrative hearing officer, a Student Conduct board or organizational conduct board determines that a student or recognized student organization has violated the *Student Code of Conduct*, the sanction(s) shall be determined and imposed by the appropriate administrative hearing officer or conduct board.
5. Any sanction not completed by the deadline set by the student conduct administrator or the conduct board may result in additional sanction(s). Student Conduct shall monitor the deadlines for sanction completion.
6. Sanctions imposed are in effect as determined by the student conduct administrator, conduct board or administrative hearing officer. Sanctions are in effect throughout any appeal process undertaken by the student.
7. In determining organizational sanctions, the student conduct board or administrative hearing officer shall only consider offenses in which the recognized student organization has been found responsible, no more than four years from the calendar date of the current preliminary conference.
8. Recognized student organizations regaining their recognition, after a period of suspension as a student conduct sanction, shall automatically be placed on a period of organizational disciplinary probation for one calendar year upon their rerecognition.
9. Student Conduct has the final authority to review and approve all submitted sanctions, and to verify appropriate completion.
10. Student Conduct has the final authority to return recognized student organizations to good standing, pending the completion of all sanctions.

D. Suspension and Expulsion

In some instances, the university must defer to community standards and community safety. In cases of a serious nature or in instances of multiple recidivism, it sometimes is necessary to impose sanctions that extend beyond the educational realm. In those situations, NIU is committed, when necessary, to imposing stern and swift sanctions up to and including dismissal from the university and referral of the matter to the local authorities for prosecution, as necessary. The NIU community will not tolerate violations of this nature and will not shield its students from just and appropriate consequences for their illegal actions.

E. Fines

A fine or fee requires a student to pay a sum of money (not to exceed \$200). Fines and fees assist with costs associated with educational workshops and programs as well as the daily operations of Student Conduct. The conduct body shall determine the amount of the fine. Fines may be imposed separately or in addition to any other sanction(s). The fines or fees listed below may be assessed.

Fine and Fee Amounts

\$50-\$125 fine for noncompletion of an educational sanction.

\$75 fee to cover costs associated with an educational workshop (Ethics Workshop, etc.).

\$75 fee to cover costs for Substance Use Intervention and Education Program.

\$50 fine due to first alcohol or drug violation.

\$100 fine due to second alcohol or drug violation.

\$150 fine due to third (and each subsequent) alcohol or drug violation.

F. Noncompliance with Sanctions

Sanctions imposed against students and recognized student organizations are to be completed by the assigned deadline. The following chart outlines the penalty for noncompletion of sanctions imposed under this Code. In addition to these penalties, the director of Student Conduct or designee reserves the right to initiate additional student conduct action against a student or recognized student organization who does not comply with sanctions imposed under this Code.

Such additional sanctions may include a hold on registration, or preventing registration for classes.

Sanction	Penalty for noncompletion
Abusive Partner Intervention Program	Hold placed on registration
Assessment	Hold placed on registration
Community service	\$50 fine and/or hold placed on registration
Discretionary sanction	\$50 fine
Educational sanction	\$50 fine
Restitution	Hold placed on registration
Organizations who do not complete sanctions	Hold placed on registration
Anger workshop	\$125 fine
Substance Use Assessment	\$125 fine

G. Temporary Sanctions

In certain circumstances, the associate vice president for Student Affairs and dean of students or designee may impose a temporary sanction prior to the start of the student conduct process. The temporary sanction issued will be no more restrictive than necessary to minimize the impact on a student's academic success while still maintaining the safety of the university community.

1. Temporary sanctions may be imposed only:
 - a. To ensure the safety and well-being of members of the Northern Illinois University community or preservation of Northern Illinois University property.
 - b. To ensure the student's own physical or emotional safety and well-being.
 - c. If the student poses an ongoing threat of disruption of or interference with the normal operations of Northern Illinois University.
 - d. Interim measure as provided for under the NIU Title IX/Sexual Misconduct Policy.

2. Under the temporary sanction, a student or recognized student organization may be denied access to the residence halls and/or to the campus (including classes) and/or all other Northern Illinois University activities or privileges for which the student or recognized student organization might otherwise be eligible. The student or recognized student organization may be banned from contact with another person or group of people.
3. The temporary sanction does not replace the regular process, which shall proceed on the normal schedule. A meeting shall be scheduled within five business days of the temporary sanction being issued for the student. The preliminary conference may be continued by the Student Conduct administrator, if necessary to gather more information, or to follow up on information presented by the accused student.
4. Students or recognized student organizations receiving a temporary sanction will also receive simultaneously a copy of the *Student Code of Conduct*. As soon as possible after receiving notice of temporary sanction, the student or recognized student organization shall receive a notice of alleged violation, notice of any incident report(s) and notice of any other pertinent case information.
5. Students or recognized student organizations receiving a temporary sanction may request an administrative review of the temporary sanction by submitting their request in writing to the office of the associate vice president for Student Affairs and dean of students, or designee.
 - a. Requests for administrative review of temporary sanctions must be submitted within two business days of receipt of the temporary sanction, in writing.
 - b. The student or recognized student organization will be given the opportunity to present and justify their grounds for appeal. The associate vice president for Student Affairs and dean of students or designee may then ask questions regarding the situation.
 - c. The associate vice president for Student Affairs and dean of students or designee will issue a decision in writing, normally within five business days of completion of the administrative review. The decision will be to sustain, lessen, increase or remove the temporary sanction(s), and it will be based on the material from the review and other germane information (e.g., the student's or recognized student organization's conduct file). There is no appeal of this decision. This time frame

may be reasonably extended by the associate vice president for Student Affairs and dean of students or designee when appropriate.

- d. Any temporary sanction that is either upheld or modified by the associate vice president for Student Affairs and dean of students or designee will remain in effect until the final resolution of the student conduct process and/or NIU Title IX/Sexual Misconduct process.
- e. Once issued, temporary sanctions issued by Student Conduct may only be modified or removed by the associate vice president for Student Affairs and dean of students or designee.
- f. Student Conduct has the authority to remove any temporary sanction upon final resolution of a case in which any temporary sanction(s) was issued.

H. Possible Sanction Impact

Sanctions imposed in the student conduct process are designed to be educational in nature. Sanctions may be active or passive. The majority of sanctions issued do not involve removal from the residence halls nor from campus. However, the imposition of these sanctions is possible. The issuance of Student Conduct sanctions does not remove the responsibility of a student to complete all academic assignments, as specified by their faculty. The imposition of a fine as a sanction does not cause other charges to be removed from a student's Bursar's bill.

Sanctions imposed may have the following impact on a student or recognized student organization:

- Additional money owed the university in the form of fines or restitution.
- A change of residence for on-campus housing.
- Additional assignments due to the Student Conduct Office.
- Removal from the residence hall system.
- Removal from all NIU campus property.
- Loss of student status.
- Loss of ability to receive future financial aid (if 50% of attempted classes are not passed).
- Forfeiture of tuition and fees.
- Forfeiture of Housing and Residential Services fees and the requirement to pay the entire contract.

- Forfeiture of Campus Dining meal plan fees.

Article IV: Student Conduct Procedures (Individual Student and Recognized Student Organization)

NOTE: This section of the Student Code of Conduct applies to both individual students and recognized student organizations. Any reference to “student” or “accused student” in this section may also mean recognized student organization when applicable. Any reference to student conduct board may also mean organizational conduct board when appropriate.

A. Incident Reporting, Notice, and Preliminary Conference

1. Incident Reporting

Any member of the Northern Illinois University community may file an incident report against a student for alleged violation(s) of the *Student Code of Conduct* or other applicable university policy. An incident report shall be submitted as soon as possible after the incident has taken place, but normally no more than 30 calendar days from the date of the incident. The director of Student Conduct or designee shall have the authority, for reasonable cause, to extend the deadline for submission of an incident report.

2. Notice of Alleged Violation

A student is notified that formal charges have been imposed when Student Conduct sends the student a Notice of Alleged Violation. This notice is sent to the student’s NIU (Z-ID) email. The Notice of Alleged Violation contains the following information:

- a. Incident time, date and location information.
- b. Alleged violation(s).
- c. Date, time, location and contact information for the student conduct administrator.
- d. Incident summary information.

3. Meeting with Victim/Survivor

The victim/survivor will be provided with an opportunity to meet with the Student Conduct administrator in order to share their information about the incident, and for the Student Conduct administrator to provide information and resources to the victim/survivor. Contact between the involved parties will be limited to necessity.

4. Documenting the Conduct Process

To ensure a fair and equitable process for all students, it is necessary to accurately document all aspects of the case. This documentation takes several forms:

- a.** Electronic correspondence: (incident reports, letters, forms, written statements, etc.).
- b.** Submitted electronic documentation: (photographs, videos, screen shots, etc.).
- c.** Relevant case notes, kept in the case file, by the student conduct administrator.
- d.** In-person meetings and hearings.

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

Hearings before any student conduct board or administrative hearing officer are always audio recorded. No request to decline the audio recording of a hearing will be honored. No other person may audio record the hearing.

5. Preliminary Conference

At the preliminary conference, the Student Conduct administrator will perform the following tasks with the accused student:

- a.** Ensure that the accused student has received all the proper documentation regarding the alleged violation(s).
- b.** Explain the Northern Illinois University student conduct process to the accused student.
- c.** Answer any questions of the accused student about the student conduct process.
- d.** Listen to an accused student's version of the incident, although the accused student shall not be required to discuss the incident.

- e. Engage in a candid discussion of the incident with the accused student.
- f. Upon completion of a preliminary conference, the Student Conduct administrator shall determine if the alleged conduct violation(s) against the accused student are to remain in place, are to be modified or are to be dismissed after listening to the accused student's version of events. The Student Conduct administrator will complete a case resolution form. The case resolution form will contain a list of alleged conduct violation(s), finding(s) and recommendations for sanctions. The case resolution form will contain the following two options (and may contain up to an additional two options, if applicable):

1. Option I: I ACCEPT responsibility for violating the *Student Code of Conduct* and ACCEPT the recommended sanction(s).
2. Option II: I request a hearing before either a Student Conduct board or administrative hearing officer.
3. Option III: I ACCEPT responsibility for violating the *Student Code of Conduct* and I agree to participate in a Restorative Justice conference to resolve my case. I understand that if I do not participate in the conference, or if I do not complete the action(s) agreed to in the conference, my case will revert back to the formal conduct process for sanctioning. Restorative Justice is not available as an option when the university seeks suspension or expulsion as a sanction. I understand that if I resolve my case through the restorative justice conference that this case does not count as a student conduct violation.
4. Option IV: No contest regarding responsibility and ACCEPTANCE of recommended sanctions. (The option for "no contest" is only available to accused students who are facing concurrent criminal charge(s) at the time of their preliminary conference.)

If an accused student selects option I or option IV on the case resolution form, the case shall be considered resolved and the Student Conduct administrator will provide the accused student with all paperwork necessary to complete the imposed sanctions, and will follow up at the appropriate time to ensure completion of the imposed sanctions.

- g.** Signing the case resolution form:
 - 1. When an accused student is presented with a case resolution form, the accused student shall select an option to resolve the incident, proceed with a hearing or resolve the matter through a Restorative Justice conference (when applicable).
 - i. An accused student will have up to five business days to change the resolution initially agreed to on the case resolution form. After five business days from the dated signature on the case resolution form, the decision is final and no change may be made.
 - ii. Accused students who fail to appear for their preliminary conference after being notified of the violation and preliminary conference will have their case heard before a Student Conduct board or administrative hearing officer.

6. Restorative Justice Conference

In cases where the student acknowledges a violation and where the involved parties have expressed a desire to jointly bring resolution to the incident, the case may be referred to a Restorative Justice conference. The discretion to determine if a matter is appropriate for Restorative Justice lies with the conduct administrator. The following process will be used for the Restorative Justice process:

- a.** The Restorative Justice facilitator will coordinate a restorative justice conference with all appropriate parties.
- b.** The Restorative Justice facilitator will facilitate the restorative justice conference.
- c.** If an agreement between the parties is reached, final correspondence will be sent by the Restorative Justice facilitator to both parties, and the case file will be updated appropriately. There is no appeal of this decision.
- d.** If an agreement is not reached between the parties, additional correspondence will be sent by the Restorative Justice facilitator and the case will revert back to a preliminary conference for sanctioning. The case file will be appropriately updated.
- e.** If a case is resolved through a Restorative Justice conference, that the case does not count as a Student Conduct violation.

7. Nonparticipation in the Conduct Process

It is expected that students will monitor their email and choose to participate in the student conduct process. The Student Conduct administrator will continue to send all correspondence to the student via email (Z-ID) and will take reasonable efforts to contact the student via other communication methods when contact information is available. It is the student's decision as to how much they choose to participate in the conduct process. Ultimately, the student conduct process will continue with or without student participation.

8. Northern Illinois University reserves the right to initiate additional student conduct action if new information is presented to the university.
9. The decision of whether any case will be heard before a Student Conduct board or a hearing officer rests with the student, if the student participates in the conduct process. If the student does not participate in the process, the decision about assigning a case to a hearing entity rests with the director of Student Conduct or designee. During periods such as summer semester, Student Conduct boards may not be available. In all cases, conduct boards have the following parameters:
 - a. Availability of trained Student Conduct board members – trained members may not be available during the beginning and conclusion of the semester as well as peak student involvements periods.
 - b. Incidents covered under Title IX of the Education Amendments of 1972 will be heard by an administrative hearing officer hearing.
 - c. If a student conduct case involves multiple accused students and the accused students cannot agree on a hearing entity, the case shall heard before a Student Conduct board.

B. Student Conduct Board Hearings

- 1. Selection of individuals to serve in the pool as Student Conduct board members and administrative hearing officers.**
 - a. Supportive professional staff and operating staff members recommended by the associate vice president for Student Affairs and dean of students and appointed by the Faculty Senate.

- b. Students (graduate and undergraduate) who apply for, are accepted for service, and are in good standing with the institution.
 - c. Faculty as appointed by the process outlined by the NIU University Council or as appointed by the associate vice president for Student Affairs and dean of students.
 - d. Staff members appointed by the associate vice president for Student Affairs and dean of students or designee.
2. **Composition of a Student Conduct Board Hearing**
- Student Conduct boards shall be composed according to the following guidelines:
- One student and two faculty or staff drawn from the pool of qualified appointees, shall comprise the Student Conduct board to hear non-academic misconduct incidents. The quorum at all Student Conduct board hearings shall be three members.
3. **Notice of Hearings**
- All appropriate parties shall be given notice in writing and/or electronic form not less than three business days prior to the date and time of the conduct hearing.
4. **Privacy of Hearings**
- All conduct hearings shall be closed.
5. **Attendance at Student Conduct Board Hearings**
- The following people will be allowed to attend the entire hearing: the accused student, complainant, victim/survivor, advisors (if any), observer, university presenter and Student Conduct board members. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the Student Conduct board hearing shall be at the discretion of the Student Conduct board chair. Only the members of the Student Conduct board will be present during deliberations.
6. **Hearings Involving Multiple Accused Students**
- In a Student Conduct board hearing involving more than one accused student, the Student Conduct administrator will permit a joint Student Conduct board hearing for all students involved.
7. **Advisors**
- The accused student, complainant, victim/survivor and university presenter may be accompanied by an advisor in a Student Conduct board hearing. Any person may serve as an advisor. The advisor need not be affiliated with the Northern Illinois University

community. If a student elects to have an advisor, it is highly recommended that an advisor is chosen from the list of trained advisors that is maintained by the Student Conduct Office. An advisor will only be allowed to confer with their advisee. The advisor will not be allowed to participate in the student conduct process on behalf of their advisee. It is the sole discretion of the Student Conduct board chair to determine if an advisor is disrupting the hearing and may ask the advisor to leave the hearing.

8. Witnesses

The accused student, complainant and victim/survivor may arrange for witnesses to present pertinent information to the Student Conduct board. Witnesses shall provide information about the incident and answer questions from the Student Conduct board.

9. Questioning During Student Conduct Board Hearings

There are times for questions during a hearing by respective parties. The Student Conduct board chair shall inform the parties as to the appropriate time to ask questions during the hearing. All questions must be relevant to the incident. The Student Conduct board chair will determine if the question is relevant and should be answered.

10. Information

Pertinent records, exhibits and written statements may be accepted as information for consideration by the Student Conduct board at the discretion of the Student Conduct board chair.

11. Procedural Questions

All procedural questions are subject to the final decision of the Student Conduct board chair. Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court, are not applicable in Student Conduct board hearings.

12. Deliberations

After all information is presented in a Student Conduct board hearing, the Student Conduct board shall determine whether the accused student is deemed “responsible” or “not responsible” for each alleged violation. The determination shall be made by majority vote of the Student Conduct board. The Student Conduct board’s determination shall be made based on the preponderance of the evidence.

13. Notification of Decision

The Student Conduct Office shall notify the accused student of the decision of the

Student Conduct board, in writing, within two business days after the decision is reached. For any incident involving violent crime or nonforcible sexual offense, as described in the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092(f), as amended, both the accused student and the victim/survivor will be notified, simultaneously, by the Student Conduct Office, in writing, within two business days after the decision is reached. If the victim is deceased, the Student Conduct Office shall notify the victim's next of kin, upon written request by the next of kin. The decision shall include the finding(s) and the sanction(s).

14. Nonattendance of an Accused Student at a Student Conduct Board Hearing

It is the responsibility of an accused student and complainant to attend the scheduled hearing. The Student Conduct board hearing will proceed without the accused student or complainant if proof of delivery is held of the notice of hearing.

15. Personal Safety Consideration

The Student Conduct board chair shall accommodate concerns for the personal safety, well-being and/or fears of confrontation of the accused student, complainant, victim/survivor or any witness(es) during the hearing by taking appropriate and reasonable measures.

C. Administrative Hearings

1. administrative hearing officers

Student Conduct shall train and maintain a pool of administrative hearing officers. Administrative hearing officers shall function as a one-person Student Conduct board.

2. Notice of Hearings

All appropriate parties shall be given notice in writing and/or electronic form not less than three business days prior to the date and time of the conduct hearing.

3. Privacy of Hearings

All conduct hearings shall be closed.

4. Attendance at Administrative Hearings

The following people will be allowed to attend the entire hearing: the accused student, complainant, victim/survivor, advisors (if any), observers (if any), university presenter and the administrative hearing officer. Witnesses will be allowed to be present only when

they are providing testimony. Admission of any other person to the administrative hearing shall be at the discretion of the administrative hearing officer.

5. Hearings Involving Multiple Accused Students

In an administrative hearing involving more than one accused student, the Student Conduct administrator may permit a joint administrative hearing.

6. Advisors

The accused student, complainant, victim/survivor and university presenter may be accompanied by an advisor in a Student Conduct board hearing. Any person may serve as an advisor so long as they are not involved in the student conduct matter. The advisor need not be affiliated with the Northern Illinois University community. If a student elects to have an advisor, it is highly recommended that an advisor is chosen from the list of trained advisors that is maintained by the Student Conduct Office. An advisor will only be allowed to confer with their advisee. The advisor will not be allowed to participate in the student conduct process on behalf of their advisee. It is the sole discretion of the administrative hearing officer to determine if an advisor is disrupting the hearing and may ask the advisor to leave the hearing.

7. Witnesses

The accused student, complainant and victim/survivor may arrange for witnesses to present pertinent information to the administrative hearing officer. Witnesses shall provide information about the incident and answer questions from the administrative hearing officer.

8. Questioning During Administrative Hearings

The administrative hearing officer shall inform the parties as to the appropriate time to ask questions during the hearing. All questions must be relevant to the incident. The administrative hearing officer will determine if the question is relevant and should be answered.

9. Information

Pertinent records, exhibits and written statements may be accepted as information for consideration by the administrative hearing officer at their discretion.

10. Procedural Questions

All procedural questions are subject to the final decision of the administrative hearing

officer. Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court, are not used in administrative hearings.

11. Deliberations

After all information has been presented in an administrative hearing, the administrative hearing officer shall determine whether the accused student is deemed “responsible” or “not responsible” for each alleged violation. The administrative hearing officer’s determination shall be made based on the preponderance of the evidence.

12. Notification of Decision

Student Conduct shall notify all appropriate parties, of the decision, in writing, within two business days after the decision has been reached.

For any incident involving violent crime or nonforcible sexual offense, as described in the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092(f), as amended, both the accused student and the victim/survivor will be notified by the administrative hearing officer in writing simultaneously, within two business days after the decision is reached. If the victim is deceased, Student Conduct shall notify the victim’s next of kin, upon written request by the next of kin. The decision shall include the finding(s) and the sanction(s). Only decisions related to violation of the *NIU Title IX/Sexual Misconduct Policy* will include a rationale for the decision.

13. Nonattendance of an Accused Student at an Administrative Hearing

It is the responsibility of an accused student and complainant to attend the scheduled administrative hearing. The administrative hearing will proceed without the accused student or complainant if proof of delivery is held of the notice of hearing.

14. Personal Safety Considerations

The administrative hearing officer shall accommodate concerns for the personal safety, well-being and/or fears of confrontation of the accused student, complainant, victim/survivor or other witness(es) during the hearing by taking appropriate and reasonable measures.

D. Academic Misconduct

The procedure to adjudicate alleged incidents of academic misconduct is the same procedure outlined in both the Undergraduate and Graduate Catalogs. Nothing in the *Student Code of Conduct* shall supersede information in either the *Undergraduate* or *Graduate Catalogs*.

1. Academic Misconduct Jurisdiction

A faculty member has original jurisdiction over any instance(s) of academic misconduct that occurs in a course that the faculty member teaches.

2. Departmental Level Resolution of Academic Misconduct

The accused student shall be given the opportunity to resolve the alleged incident in a meeting with the faculty member, and if requested the department chair. If the facts of the incident are not disputed by the accused student, the faculty member may elect to resolve the matter at the departmental level by levying a sanction no greater than an F for that course. If resolution of the incident is achieved at the departmental level, the faculty member shall notify the accused student in writing or via email of the resolution, and Student Conduct shall receive a copy of the academic misconduct incident report and all supporting material indicating the final disposition of the case. This report shall be placed into the accused student's Student Conduct file. The accused student shall be given an opportunity to view the completed academic misconduct incident report.

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

3. Academic Misconduct Incident Reporting

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

4. Notification of the Accused Student for Academic Misconduct

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

5. Referral of Academic Misconduct Incident(s) to Student Conduct for Resolution

When the academic incident is referred to Student Conduct, a Student Conduct Administrator will handle the incident according to the notice and preliminary conference procedure outlined earlier in this Code.

Student Conduct may institute new charges if additional information is brought forward after the resolution of the academic misconduct preliminary conference.

6. Sanctions Greater than an F in the Course

Sanctions greater than an F in the course may be levied only by Student Conduct for cases involving academic misconduct.

7. Academic Misconduct Hearings

Any student accused of academic misconduct who does not accept responsibility shall have their case scheduled before a Student Conduct board.

8. Composition of a Student Conduct Board for Academic Misconduct

Academic Misconduct boards for academic misconduct cases shall be comprised according to the following guidelines:

- a. One student and two faculty members shall comprise the Student Conduct board for academic misconduct incidents.
- b. The quorum at all Academic Conduct board hearings shall be three members.

9. Notice of Hearings

An accused student and faculty complainant shall receive notice in writing and/or electronic form not less than three business days prior to the date and time of the Student Conduct board hearing.

10. Privacy of Hearings

All conduct hearings shall be closed.

11. Attendance at Student Conduct Board Hearings

The following people will be allowed to attend the entire hearing: the university presenter, faculty complainant, accused student, their advisor (if any) and Student Conduct board members. Witnesses will be allowed to be present only when they are providing testimony. Admission of any other person to the conduct board hearing shall be at the discretion of the Academic Conduct board chair. Only the members of the Academic Conduct board will be present during deliberations.

12. Hearings Involving Multiple Accused Students

In an Academic Conduct board hearing for academic misconduct involving more than one accused student, the Student Conduct administrator their will permit a joint Student Conduct board hearing.

13. Advisors

The accused student and the university presenter may be accompanied by an advisor in an Academic Conduct board hearing. Any person may serve as an advisor. The advisor need not be affiliated with the Northern Illinois University community. If a student elects to have an advisor, it is highly recommended that an accused student choose from the list of trained advisors that is maintained by Student Conduct. An advisor will only be allowed to confer with their advisee. The advisor will not be allowed to participate in the student conduct process on behalf of their advisee. It is the sole discretion of the Academic Misconduct board chair to determine if an advisor is disrupting the hearing and may ask the advisor to leave the hearing.

14. Witnesses

The faculty complainant and the accused student may arrange for witnesses to present pertinent information to the Student Conduct board. Witnesses shall provide information about the incident and answer questions from the Student Conduct board.

15. Questioning During Student Conduct board Hearings

The Academic Misconduct board chair shall inform the parties as to the appropriate time to ask questions during the hearing. All questions must be relevant to the incident. The Academic Misconduct board chair will determine if the question is relevant and should be answered.

16. Information

Pertinent records, exhibits and written statements may be accepted as information for consideration by the Student Conduct board at the discretion of the chair.

17. Procedural Questions

All procedural questions are subject to the final decision of the Academic Conduct board chair. Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court are not used in Student Conduct board hearings for academic misconduct.

18. Deliberations

After all information and evidence is presented in an Academic Conduct board hearing, the Academic Conduct board shall determine whether the accused student is deemed “responsible” or “not responsible” for each alleged violation. The determination shall be made by majority vote of the Academic Conduct board. The Academic Conduct board’s determination shall be made based on the preponderance of the evidence.

19. Notification of Decision

Student Conduct shall notify the accused student and the faculty complainant of the decision of the Academic Conduct board in writing within two business days after the decision is reached. The decision of an Academic Conduct board hearing shall be binding. The Academic Conduct board has no authority to modify or recommend a grade, and may only impose sanctions outlined in the *Student Code of Conduct*. The decision shall include the finding(s) and the sanction(s).

20. Records of Academic Conduct board Hearings

There shall be a single verbatim record, such as a tape recording, of all Academic Conduct board hearings. Deliberations shall not be recorded. The record shall be the property of Northern Illinois University and shall be maintained by Student Conduct. Only Student Conduct may audio-record the hearing.

21. Nonattendance of an Accused Student at an Academic Conduct board Hearing

It is the responsibility of an accused student and faculty complainant to attend the scheduled Academic Conduct board hearing. The Academic Conduct board hearing will proceed without the accused student or faculty complainant, if proof of delivery is held of the notice of hearing.

22. Personal Safety Considerations

The Academic Conduct board chair may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the faculty complainant, accused student or other witness(es) during the hearing by taking appropriate and reasonable measures.

23. Grade Appeal for Academic Misconduct Incident

Any accused student who wishes to appeal the grade in a course may do so by following the rules outlined in the Academic Policies and Procedure Manual.

E. Appeals Process

1. To Whom and How to Appeal

- a. A decision reached by an administrative hearing officer (for an incident adjudicated through Student Conduct) or Student Conduct board may be appealed by the accused student/appellant within five business days of the date the decision notice is delivered to the student's mailbox or email account. The appeal must be in writing and submitted online through the appropriate form on the Student Conduct website. **This appeal process does not apply to incidents which fall under the auspices of *Title IX of the Higher Education Act of 1972*. Refer to the appeal process outlined in the *NIU Sexual Misconduct/Title IX Policy* for the appeal process for those specific incidents.** The written appeal request must include:
 - i. What is being appealed (decision and/or sanctions).
 - ii. The reasons for the appeal.
- b. A decision reached by the residence hall administrative hearing officer (for an incident adjudicated through Housing and Residential Services) may be appealed by the accused student/appellant to an administrative review within five business days of the date the decision notice is delivered to the student's mailbox or email account (documentation for proof of delivery is required). The appeal must be in writing and be delivered to the Director of Housing and Residential Services or designee. The written appeal request must include what is being appealed (decision and/or sanctions). Additionally, the written appeal request must include the reasons for the appeal.

2. Grounds for Appeal

Appeals shall be limited to the following:

- a. Did the administrative hearing officer or Conduct Board follow the procedure outlined in the *Student Code of Conduct* and provide a fair hearing for all parties?
- b. Did the administrative hearing officer or Conduct Board apply the standard of preponderance of the evidence correctly to the evidence and ultimately reach an appropriate decision?

- c. Was the sanction(s) imposed appropriate for the violation of the *Student Code of Conduct*?
- d. Is there 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 administrative or Conduct Board hearing?
- e. No sanction may be appealed solely on the basis that minimum sanctions imposed were not appropriate.

3. **Preliminary Determination of Sufficiency of Merit of Appeal**

Once the dean of students or designee receives a written appeal request, the following process occurs:

The dean of students or designee will consider all information related to the appeal request and make a determination about whether the appeal request contains sufficient merit for an appeal hearing. Merit is determined by examining if the appeal request raises an appealable issue and if the information provided by the accused student demonstrates clear error in the decision or a compelling justification to alter the finding or sanction(s). If the dean of students or designee does not find sufficient merit to grant the appeal, the dean of students or designee shall notify all parties of that decision.

If the dean of students or designee determines the appeal request has sufficient merit, a hearing will be held. At the hearing the appeal board will consider all relevant information, and the board may call or recall any witnesses. The chair of the appeal board will determine what, if any, information shall be considered for the appeal. The appeal board will be comprised of the chair (associate vice president and dean of students or designee, one (1) faculty or staff member, and one (1) student.

The dean of students or designee shall notify the accused student of the decision of the Appeal Board in writing within two business days after the decision is reached. The decision of an Appeal Board hearing shall be final. The decision shall include the finding(s) and the sanction(s).

For appeal requests submitted to the senior director of Housing and Residential

Services or designee, the senior director of Housing and Residential Services, or designee, will decide whether the request has sufficient merit.

F. Incidents Falling Under Title IX of the Education Amendments of 1972 (Title IX/Sexual Misconduct Policy)

For information related to how incidents falling under the auspices of *Title IX of the Educational Amendments of 1972* are investigated and adjudicated, see the *NIU Title IX/Sexual Misconduct Policy*, located online at <https://niu.edu/ethics-compliance/pdf/title-ix-policy.pdf>

G. Amnesty

Northern Illinois University maintains a policy of amnesty for students who attempt to seek help for themselves and/or other students or nonstudents in need of medical attention due to alcohol or drug use. The director of Student Conduct or designee shall determine if a student or recognized student organization is eligible for amnesty under this provision. An organizational member or the student organization president or designee from a recognized student organization must attend the preliminary conference in order to request amnesty. If a student's or recognized student organization's actions furthered or facilitated the situation, no amnesty will be granted.

Amnesty aims to remove the barriers that may prevent an individual from reporting an incident of sexual misconduct. If an individual reports an incident of sexual misconduct in good faith, the reporting party will not receive disciplinary action for a separate university policy violation, such as underage drinking, that is revealed in the course of the report. However, if the separate violation was egregious, including but not limited to an action that places the health or safety of any other person at risk, amnesty may be not afforded.

Article V: Records Management

- A.** All official records of academic and nonacademic student conduct shall be maintained in the Office of Student Conduct. Grade appeals conducted in accordance with academic department policies and procedures shall not be considered part of the student conduct record, and shall not be maintained in Student Conduct.
- B.** All units, departments and entities of Northern Illinois University that handle student conduct matters, with the exception of grade appeals, shall forward all official

documents, forms, other evidence, records and any other materials to Student Conduct upon final resolution of a case.

- C. In situations involving an accused student, the records of the process and of the sanctions imposed (if any), shall be considered to be education records.
- D. Records shall be considered confidential to the extent permitted by law.
- E. All student conduct case-related records will be retained indefinitely.
- F. All student conduct records which fall under the requirements listed in the *European Union General Data Protection Regulation (EU 2016/679)*, will be reviewed annually, to determine any appropriate action.
- G. Students are notified in the fall semester, of their responsibilities under the *Student Code of Conduct*.

Article VI: Interpretation and Revision of the *Student Code of Conduct*

A. Establishment of the Student Conduct Advisory Board

1. The Student Conduct Advisory board shall be established to advise Student Conduct.
2. The membership of the Student Conduct Advisory board shall include the following:
 - a. The director and associate director of Student Conduct.
 - b. Two faculty members appointed by the president of the Faculty Senate.
 - c. One representative appointed by the president of the Operating Staff Council.
 - d. One representative appointed by the president of the Supportive Professional Staff Council.
 - e. One student appointed by the president of the Residence Hall Association.
 - f. One student appointed by the president of the Student Association representing the Student Association.
 - g. One student appointed by the president of the Student Association representing the fraternity and sorority community.
 - h. One student appointed by the director of Off-Campus and Non-Traditional Student Services representing Off-Campus and Non-Traditional Students.
 - i. One representative from the NIU Department of Police and Public Safety.
 - j. One representative from Housing and Residential Services.
 - k. One representative from the Division of University Legal Services.

- l. One representative from Intercollegiate Athletics.
- m. One representative from the Office of the Ombudsperson.

B. Term of Appointment to Student Conduct Advisory Board and Voting Privileges

1. The term of appointment for the director and associate director of Student Conduct shall be for the term of employment at Northern Illinois University.
2. The term of appointment for the faculty members shall be three years and may be renewed.
3. The term of appointment for the students shall be one year and may be renewed.
4. The term of appointment for staff from the Department of Police and Public Safety, Housing and Residential Services, University Legal Services, Educational Services and Programs, Intercollegiate Athletics, and the Office of the Ombudsperson shall be at the discretion of administrators of those respective areas.
5. The term of appointment for appointees of the Operating Staff Council shall be for three years.
6. The term of appointment for appointees of the Supportive Staff Council shall be for three years.
7. All members of Student Conduct may participate and vote in the Advisory Board meeting.

C. Attendance at Student Conduct Advisory Board Meetings

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

D. Chair of the Student Conduct Advisory Board

The director of Student Conduct shall chair the Student Conduct advisory board.

E. Role of the Student Conduct Advisory Board

The role of the Student Conduct advisory board shall be to assist with review and recommendations for changes to the *Student Code of Conduct*.

F. Any Question of Interpretation or Application of the *Student Code of Conduct*

Any question of interpretation or application of the *Student Code of Conduct* shall be referred to the office of the associate vice president for Student Affairs and dean of students for determination.

G. The *Student Code of Conduct* May Be Reviewed Annually

The *Student Code of Conduct* may be reviewed annually under the direction of the Student Conduct advisory board.

Glossary of Definitions for the Student Conduct Process

Academic Conduct board: Any persons authorized by the associate vice president for Student Affairs and dean of students or designee to determine whether an accused student has violated the *Student Code of Conduct* and other policies, and who may impose sanctions when an accused student is found to be responsible for misconduct under the *Student Code of Conduct*.

Academic Conduct Board Chair: A university staff member who is a voting member of the board, and who facilitates the hearing. The Academic Conduct board chair is ultimately responsible for ensuring that proper procedure is followed during a Student Conduct board hearing, and who will write the rationale for the decision and findings on behalf of the board.

Academic Day: Any day during the calendar year in which regularly scheduled classes are in session, including fall, spring and summer semesters.

Accused Student: A current student of Northern Illinois University who is facing allegations of violating Northern Illinois University policy.

Administrative Hearing Officer: A Northern Illinois University staff member who is trained in the student conduct process and is authorized by the associate vice president for Student Affairs and dean of students, or designee, to determine if a violation of university policy has occurred and to issue sanctions accordingly.

Advisor: Any person who may assist an accused student, recognized student organization, complainant or the university presenter through the student conduct process. The advisor need not be affiliated with the Northern Illinois University community. A list of advisors who have

received training in the Northern Illinois University student conduct system shall be available from Student Conduct. An advisor will only be allowed to confer with their advisee. The advisor will not be allowed to participate in the student conduct process on behalf of their advisee.

Appeal Board: Any persons authorized by the associate vice president for Student Affairs and dean of students or designee who has the authority to uphold, modify or reverse a decision imposed by an Academic Misconduct board, administrative hearing officer or Student Conduct board.

Business Day: Any day the university is in operation. This is not intended to cover Saturday, Sunday, university-observed holidays and administrative closures.

Claimant: The student, employee or third party who suffers sex-based misconduct by the conduct of another.

Complainant: A Northern Illinois University community member who completes an incident report about a particular incident or set of incidents and alleges that a current student or recognized student organization violated Northern Illinois University policy.

Consent: A clear, unambiguous, informed and voluntary agreement between all participants to knowingly engage in sexual activity. Consent must be mutually understandable by words or actions (i.e., a reasonable person would consider the words or actions to indicate mutual agreement to engage in the sexual activity). Consent is active, and cannot be based on the absence of an affirmative statement or act of denial. Silence or lack of resistance does not constitute consent.

- Seeking and receiving consent is the responsibility of the person(s) initiating the sexual act or acts regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent to any sexual act or prior consensual sexual activity between or with any party does not in and of itself constitute consent to any other sexual act.
- Consent may be initially given, but withdrawn at any time. Consent cannot be given when a person is incapacitated (including but not limited to a person or someone with a physical or mental disability that causes impairment resulting in incapacitation) or a person who is intoxicated. Consent cannot be given when it is the result of coercion,

intimidation, force or threat of harm. The university prohibits any sexual activity that does not involve the consent of each individual.

Consent must be given to engage in the act of sexual activity, and consent should also be given to any person who records or photographs any aspect of the sexual encounter as well as third parties who wish to view the sexual activity either in person or via any electronic equipment, methods or devices. Any of these acts will be deemed to be sexual exploitation. Sexual exploitation includes but is not limited to the following acts:

- Sexual voyeurism or allowing others to witness or observe the sexual or intimate activity of another person without that person's full knowledge and consent.
- Indecent or lewd exposure or inducing another person to expose themselves when consent is not present.
- Recording any person engaged in sexual or intimate activity in a private space without that person's full knowledge and consent, even if the person recording the sexual or intimate activity is also engaged in the consented-to sexual activity.
- Distributing sexual or intimate information, images or recordings about another person without that person's full knowledge and consent.
- Recruiting, harboring, transporting, providing or obtaining another person for the purpose of sexual exploitation.
- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Constructive Possession: Occurs where a person has knowledge of an object, plus the ability to control the object, even if the person has no physical contact with it (*United States v. Delrose*, 74 F.3d 1177 [11th Cir. 1996]).

Faculty Member: 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.

Fine/Administrative Fee: A fine or fee requires a student to pay a sum of money (not to exceed \$200). An administrative fee of \$25.00 (minimally) is automatically assessed to any student

found responsible for violating the *Student Code of Conduct* each time they are involved in an incident. Fines and fees assist with costs associated with educational workshops and programs, as well as the daily operations of Student Conduct. The conduct body shall determine the amount of the fine. Fines may be imposed separately or in addition to any other sanction(s).

Good Standing (with the institution): A student or recognized student organization is in good standing with the institution when the student or organization is not on university or organizational disciplinary probation.

Incident: An incident occurs during a defined period of time, at a given location, regarding a specific situation. A Student Conduct administrator may combine multiple incidents into a single case, with the permission of the director of Student Conduct or designee.

May: A term that provides a choice for an accused student, recognized student organization or complainant as to how to proceed in the *Student Code of Conduct*.

Member of the University Community: Any person who is a student, faculty member or staff member of Northern Illinois University. A person's status in a particular situation shall be determined by the director of Student Conduct or designee.

No Contest: Response to a violation when an accused student does not challenge the information contained in the written incident report, but accepts the sanctions recommended by the Student Conduct administrator. The option for "no contest" is only available to accused students who are facing concurrent criminal charge(s) at the time of their preliminary conference.

Observer: A person who attends a Student Conduct board hearing at the request of either a complainant, accused student or recognized student organization. The observer shall not participate in the hearing in any manner.

Organizational Disciplinary Probation: The sanction of organizational disciplinary probation takes a recognized student organization out of good standing with the institution. Organizational disciplinary probation does not affect the ability of an organization to hold social events.

Policy: The written regulations of Northern Illinois University.

Preponderance of the Evidence: The standard of evidence used in all hearings whereby it is determined that it is more likely than not that the accused student or recognized student

organization committed the alleged violation of the *Student Code of Conduct* based on all the evidence and testimony presented in the case.

Proceeding: All activities related to a noncriminal resolution of an institutional disciplinary complaint including but not limited to fact-finding investigations, formal or informal meetings, and hearings.

Recognized Student Organization: Any entity that has complied with the requirements set forth in Part III of the *Northern Illinois University Student Association Bylaws*, or that is recognized by any department of Northern Illinois University.

Respondent: The alleged offender/accused; a person alleged to have engaged in any of the conduct prohibited by the Title IX Policy and Procedures.

Self-defense: A person uses only sufficient force to repel or stop an attack by another person. When presented with an opportunity to remove oneself from the situation, the person engaging in self-defense shall take advantage of said opportunity. Engaging in further physical contact with a person after an opportunity to remove oneself from the physical altercation shall invalidate a claim of self-defense.

Shall or Will: Terms in the *Student Code of Conduct* that do not provide for a choice for an accused student, recognized student organization or complainant as to how to proceed.

Student: All persons admitted to Northern Illinois University and/or enrolled in any course (for credit or not for credit), or who are on campus for the purpose of enrolling in any course. Persons who withdraw from the institution after allegedly violating the *Student Code of Conduct* shall be subject to the *Student Code of Conduct*.

Student Conduct Administrator: A university official authorized by the associate vice president for Student Affairs and dean of students or designee to investigate an incident upon receipt of an incident report, and to meet and discuss the incident with an accused student or recognized student organization. The official may recommend sanctions against an accused student or recognized student organization who admits responsibility for violating the *Student Code of Conduct*.

Student Conduct Board: Any persons authorized by the associate vice president for Student Affairs and dean of students or designee to determine whether an accused student has violated the *Student Code of Conduct* and other policies, and who may impose sanctions when an accused student is found to be responsible for misconduct under the *Student Code of Conduct*.

Student Conduct Board Chair: A university staff member who is a voting member of the board and who facilitates the hearing. The Student Conduct board chair is ultimately responsible for ensuring that proper procedure is followed during a Student Conduct board hearing, and who will write the rationale for the decision and findings on behalf of the board.

University Disciplinary Probation: The sanction of university disciplinary probation takes a student out of good standing with the institution. Students who are on university disciplinary probation continue as students, but are restricted from participating in certain university-sponsored events including but not limited to study abroad programs, serving as an officer in a recognized student organization, and traveling with the university on sponsored trips.

University Official: Any person employed by Northern Illinois University who performs assigned administrative or professional responsibilities.

University Premises: All land, buildings, facilities and other property in the possession of or owned, used or controlled by Northern Illinois University (including streets and sidewalks therein).

University Presenter: The Student Conduct staff member who represents the university in regard to an alleged violation of the *Student Code of Conduct*. This staff member will assist the complainant in presenting their case to the student conduct board or administrative hearing officer.

Victim/Survivor: A person who is allegedly harmed by a *Student Code of Conduct* violation.

Violation of the *Student Code of Conduct*: A finding of or an admission of responsibility by a student for not being in compliance with a provision outlined in Article III of the NIU *Student Code of Conduct*.

Violence: Cases involving violence shall include but are not limited to physical abuse, sexual misconduct, stalking and weapons (used in a threatening manner).