



NORTHERN ILLINOIS UNIVERSITY

Student Conduct

Division of Student Affairs

Student Code of Conduct

The Student Code of Conduct outlines the process the university follows when charging students with an alleged violation. The code explains sanction options for those students who admit to or are found responsible for a violation.

Sections

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Introduction

The student conduct office offers students educational opportunities for personal growth and values clarification to provide a fair and responsive resolution of each student conduct case. While consistent and equitable treatment in the disciplinary process is another goal, each individual case is handled based on the particular situation. Toward that end, Student Conduct will be guided by the following principles:

- Educate our students on how they may gain insight into the reasons and consequences of their behavior, learn self-discipline, and accept the responsibilities of membership in the University community.
- Preserve the health and safety of the University community.
- Protect the integrity of the institution.
- Address students' unacceptable behavior and, when possible, reparations and reconciliation to the community are provided.

Northern Illinois University PACT

The Northern Pact encompasses principles that outline 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 and a sense of connectedness.

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.

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Student Conduct Process Flow Chart

From the incident to the resolution, learn more about the steps in the Student Conduct process.

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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. An incident report for each alleged violation shall be completed in a timely manner.

B. In accordance with the *Family Educational Rights and Privacy Act of 1974*, as amended, a student may inspect and review his/her student conduct file upon request to Student Conduct.

C. An advisor may accompany the accused student, recognized student organization, complainant, and victim/survivor 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 an accused student, recognized student organization, complainant, or victim/survivor elects to have an advisor, it is highly recommended that the party choose an advisor trained by Student Conduct. Student Conduct shall maintain a list of advisors who have 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 (accused student, recognized student organization, complainant, or victim/survivor). The advisor may not directly participate in the student conduct process on behalf of any party or as a spokesperson or advocate.

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 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 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. The accused student, recognized student organization, complainant, and victim/survivor 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 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 the accused student, recognized student organization, complainant, or victim/survivor. 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 (3) business days prior to the hearing. If, after such notification, the accused student, recognized student organization, or complainant does not appear at the hearing, the case may be heard and a decision rendered despite the absence (victims/survivors are not required to attend any hearings). 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 e-mail 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 e-mail account.

I. Hearings before any Administrative Hearing Officer or Conduct Board shall be closed. The accused student, complainant, and victim/survivor may each have one (1) person serve as an observer of the hearing, in addition to their conduct advisor and any witnesses. Accused student organizations may have one (1) person serve as an organizational advisor, one (1) person serve as a trained conduct advisor. The observer will not be permitted to participate in any way in the hearing.

J. The accused student, 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.

K. In any administrative hearing or Conduct Board hearing, the accused student, recognized student organization, complainant, or victim/survivor shall have the right to present his/her respective position by introducing information and a witness(es), making statements, and asking questions. No one shall be required to provide information that may be self-incriminating.

L. 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 (2) business days after the deliberation. 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 (2) business days after the deliberation. 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.

M. The accused student or recognized student organization and the victim/survivor (in student conduct incidents of sexual misconduct) that 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.

N. 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.

O. 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.

P. 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.

Q. 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*.

R. Student Conduct records related to individual students are protected under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. §1232g). Individual, current, or former students are permitted to inspect their education records. 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.

S. Conduct records of recognized student organizations are not protected under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. §1232g). The recognized student organization receives a copy of correspondence and related materials pertaining to a conduct case at the time that Student Conduct issues a notice of an alleged violation. The recognized student organization is provided a copy of appropriate case-related correspondence throughout the time period that the case is subject to resolution during the student conduct process. Correspondence is sent to the organization president. The records will be redacted as provided for by law.

T. Current or former NIU students may request copies of their student conduct records under the Freedom of Information Act (5 U.S.C. §552). The records will be redacted as provided for by law.

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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 that are exhibited directly or otherwise, 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 the Office of 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 & 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 umbrella of Title IX of the Education Amendments of 1972 are investigated and resolved via the appropriate University policies.

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Article III: Proscribed Conduct Violations and Sanctions

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 his/her 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. 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.

A student charged with this offense is subject to the minimum sanctions outlined in the *NIU Student Code of Conduct* for an offense of alcohol.

7. Cannabis:

a. Use or possession of cannabis 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. Distribution of cannabis is prohibited, including the giving or selling of cannabis.

A person charged with this offense is subject to the minimum sanctions outlined in the *NIU Student Code of Conduct* for an offense 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. A student charged with this offense is subject to the minimum sanctions outlined in the *NIU Student Code of Conduct* for an offense of drugs.

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. False 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: Acts of harassment include the use of words or actions that persistently and wrongfully attack another person. Harassment may be in-person, online, or via written correspondence. The unwanted communication must be objectively offensive to a reasonable person before it may be considered actionable harassment.

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: Student Affairs Policy Page
27. Weapons: The following is 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. Any device whether loaded or unloaded, that shoots a bullet, 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 firearm, BB/pellet gun, flare gun, stun gun, airsoft gun, dart gun, nun chuck(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 three (3) inches, hunting knife, fixed blade knife, throwing knives, dagger, razor or other cutting instrument the blade of which is exposed is also prohibited. A student charged with this offense is subject to the minimum sanctions outlined in the NIU Student Code of Conduct for an offense of weapons. 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).

28. 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:

- a. Dating Violence;
- b. Domestic Violence;
- c. Gender-based Harassment or Discrimination;
- d. Rape;
- e. Retaliation;
- f. Sex-based Misconduct;
- g. Sex Discrimination;
- h. Sexual Assault;
- i. Sexual Harassment;
- j. Sexual Penetration;
- k. Sexual Violence;
- l. Stalking

[View information about Title IX investigation and adjudication](#)

[View information about violation of the law and the NIU student conduct process](#)

[View information about NIU sanctions](#)

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Non-compliance 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 non-completion 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 Non-completion
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 of new events
Anger Workshop	\$125 fine
Substance Use Intervention and Education Plan	\$125 fine

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

Section A - Incident Reporting, Notice and Preliminary Conference

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.

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 thirty (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 notice of alleged violation shall be presented to the accused student in written and/or electronic form. A time and date shall be set for a preliminary conference, normally not less than three (3) nor more than ten (10) business days after the accused student has been notified. Maximum time limits for the scheduling of a preliminary conference may be extended, for cause, at the discretion of the Student Conduct Administrator. "For cause" includes, but is not limited to, gathering further information and/or following up on information provided by the accused student. Electronic notification for delivery of the notice of alleged violation is the preferred method of communication. An e-mail shall be sent to the accused student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a preliminary conference. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required. The student conduct process will proceed with or without participation from any or all parties involved.

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 his or her information about the incident, and for the Student Conduct Administrator to provide information and resources to the victim/survivor. Contact between the parties will be limited to necessity.

4. 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) (e.g., notice of alleged violation[s], NIU *Student Code of Conduct*, and a copy of the narrative section of the incident report, redacted when required).
- b. Obtain informed consent of how to record the preliminary conference.

- c. Explain the Northern Illinois University student conduct process to the accused student.
- d. Answer any questions of the accused student about the student conduct process.
- e. Listen to an accused student's version of the incident, although the accused student shall not be required to discuss the incident.
- f. The preliminary conference will be audio recorded, with the permission of the student, or representative of the recognized student organization.
- g. Engage in a candid discussion of the incident with the accused student.
- h. 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 three options (and may contain a third option, 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: 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 III 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.

i. Signing the case resolution form:

- 1) When an accused student is presented with a case resolution form, the accused student may select an option to resolve the incident or proceed with a Student Conduct Board hearing or an Administrative Hearing Officer hearing.
- 2) An accused student will have up to five (5) business days to change the resolution initially agreed to on the case resolution form. After five (5) business days from the dated signature on the case resolution form, the decision is final, and no change may be made.
- 3) 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.

5. Non-Attendance at a Preliminary Conference

If an accused student does not attend a preliminary conference after being notified of such and makes no documented effort to contact the Student Conduct Administrator, requesting a rescheduling of the preliminary conference, the Student Conduct Administrator shall complete a case resolution form and enter a choice of option II (request for a hearing) on behalf of the accused student. The incident will then be scheduled for a hearing and all applicable parties will be notified. The preliminary conference may be rescheduled at the discretion of the Student Conduct Administrator.

6. Northern Illinois University reserves the right to initiate additional student conduct action if new information is presented to the university.

7. 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 default to 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.

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Section 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 (1) student and two (2) faculty or staff drawn from the faculty, supportive professional or operating staff members shall comprise the Student Conduct Board to hear non-academic misconduct incidents. The quorum at all Student Conduct Board hearings shall be three (3) members;

3. Notice of Hearings

An accused student, complainant, victim/survivor, and witness(es) shall be given notice in writing and/or electronic form not less than three (3) business days prior to the date and time of the conduct hearing. The notice of the hearing shall be delivered in such a manner that can be certified to guarantee receipt by the appropriate party. Electronic notification for delivery of the notice of Hearing is the preferred method of communication. An e-mail shall be sent to the accused student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a Student Conduct Board hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

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 (1) accused student, the Student Conduct Administrator, at his or her discretion, may permit a joint Student Conduct Board hearing.

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 accused student, complainant, and/or victim/survivor choose from the list of trained advisors that is maintained by the Student Conduct Office. An advisor will only be allowed to confer with his/her advisee (accused student, complainant, victim/survivor). The advisor will not be allowed to participate in the student conduct process on behalf of his/her advisee.

8. Witnesses

The accused student, complainant, and victim/survivor may arrange for witnesses to present pertinent information to the Student Conduct Board. Student Conduct will try to arrange the attendance of possible witnesses who are members of the university community. Witnesses shall provide information about the incident and answer questions from the Student Conduct Board.

9. Questioning During Student Conduct Board Hearings

The university presenter, accused student, complainant, victim/survivor, and Student Conduct Board members may ask questions of each respective side during the Student Conduct Board hearing. The Student Conduct Board Chair shall inform each side as to the appropriate time to ask questions during the hearing. Questions asked by the university presenter, accused student, complainant, victim/survivor, or Student Conduct Board members should 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, and in the case of sexual misconduct or violence, the victim/survivor, of the decision of the Student Conduct Board, in writing, within two (2) business days after the deliberation. 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 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 Student Conduct Office, in writing, within two (2) business days after the deliberation, simultaneously. 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 written request by the next of kin. The decision shall include the rationale for the finding(s) and the sanction(s). Any deviation from the minimum sanctioning chart shall include an appropriate justification for such deviation. Any sanction that does not meet the standards provided in the minimum sanction chart must be approved by the Director of Student Conduct or designee, prior to being issued. If the deviation from the sanctions is not approved, the Student Conduct Board must impose the minimum sanctions.

14. Records of Student Conduct Board Hearings

There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board hearings.

Deliberations shall not be recorded. The record shall be the property of Northern Illinois University and shall be maintained by the Student Conduct Office. Only Student Conduct may audio-record the hearing.

15. Non-Attendance 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.

16. 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.

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Section 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 - An accused student, complainant, and witness(es) shall be given notice in writing and/or electronic form not less than three (3) business days prior to the date and time of the administrative hearing. The notice of the hearing shall be delivered in such a manner that can be certified to guarantee receipt by the cooperating accused student, complainant, and victim/survivor. Electronic notification for delivery of the notice of alleged violation(s) is the preferred method of communication. An e-mail shall be sent to the accused student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up an administrative hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

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 (1) accused student, the Student Conduct Administrator, at his/her discretion, may permit a joint administrative hearing.

6. Advisors - The accused student, complainant, victim/survivor, and university presenter may be accompanied by an advisor in an administrative 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, complainant, or victim/survivor choose from the list of trained advisers that is maintained by the Student Conduct. An advisor will only be allowed to confer with his/her advisee (accused student, complainant, victim/survivor), but will not be allowed to interrupt the hearing. The advisor will not be allowed to participate in the student conduct process on behalf of his/her 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. Student Conduct will try to arrange the attendance of possible witnesses who are members of the university community. Witnesses shall provide information about the incident and answer questions from the Administrative Hearing Officer.

8. Questioning During Administrative Hearings - The university presenter, accused student, complainant, victim/survivor, and Administrative Hearing Officer may ask questions of each respective side during the administrative hearing. The Administrative Hearing Officer shall inform each side of the appropriate time to ask questions during the hearing. Questions asked by the university presenter, accused student, complainant, victim/survivor, or Administrative Hearing Officer should be relevant to the incident. Queries regarding appropriateness of evidence and questions should be directed to the Administrative Hearing Officer.

9. Information - Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Administrative Hearing Officer at his/her 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 -

The Administrative Hearing Officer shall notify the accused student, and in the case of sexual misconduct or violence, the victim/survivor, of the decision of the Administrative Hearing Officer, in writing, within two (2) business days after the deliberation. 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 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, within two (2) business days after the deliberation, simultaneously. The notification shall be sent in a way to certify receipt of the notification. If the victim is deceased, the Administrative Hearing Officer shall notify the victim's next of kin, upon written request by the next of kin. The decision shall include the rationale for the finding(s) and the sanction(s). Any deviation from the minimum sanctioning chart shall include an appropriate justification for such deviation.

Any deviation from the minimum sanctioning chart shall include an appropriate justification for such deviation. The Director of Student Conduct or designee must approve any sanction that does not meet the standards provided in the minimum sanction grid, prior to being issued. If the deviation from the sanction is not approved, the minimum sanction(s) must be imposed by the Administrative Hearing Officer.

13. Records of Administrative Hearings - There shall be a single verbatim record, such as a tape recording, of all administrative 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.

14. Non-Attendance 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.

15. 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.

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Section D - Academic Misconduct

The procedure to adjudicate alleged incidents of academic misconduct is the same that is 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 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 that level by levying a sanction no greater than an *F* for that course. If resolution of the incident is achieved at the faculty level, the faculty member shall notify the accused student in writing or via e-mail 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, Student Conduct reserves the right to levy a charge of academic misconduct against the student. The charge may carry additional non-academic sanctions against the student, if found responsible. 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 thirty (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 - If the facts of the incident are disputed by the accused student, or if the faculty member feels that a sanction of greater than an *F* in the course is appropriate, the faculty member shall refer the matter to Student Conduct, making use of the academic misconduct incident report.

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 above. The Student Conduct Administrator will meet with the accused student for a preliminary conference.

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

b. Student Conduct may institute a charge of academic misconduct against any student who receives or agrees to a finding of "responsible" in more than one academic misconduct matter, regardless of student-faculty resolution.

6. Sanctions Greater than an *F* in the Course - Sanctions greater than an *F* in the course may be levied only by the Student Conduct Board for cases involving academic misconduct.

7. Academic Misconduct Hearings - Any student accused of academic misconduct who does not accept responsibility shall have his/her case scheduled before a Student Conduct Board.

8. Composition of a Student Conduct Board -

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

a. One (1) student and two (2) faculty members shall comprise the Student Conduct Board for academic misconduct incidents.

b. The quorum at all Academic Conduct Board hearings shall be three (3) members.

9. Notice of Hearings - An accused student and faculty complainant shall receive notice in writing and/or electronic form not less than three (3) business days prior to the date and time of the Student Conduct Board hearing. The notice of the hearing shall be delivered in such a manner that can be certified to guarantee receipt by the accused student and complainant. Electronic notification for delivery of the notice of alleged violation(s) is the preferred method of communication. An e-mail shall be sent to the accused student's Z-ID e-mail notifying him/her of the alleged violation(s) and setting up a conduct hearing. When an electronic system is unavailable, a paper copy shall be substituted for electronic notification. With either form of communication, proof of delivery is required.

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, his/her 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 (1) accused student, the Student Conduct Administrator, at his/her discretion, may 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 his/her advisee (accused student or university presenter). The advisor will not be allowed to participate in the student conduct process on behalf of his/her advisee.

14. Witnesses - The faculty complainant and the accused student may arrange for witnesses to present pertinent information to the Student Conduct Board. Student Conduct will try to arrange the attendance of possible witnesses who are members of the university community. Witnesses shall provide information about the incident and answer questions from the Student Conduct Board.

15. Questioning During Student Conduct Board Hearings - The university presenter, faculty complainant, accused student, and Student Conduct Board members may ask questions of each respective side during the Academic Conduct Board hearing. The Academic Conduct Board Chair shall inform each side as to the appropriate time to ask questions during the hearing. Questions asked by the university presenter, faculty complainant, accused student, or Academic Conduct Board members should be relevant to the incident. Queries regarding appropriateness of evidence and questions should be directed to the Academic Conduct Board Chair.

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 (2) business days after the deliberation. This notification shall be sent in a way to certify receipt of the notification. 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 Student 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. Non-Attendance of an Accused student at a Student 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*.

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Section E - Appeal Hearings (Non-Academic Cases)

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 (5) business days of the date the decision notice is delivered to the student's mailbox or e-mail account (documentation for proof of delivery is required). The appeal must be in writing and be delivered to the Office of Student Conduct. 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.
- 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 (5) business days of the date the decision notice is delivered to the student's mailbox or e-mail 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 Student Conduct receives a written appeal request, the following process occurs:

The Director of Student Conduct or designee will consider all information related to the appeal request and make a determination about whether or not 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 Director or designee does not find sufficient merit to grant the appeal, the Director or designee shall notify all parties of that decision.

If the Director or designee determines the appeal request has sufficient merit, the Director or designee shall forward the appeal request to an appropriate appeal agent for determination of the appeal. The appeal agent shall have the authority to order the case be reheard, the finding be reversed, and/or the sanction(s) be modified.

For a sanction of university suspension, university expulsion, or loss of recognized student organization status, where merit for appeal is found/granted, the appeal agent will be the Associate Vice President for Student Affairs and Dean of Students or designee. In all other instances, the appeal agent will be the Director of Student Conduct or designee.

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.

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Section F- Title IX of the Education Amendments of 1972/Sexual Misconduct

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.

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Section G - Amnesty

Northern Illinois University maintains a policy of amnesty for students who attempt to seek help for themselves and/or other students or non-students 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 non-academic 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 enumerated in the *European Union General Data Protection Regulation (EU 2016/679)*, will be reviewed annually, to determine any appropriate action.

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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 (3) years and may be renewed.
3. The term of appointment for the students shall be one (1) 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 (3) years.
6. The term of appointment for appointees of the Supportive Staff Council shall be for three (3) years.
7. All members of Student Conduct may participate and vote in the Advisory Board meeting.

C. Attendance at 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 Community Standards & Student Conduct Advisory Board.

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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 his/her advisee. The advisor will not be allowed to participate in the student conduct process on behalf of his/her advisee.

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 non-criminal 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.

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 his/her 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).** [back to top]

Policies

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[Sharing Student Conduct Records Procedures](#)

Contact Us

Student Conduct

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Office Hours

Monday-Friday
8 a.m. to 4:30 p.m.



[NIU Home](#)

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