



## Student Affairs Developing Outstanding Students

### Student Code of Conduct and Disciplinary Procedures

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Student Code of Conduct\* ([#source](#))

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#### 1. General

Students at the University of Nebraska-Lincoln are members of both the University community and the larger community of which the University is a part. Students are entitled to all of the rights and protections enjoyed by members of the larger community. At the same time, as members of the University community, students have the responsibility to conduct themselves in a lawful manner and in compliance with the University's standards for student conduct. The purpose of this Code is to specify acts of student misconduct for which an offending individual or student organization will be subject to disciplinary sanctions under the University Disciplinary Procedures.

#### 2. Definitions

The following definitions shall apply to the Student Code of Conduct and to the University Disciplinary Procedures:

- **2.1 Alcoholic Beverage** - Alcoholic beverage shall include alcohol, spirits, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being.
- **2.2 Campus** - Campus shall mean all land, buildings and facilities of or owned, used or controlled by the University of Nebraska-Lincoln, all student housing units, and all streets, alleys, sidewalks and public ways abutting any land of the University or the land upon which a student housing unit is located.
- **2.3 Dangerous Weapon** - Dangerous weapon shall mean any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or intended is capable of producing death or bodily injury.
- **2.4 Drug** - Drug shall mean any controlled substance included in Neb. Rev. Stat. Â§28-405 1989 Reissue), which lists controlled substances regulated under Nebraska criminal laws relating to drugs and narcotics. The controlled substances listed in Neb. Rev. Stat. Â§28-405 include those drugs listed in the University Policy Statement on Drugs.
- **2.5 Firearm** - Firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of such weapon.
- **2.6 Hazing** - Hazing shall mean any activity by an organization or by a member of an organization in which a member, prospective member, pledge or associate of the organization is subjected to acts which cause harm or create risk of harm to the physical or mental health of the member, prospective member or pledge. Hazing includes, but is not limited to, any act or activity which causes or might reasonably be expected to cause fear or intimidation, extended deprivation of sleep or rest, forced consumption of any substance, physical exhaustion, physical harm (beating, boarding, paddling, branding or exposure to weather), or damage to property.
- **2.7 Judicial Officer** - Judicial Officer shall mean the University Director of Student Judicial Affairs or a University official authorized by the Vice Chancellor for Student Affairs to impose sanctions upon students or organizations found to have violated the Student Code of Conduct or other published University policies and regulations prescribing standards of student conduct.
- **2.8 Member of the University Community** - Member of the University community shall mean any person who is a student, faculty member, University official or any other person employed by the University
- **2.9 Misconduct** - Misconduct shall mean any act of misconduct proscribed in this Code of Conduct or violation of any other published University policy or regulation prescribing a standard of student conduct.
- **2.10 Organization** - Organization or student organization shall mean any student group recognized by the

University of Nebraska-Lincoln policy of NE 63-589, 402-470-7211. Student organizations. The term organization shall include any fraternity or sorority and any student organization established by or recognized by an academic or administrative unit of the University.

- **2.11 Student** - Student shall mean any person taking courses on the campus of the University of Nebraska-Lincoln, either full-time or part-time, pursuing undergraduate, graduate or professional studies. Persons who are enrolled in courses of the University of Nebraska Medical Center or the University of Nebraska at Omaha delivered on the campus of the University of Nebraska-Lincoln shall be considered students for the purpose of this Code of Conduct and the University Disciplinary Procedures. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University, such as completion of academic work from a prior term, shall be considered students for the purpose of this Code of Conduct and the University Disciplinary Procedures. An individual who was an enrolled student at the time of any alleged misconduct shall be considered a student for the purpose of this Code of Conduct and the University Disciplinary Procedures.
- **2.12 Student Housing Unit** - Student housing unit or living unit shall mean any University residence hall, any fraternity house, any sorority house, or any other student housing facility recognized by the University.
- **2.13 University** - University shall mean the University of Nebraska-Lincoln.
- **2.14 Unlawful** - Unlawful or unlawfully shall mean in violation of any ordinance of a municipality or in violation of any law or regulation of the United States, the State of Nebraska or any other state.

### 3. University Disciplinary Jurisdiction

- **3.1 Applicability of Code and Disciplinary Procedures** - The provisions of this Student Code of Conduct and the University Disciplinary Procedures shall apply to individual students and to student organizations.
- **3.2 On-Campus Jurisdiction** - University disciplinary jurisdiction shall extend to any case of alleged misconduct by any student or organization occurring on the campus.
- **3.3 Student Housing Unit Jurisdiction** - University disciplinary jurisdiction shall extend to any case of alleged misconduct by any student or organization occurring on the premises of any student housing unit.
- **3.4 Off-Campus Jurisdiction** - University disciplinary jurisdiction shall extend to any case of alleged misconduct by any student or organization occurring at an off-campus activity or event of or sponsored by the University or an organization. Other alleged misconduct by any student or organization occurring off-campus shall not be subject to University disciplinary jurisdiction unless the misconduct adversely affects the educational interests of the University. Off-campus misconduct in violation of a criminal law or involving falsification, alteration or fraudulent use of any University document, record or instrument of identification may, depending upon the nature and gravity of the circumstances, constitute misconduct adversely affecting the educational interests of the University for which an offending student or organization will be subject to disciplinary proceedings and sanctions under the University Disciplinary Procedures. Any misconduct associated with the use of a University vehicle shall be subject to disciplinary proceedings and sanctions. The Vice Chancellor for Student Affairs and the Judicial Officer shall be the University officials having authority to determine on a case-by-case basis whether University disciplinary proceedings shall be instituted for off-campus misconduct adversely affecting the educational interests of the University.
- **3.5 University Disciplinary Proceedings Independent of Civil or Criminal Proceedings.** - University disciplinary proceedings may be instituted against a student or organization charged with violation of a law which is also misconduct under this Code without regard to the pendency of civil litigation or criminal prosecution. University disciplinary proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

### 4. Misconduct

The following acts constitute misconduct under this Student Code of Conduct and the University Disciplinary Procedures:

- **4.1 Disruption or Obstruction of University Operations, Activities or Functions; Unauthorized Occupation of University Premises.**
  - a. Participation in a demonstration on the campus which materially and substantially disrupts the normal operations of the University and infringes upon the rights of other members of the University community.
  - b. Leading or inciting others to materially and substantially disrupt scheduled activities at any location on the campus.
  - c. Material and substantial disruption or obstruction of teaching, research, administration, or other University

activities, including its public service functions on or off campus, or other authorized activities on the campus.

- d. Material and substantial disruption of any activity or event of or sponsored by the University or an organization, either on or off campus.
- e. Obstruction of ingress to or egress from any University building or facility or any student housing unit.
- f. Obstruction of the free flow of pedestrian or vehicular traffic on the campus.
- g. Unauthorized occupation or use of or entry into any University building or facility or any student housing unit, including both indoor and outdoor facilities.

#### ■ 4.2 Academic Dishonesty

- a. The maintenance of academic honesty and integrity is a vital concern of the University community. Any student found guilty of academic dishonesty shall be subject to both academic and disciplinary sanctions. Academic dishonesty includes, but is not limited to, the following:
  1. Cheating: Copying or attempting to copy from an academic test or examination of another student; using or attempting to use unauthorized materials, information, notes, study aids or other devices for an academic test, examination or exercise; engaging or attempting to engage the assistance of another individual in misrepresenting the academic performance of a student; or communicating information in an unauthorized manner to another person for an academic test, examination or exercise.
  2. Fabrication or Falsification: Falsifying or fabricating any information or citation in any academic exercise, work, speech, test or examination. Falsification is the alteration of information, while fabrication is the invention or counterfeiting of information.
  3. Plagiarism: Presenting the work of another as one's own (i.e., without proper acknowledgment of the source) and submitting examinations, theses, reports, speeches, drawings, laboratory notes or other academic work in whole or in part as one's own when such work has been prepared by another person or copied from another person.
  4. Abuse of Academic Materials: Destroying, defacing, stealing, or making inaccessible library or other academic resource material.
  5. Complicity in Academic Dishonesty: Helping or attempting to help another student to commit an act of academic dishonesty.
  6. Falsifying Grade Reports: Changing or destroying grades, scores or markings on an examination or in an instructor's records.
  7. Misrepresentation to Avoid Academic Work: Misrepresentation by fabricating an otherwise justifiable excuse such as illness, injury, accident, etc., in order to avoid or delay timely submission of academic work or to avoid or delay the taking of a test or examination.
  8. Other: Academic units and members of the faculty may prescribe and give students prior notice of additional standards of conduct for academic honesty in a particular course, and violation of any such standard of conduct shall constitute misconduct under this Code of Conduct and the University Disciplinary Procedures.
- b. In cases where an instructor finds that a student has committed any act of academic dishonesty, the instructor may in the exercise of his or her professional judgment impose an academic sanction as severe as giving the student a failing grade in the course. Before imposing an academic sanction the instructor shall first attempt to discuss the matter with the student. If deemed necessary by either the instructor or the student, the matter may be brought to the attention of the student's major adviser, the instructor's department chairperson or head, or the dean of the college in which the student is enrolled. When academic sanction is imposed which causes a student to receive a lowered course grade, the instructor shall make a report in writing of the facts of the case and the academic sanction imposed against the student to the instructor's department chairperson or head and to the Judicial Officer. The student shall be provided with a copy of this report. Further, the instructor may recommend the institution of disciplinary proceedings against the student for violation of this Code, if the instructor in the exercise of his or her professional judgment believes that such action is warranted.
- c. In cases where an instructor's finding of academic dishonesty is admitted by the student and an academic sanction is imposed by the instructor which the student believes to be too severe, the student shall have the

right to appeal the severity of the academic sanction through the applicable grade appeal procedure.

- d. In cases where an instructor's finding of academic dishonesty is disputed by the student, the matter shall be referred to the Judicial Officer for disposition in accordance with the University Disciplinary Procedures. Any academic sanction imposed by the instructor shall be held in abeyance pending a final decision of guilt or innocence under the University Disciplinary Procedures. If it is determined through these procedures that the student is not guilty of academic dishonesty, the instructor's academic sanction shall be set aside. If it is determined that the student is guilty of academic dishonesty, the instructor's academic sanction shall be imposed in addition to any disciplinary sanction which may be imposed under the University Disciplinary Procedures, subject to the student's right to appeal the severity of the academic sanction through the applicable grade appeal procedure.
- e. The provision of Section 4.2 of this Code relating to academic dishonesty and the procedures applicable thereto do not apply to law students in the College of Law who are governed by the Honor Code of the College of Law.

■ **4.3 Falsification or Misuse of University Identification and Other Documents.**

- a. Forging, altering or otherwise falsifying any University document, any University record or any University instrument of identification, or assisting another student in such misconduct.
- b. Borrowing, lending or improperly possessing any University instrument of identification.
- c. Submitting false information to any member of the faculty or staff or to any University office.

■ **4.4 Misuse of Computers or Computing Resources.** Computing resources at the University exist for the purposes of education, research, service, and administration. The use of computing resources for any purpose other than a purpose for which they are intended is an act of misconduct. Misuse of computers shall include:

- a. Accessing or attempting to access computing resources or computer-based information without proper authorization.
- b. Disrupting the intended use of computers or computer networks.
- c. Damaging or destroying computer equipment or computer-based information.
- d. Using a computer for an unauthorized purpose.
- e. Violating copyright laws or license restrictions with respect to the copying or use of computer programs, data, materials or information.
- f. Unauthorized use of another person's identification or password.
- g. Unlawful or unauthorized access to or use of computers, computer networks and computer data, programs, materials or information. See Neb. Rev. Stat. §§28-1343 through 28-1348 (1989 Reissue).

■ **4.5 Alcohol:** Unlawful or unauthorized possession, use, distribution, dispensing, delivery, sale or consumption of any alcoholic beverage.

■ **4.6 Drugs:** Unlawful or unauthorized possession, distribution, delivery, dispensing, manufacture or sale of any drug; unlawful possession of any drug with intent to distribute, deliver, dispense, manufacture or sell any drug; or being unlawfully under the influence of any drug.

■ **4.7 Smoking:** Smoking in any University facility or vehicle except designated private student rooms in student housing units.

■ **4.8 Physical Abuse:** Physically abusing or threatening to physically abuse any person.

■ **4.9 Disturbing the Peace:** Any act occurring on the University campus or on the premises of a student housing unit which intentionally disturbs the peace and quiet of any person or group of persons.

■ **4.10 Harassment:**

- a. Engaging or attempting to engage in any act for the purpose of injuring, threatening or unreasonably alarming another or for the purpose of unreasonably interfering with any person's work, education, or the environment or activities surrounding one's work or education.
- b. If a person has been advised not to engage in certain acts and subsequently does so, there shall be a rebuttable presumption that the subsequent acts were done for one or more of the purposes set forth in the above paragraph.
- c. This section shall be strictly construed so as not to infringe upon the constitutional rights of free speech and expression of any person; and shall apply only to those acts described in paragraph (a) of this section.

■ **4.11 Sexual Assault:** Sexual assault or any other uninvited behavior of a sexually explicit nature.

■ **4.12 Dangerous Conduct:** Conduct which is unreasonably dangerous to the health or safety of other persons or

oneself.

- **4.13 Theft:** Theft or attempted theft of any property.
- **4.14 Property Damage:** Damaging or attempting to damage property of the University or of another individual.
- **4.15 Fireworks and Explosives:** Using or possessing bombs, explosives, incendiary devices, or fireworks.
- **4.16 Fires:** Setting or attempting to set any fire on the campus or on the premises of any student housing unit, except in fireplaces or other facilities designated for fires.
- **4.17 False Alarm:** Turning in a false fire alarm or bomb threat or misusing fire safety equipment on the campus or on the premises of any student housing unit.
- **4.18 Failure to Report Fire:** Failing to report a fire or any other extremely dangerous condition when known or recognized on the campus or on the premises of any student housing unit.
- **4.19 Firearms, Ammunition, Dangerous Weapons and Dangerous Chemicals:** Possessing or selling firearms, ammunition, other dangerous weapons, or dangerous chemicals on the campus or on the premises of any student housing unit.
- **4.20 Obstruction of Law Enforcement Officers, Firefighters or University Officials:** Obstructing or failing to comply with the directions of a law enforcement officer, firefighter or University official in the performance of his or her duty on the University campus, on the premises of any student housing unit or at any activity or event sponsored by the University or an organization.
- **4.21 Hazing:** Hazing any person. The intent of any person engaging in hazing activity or the consent or cooperation of any person who is a victim of hazing will not constitute a defense to an allegation of misconduct for hazing.
- **4.22 Indecent Exposure:** Committing any unlawful act of indecent exposure or public indecency.
- **4.23 Gambling:** Any gambling activity in violation of the laws of the State of Nebraska or of the United States.
- **4.24 Unauthorized Use of University Property:** Unauthorized use of any University property, facilities, equipment or materials.
- **4.25 Unauthorized Keys and Unlocking Devices:** Possessing, producing, manufacturing, or having manufactured without proper authorization, any key or unlocking device for use on any University facility or lock.
- **4.26 Traffic Violations:** Serious traffic violations on the campus, including operating any vehicle while intoxicated, speeding, reckless endangerment, or reckless driving.
- **4.27 Regulations Pertaining to Student Housing Units:** Violation of any student housing unit policy, rule or regulation.
- **4.28 Insufficient Fund or No Account Checks:** Failure to redeem or make arrangements to redeem, within one week after receipt of written notice, an insufficient funds or no account check submitted to the University for cash or for payment of University goods or services.
- **4.29 Abuse of Disciplinary Proceedings:** Abuse of University disciplinary proceedings shall include the following:
  - a. Failure to obey a request to appear before a judicial officer or a judicial board.
  - b. Falsification of testimony before a judicial officer or a judicial board.
  - c. Disruption or interference with the orderly conduct of any judicial board hearing.
  - d. Attempting to discourage any person from using University Disciplinary Procedures or participating in any disciplinary proceeding.
  - e. Filing a malicious or frivolous complaint under the University Disciplinary Procedures or subordinate judicial board disciplinary procedures.
  - f. Attempting to influence the impartiality of a member of a judicial board prior to or during any disciplinary proceeding.
  - g. Verbal or physical harassment or intimidation of a member of a judicial board prior to, during or after any disciplinary proceeding.
  - h. Failure to comply with any sanction imposed under the University Disciplinary Procedures or under any subordinate judicial board disciplinary procedures.
  - i. Violation of the privacy rights of any student or University employee in regard to any disciplinary proceeding.
  - j. Influencing or attempting to influence another person to commit an abuse of disciplinary proceedings.
- **4.30 Other Unlawful Acts:** Any act by a student which occurs on the campus, on the premises of any student housing unit or at any activity or event sponsored by the University or an organization which is in violation of any law of the State of Nebraska or of the United States, or in violation of any ordinance of the City of Lincoln, shall

constitute misconduct.

## 5. Disciplinary Sanctions

One or more of the following disciplinary sanctions may be imposed as provided in the University Disciplinary Procedures whenever a student or student organization is found to be guilty of misconduct under this Code of Conduct or under other published policies or regulations of the University prescribing standards of student conduct:

- **5.1 Warning** Written notice to the student or organization that continuation or repetition of specified misconduct may be cause for other disciplinary action.
- **5.2 Restitution** Reimbursement for damage to or misappropriation of property or reimbursement for medical expenses incurred by a third party as a direct result of misconduct. Reimbursement may take the form of service, other indirect compensation or direct financial compensation.
- **5.3 Confiscation of Dangerous Weapons.** Weapons, firearms, ammunition or other dangerous weapons possessed, used or stored on the campus in violation of the Code of Conduct may be confiscated.
- **5.4 Probation** A specified period of time during which a student or organization is warned that any further violation of the Code of Conduct will be cause for further disciplinary action. During the period of probation the student or organization may be prohibited from participating in specified activities.
- **5.5 Behavioral Requirement** Written conditions imposed by a judicial board or a judicial officer which establish specified requirements for the student or organization.
- **5.6 Suspension** Exclusion from all or specified classes and/or exclusion from all or specified privileges or activities of the University and/or exclusion from the campus for a specified period of time. In cases involving organizations, suspension may include loss of all privileges, including loss of University recognition for a specified period of time.
- **5.7 Expulsion** Permanent termination of student status or organizational status at the University.

## 6. Referral to Civil Authorities

When circumstances warrant, the University administration will refer acts of misconduct to appropriate civil or criminal justice authorities.

\* Information from pages 4, 5, and of the printed version of *University Documents Concerning Student Rights and Responsibilities: The Student in the Academic Community; Student Code of Conduct and Disciplinary Procedures, and Student Records Policy.*

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