

## **70-2 Student Code of Conduct**

70-2-1 Purpose • 70-2-2 Policy • 70-2-3 Definitions •  
 70-2-4 Student Code of Conduct • 70-2-5 Administration • 70-2-6 Judicial Authority •  
 70-2-7 Jurisdiction of the System • 70-2-8 Violation of Law and System Discipline •  
 70-2-9 Charges and Hearings Procedure • 70-2-10 Sanctions • 70-2-11 Interim Suspension •  
 70-2-12 Management of Student Records • 70-2-13 Appeals •  
 70-2-14 Interpretation and Revision

1. **Purpose.** The purpose of this policy and procedures is to maintain honesty, safety, order and discipline among the members of the student body at a level and in a manner sufficient to enable Eastern New Mexico University System (the System) to fulfill its mission.
  
2. **Policy.** The general policies of the System regarding the conduct of students are as follows:
  - A. Dishonesty shall not be condoned or tolerated.
  - B. Respect for the personal and property rights of others shall be required.
  - C. Civil disorder or disruption of the normal operation of the campus shall not be tolerated or considered a means of constitutionally protected freedom of expression.
  - D. Criminal behavior may not be tolerated. Conviction of a felony by a student (while in attendance of a campus) shall result in immediate disciplinary sanctions by the System. Suspicion of a felony, especially a violent felony, may result in disciplinary sanctions by the System.
  - E. Students shall be expected to do their part to maintain the campus as a safe refuge for teaching, learning, research, study, other intellectual activities and exchanges, as well as recreational activities.
  - F. This Student Code, adopted by the System, sets forth standards and expectations for student behavior, as well as procedures for handling student misconduct.
  - G. This Student Code sets forth the due process that the System shall provide students suspected of violations of the Student Code or other System and/or campus policies or procedures such as this Student Code of Conduct, the Undergraduate Catalog, the Graduate Catalog, the ENMU System Policy manual (AGP&P), the Guide to Campus Living (for students residing in campus residences at ENMU Portales), the Athletic Handbook, the Student Organization Handbook, and/or the statutes and administrative regulations for the State of New Mexico, or in any other regulation approved by the Board of Regents for Eastern New Mexico University System. The minimum requirements of that due process shall be:
    - (1) That the student be notified of the violation of which he or she is suspected;
    - (2) That the student has an opportunity to speak to the person or persons charged with determining the disposition of the matter;
    - (3) That all parties to a student disciplinary proceeding, including the accused and the complainant, shall have equal rights to be heard.
  - H. Discriminatory Harassment

The ENMU System will not tolerate any type of harassment with regards to Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, gender, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the campus resources and opportunities. Such conduct is inconsistent with the System's dedication to providing a community that fosters and supports personal and social growth for all members of the ENMU community.

I. Retaliatory Discrimination or Harassment

Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a conduct process, civil rights grievance proceeding, or other protected activity will not be tolerated.

**3. Definitions.** The following terms are defined for use in this Student Code of Conduct:

- A. "Faculty member" means any person hired by the System to conduct classroom activities.
- B. "Judicial body" means the judicial coordinator or any appellate authority in an appeal arising under this Student Code of Conduct.
- C. "Judicial Coordinator" means either the vice president for Student Affairs (VPSA) or official authorized by the VPSA or branch campus equivalent to hold hearings under the Student Code of Conduct, make factual findings and recommend or impose sanctions upon students found to have violated the Student Code of Conduct. If the VPSA or branch campus equivalent does not appoint a judicial coordinator, then the VPSA or branch campus equivalent shall act as the judicial coordinator.
- D. "The judicial system" is the adjudicatory system established in the Student Code of Conduct for enforcement of the Student Code of Conduct.
- E. "May" is used in the permissive sense.
- F. "Member of the System" includes any person who is a student, faculty member, System official or any other person employed by the System. A person's status in a particular situation shall be determined by the VPSA or branch campus equivalent.
- G. "Organization" means any number of persons who have complied with the formal requirements for System recognition. Student Organizations are subject to the same procedures and policies applicable to students as outlined in the Student Code of Conduct.
- H. "Policy" and "policies and procedures" are defined as the written regulations of the System as found in this Student Code of Conduct, the Undergraduate Catalog, the Graduate Catalog, the ENMU System Policy manual (AGP&P), the Guide to Campus Living, the Athletic Handbook, or the Student Organization Handbook, or any written agreements signed by the student to receive services and/or the statutes and administrative regulations for the State of New Mexico, or in any other regulation approved by the Board of Regents for Eastern New Mexico University System.
- I. "Shall" is used in the imperative sense.

- J. "Student" includes all persons taking courses from any of the three campuses, both full-time and part-time, in person and/or online, pursuing undergraduate or graduate studies. Persons who are not officially enrolled for a particular semester but who have an ongoing academic relationship with the System (other than as a faculty member) are considered students.
- K. "Summons" means a written order, issued by the judicial coordinator, that directs a student to (1) appear at a proceeding held by judicial coordinator in accordance with the Student Code of Conduct, or to (2) present documents for such proceedings.
- L. "The System" means Eastern New Mexico University Portales, Roswell and Ruidoso campuses.
- M. "System official" includes any person employed by the System and performing assigned administrative or professional duties.
- N. "System premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the System, including adjacent streets.
- 4. Student Code of Conduct.** Any student or student organization found to have committed the following misconduct is subject to the disciplinary sanctions set forth in this Student Code of Conduct:
- A. **Acts of dishonesty** include but are not limited to the following:
- (1) **Cheating**, which includes, but is not limited to:
- a. Dishonesty of any kind on examinations, quizzes, written assignments and projects;
  - b. Unauthorized possession of examinations, quizzes or instructor records;
  - c. Alteration of instructor, professor or campus records of grades received on an examination or quiz, assignment or class; or
  - d. Illegal entry or unauthorized presence in an office of the System or the residence of an instructor; or
  - e. Illegal or unauthorized access to any System computer files; or
  - f. Illegal or unauthorized access to System records of grades, examinations and assignment requirements.
- (2) **Plagiarism**, which includes, but is not limited to:
- a. Offering the work of another as one's own; or
  - b. Offering the work of another without acknowledgment; or
  - c. Failing to give credit for quotations or essentially identical expressions taken from any source that is not one's own, including but not limited to books, encyclopedias, magazines, journals, on-line sources, other reference works, papers, research results, reports, audio or video image files or copyrighted materials or sources of any other individual or entity.

- d. The requirement to provide acknowledgement applies to all class assignments and projects, both oral and written.
- e. The requirement to provide acknowledgement demands that a student provide proper credit and citation for any quoted material or expression taken from a source that is not one's own at the time such source is used in completion of an assignment or project.

(3) **Any other form of academic dishonesty.**

**B. Misrepresentation,** which includes but is not limited to:

- (1) Furnishing false information to a System official, faculty member or office; or
- (2) Claiming to be a representative of the System or acting on behalf of the System without the System's advanced authorization; or
- (3) Forgery, alteration or misuse of any System document, record or instrument of identification; or
- (4) Tampering with the election of any System recognized student organization or sponsored activity.

**C. Disruption of System Operations.**

- (1) Substantial disruption or obstruction of the System's educational processes, which include its teaching, research, administration and disciplinary proceedings; or
- (2) Substantial disruption or obstruction of any System activity, which includes its on- or off-campus public service functions as well as those activities that are non-System activities authorized by the System and occurring on System premises; or
- (3) Substantial disruption or interference with persons who are studying, sleeping, or otherwise engaging in activities that are consistent with the normal and expected uses of institutional facilities or of student residential activities; or
- (4) Substantial disruption, interference or obstruction of the free flow of pedestrian or vehicular traffic on campus.
- (5) "Substantial disruption" is defined as that conduct which unreasonably infringes on the rights of others to freely attend or participate in the System's programs and services. This definition includes any action that willfully denies or recklessly disregards a person's lawful freedom of movement or their lawful use of System facilities.
- (6) Nothing in this section shall be construed to impede or prevent an individual's freedoms of speech and expression.

**D. Participation in a Disruptive Campus Demonstration.**

- (1) Disrupting the normal operations of the campus and infringing on the rights of other members of the campus community; or

- (2) Leading or inciting others to disrupt scheduled or normal activities within any campus building or area; or
- (3) Intentional obstruction that unreasonably interferes with the freedom of pedestrian or vehicular movement on campus.
- (4) Nothing in this section shall be construed to prevent the right to peaceful, lawful assembly or the right to orderly petition for the redress of grievances.

**E. Disorderly Conduct/Breach of Peace.**

- (1) Engaging in conduct on System premises or at System sanctioned events, which a reasonable person would believe to be violent, abusive, indecent, obscene, profane, unreasonably loud or disorderly, and which may disturb the peace; or
- (2) Engaging in conduct on System premises or at system-events which a reasonable person would believe to be maliciously disturbing, threatening or insolent, and which has the tendency to cause a disturbance of the peace; or
- (3) Engaging in conduct that aids and abets another in a disturbance of the peace to the System or to a System-sanctioned event.
- (4) Conduct that has the "tendency to disturb the peace" is defined as conduct that is likely to cause violence, or community consternation and alarm. Such conduct is inconsistent with the dedication to providing a community that fosters and supports personal and social growth for all members of the System community.

**F. Acts of Aggression.**

- (1) Physical abuse, verbal abuse, threats, intimidation, coercion or other conduct which threatens or endangers the health or safety of any person; or
- (2) Tampering with fire and life safety equipment including, without limitation, fire alarms, sprinkler systems, first aid equipment and laboratory safety apparatus; or
- (3) Calling in, being part of a conspiracy to, or having advanced notice and not reporting an impending bomb threat to the campuses or their sanctioned activities.
- (4) Conduct that threatens or endangers a student's own health or safety may also violate this section.
- (5) Bullying consists of repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, and that may interfere with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resources. (The term "bullying" does not encompass conduct or speech that is protected by the First Amendment.)
- (6) Cyber-bullying consists of repeated and/or severe conduct that targets an individual or group through the use of the internet, interactive and digital technologies or another person physically or mentally and that may interfere with his or her ability to participate in or to

realize the intended benefits of an institutional activity, employment, or resource. (The term “cyber-bullying” does not encompass conduct or speech that is protected by the First Amendment.).

- (7) Stalking consists of repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community, or the safety of any of the immediate family of members of the community.
- (8) "Aggression" means not only intentional infliction of harm, but also conduct that intentionally subjects another to unwelcome, offensive physical contact, or that puts another person in reasonable fear that the actor intends immediately to subject another person to intentional injury or unwelcome offensive touching.

**G. Sexual Misconduct.** Any type of conduct prohibited and defined in the 80-12 Title IX Policy as sexual harassment, including Sexual Assault, Hostile Environment, Domestic Violence, Dating Violence, Stalking, Quid Pro Quo, and Retaliation, as authorized below. Authority for enforcement and resolution of Title IX Complaints of sexual harassment or discrimination on the basis of sex is as follows:

- 1) The ENMU System Title IX Coordinator shall oversee the initial review of all complaints related to Sexual Harassment and/or Discrimination on the Basis of Sex, as defined in ENMU System Policy 80-12. The Title IX Coordinator will establish jurisdiction and eligibility for investigation and resolution under System Policy 80-12 Title IX according to the following criteria:
  - a. A formal complaint has been received in the Title IX Office
  - b. The complaint would constitute sexual harassment as defined in Policy 80-12 Title IX, if proven;
  - c. The incident occurred during participation in a System-supported education program or activity, either on-campus or off-campus;
  - d. The incident occurred against a person in the United States.

Complaints of Sexual Harassment or Discrimination that do not meet all four of the criteria as stated above will be adjudicated under the enforcement procedures as described in this Student Code of Conduct.

#### **H. Harassment and Stalking.**

Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

Stalking consists of knowingly pursuing a pattern of conduct without lawful authority directed at a specific individual when the person intends that the pattern of conduct that would place the

individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.

**I. Invasion of Privacy.**

- (1) No person may use a concealed camera or video recording device of any type to secretly videotape, film, photograph or record by electronic means, any other person who may be without clothing or through their clothing to view the body of such other person without the person's consent or knowledge of such other person in situations in which there is a reasonable expectation of privacy.
- (2) No person may use an audio recording device for unauthorized eavesdropping upon another person in any situation in which there is a reasonable expectation of privacy.

**J. Theft, Neglect or Damage to Property.**

- (1) Attempted or actual theft of property of the System or property of a member of the System community or other personal or public property; or
- (2) Attempted or actual damage or severe neglect to the property of the System or property of a member of the University community or other personal or public property; or
- (3) Knowingly possessing stolen property.

**K. Hazing.**

- (1) Hazing is defined as any activity or act that endangers the mental or physical health or safety of a student, or destroys or removes private or public property for the purposes of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
- (2) Hazing is not permitted even if participation is voluntary or agreed to by the individual subjected to the hazing act or activity.

**L. Failure to Comply.**

- (1) Failure to comply with the directions of System officials or law enforcement officers acting in performance of their duties; or
- (2) Failure to identify oneself to System officials or law enforcement officers acting in performance of their duties when requested to do so; or
- (3) Failure to obey a summons issued by the judicial coordinator.

**M Unauthorized Possession, Duplication or Use of Keys.**

Unauthorized use of keys, access cards, or any other entry-unlocking device in order to access System premises is prohibited. Please refer to 45-3 Building Access Policy.

- N. **Alcohol. Please refer to policy 80-9 Possession, Use, Sale and Distribution of Alcoholic Beverages**
- O. **Narcotics or Controlled Substances. Please refer to policy 40-13 Drug-Free Work Place**
- (1) Possession, use or distribution of any controlled substance or paraphernalia on System property, including parked vehicles, outdoor venues, buildings, or any other area owned by the System; or
  - (2) Possession, use or distribution of any controlled substance or paraphernalia at any System sponsored event, whether the event occurs on property owned by the System or owned by a private party.
- P. **Firearms Violation. Please refer to policy 80-8 Deadly Weapons, Chemical Agents and Explosives**
- Q. **Violation of University Computer Use Policies and Procedures. Please refer to policy 60-1 Computer Use.**
- R. **Violations of Residence Hall Policies.**
- (1) Violations of residence hall policy, as listed in the ENMU Portales campus Guide to Living on Campus, the Guide to Apartment Living, the Student Housing Contract and/or lease.
  - (2) All students are subject to these policies, whether or not a resident of a campus residence hall.
- S. **Abuse of the Judicial System, including but not limited to:**
- (1) Failure to obey a summons of a judicial body or System official; or
  - (2) Falsification, distortion or misrepresentation of information before a judicial body; or
  - (3) Disruption or interference with the orderly conduct of a judicial body; or
  - (4) Attempting to discourage an individual's proper participation in, or use of, the judicial system; or
  - (5) Attempting to influence the impartiality of a judicial body prior to, or during the course of, the judicial proceeding; or
  - (6) Harassment (verbal or physical) or intimidation of a member of a judicial body prior to, during or after a judicial proceeding; or
  - (7) Failure to comply with the sanction(s) imposed under the Student Code of Conduct; or
  - (8) Influencing or attempting to influence another person to commit an abuse of the judicial system.



- T. **Violation of a Published System or Campus Policy, Rule, or Regulation** in the Student Handbook, the Athletic Handbook, the Guide to Campus Living or any other regulation approved by the System.
- U. **Violation of Federal, State or Local Law on System Premises or at System Sponsored or Supervised Activities.**
- V. **Violation of the cohabitation regulations as set forth in the Guide to Campus Living for students living in or visiting campus residences:** Cohabitation among unmarried men or unmarried women is not permitted anywhere on the campuses of the System including campus residence, either traditional halls or apartments, regardless of where operated or managed by the System or another party. Unless the students can present a valid marriage license to the Office of Housing and Residence Life or branch campus equivalent or to the general manager of other residences anywhere on the campus of the System, males must live with males in the same double, suite, or apartment unit and females must live with females in the same double, suite, or apartment unit. Same gender couples who are not legally married may not live in the same double, suite, or apartment unit anywhere on the campus of the System. This applies to all residence anywhere on the campuses of the System including residences operated or managed by the System or another party.

The foregoing Student Code of Conduct shall be enforced by the following.

#### **Procedures**

- 5. **Administration.** The vice president for Student Affairs (the VPSA) or branch campus equivalent is the person designated by the System to be responsible for administration of the Student Code of Conduct.
- 6. **Judicial Authority.** Authority for enforcement of student discipline and the Student Code of Conduct are as follows:
  - A. The VPSA or branch campus equivalent shall oversee the administration of the judicial program and procedural rules for the conducting of hearings consistent with the provisions of this Student Code of Conduct. The VPSA or branch campus equivalent may appoint a judicial coordinator to carry out adjudication.
  - B. The VPSA or branch campus equivalent shall ensure that all persons serving as the judicial coordinator are fully trained, notified of the meetings and have all supporting materials needed to act in a fair and just manner.
  - C. Decisions made by the judicial coordinator shall be final, subject to the normal appeal process.
- 7. **Jurisdiction of the System.** The System jurisdiction and discipline shall be limited to conduct occurring on System premises or at System sponsored events (either on or off campus). The System jurisdiction also extends to conduct that adversely affects the System community or the pursuit of its mission and objectives.
- 8. **Violation of Law and System Discipline.**
  - A. If a student is charged only with an off-campus violation of federal, state or local laws, but not with any other violation of this Code, the System retains the right to pursue disciplinary action

against that student for grave misconduct demonstrating flagrant disregard for the System community.

- B. System disciplinary proceedings may be instituted against a student charged with a violation of any federal, state or local law if such conduct is also a violation of the Student Code of Conduct. If both violations result from the same factual situation, without regard to the pendency of civil litigation or criminal arrest and prosecution, the System hearing may proceed without regard to the pendency of civil litigation or criminal arrest and prosecution.
- C. When a student is charged by federal, state or local authorities with a violation of law, the System shall not request or agree to special consideration for that individual because of his or her status as a student. The System shall cooperate fully with federal, state or local law enforcement and agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students, staff and faculty members, acting in their personal capacities, remain free to interact with government representatives as they deem appropriate.

## **9. Charges and Hearing Procedure.**

- A. Any member of the System community may file charges against any student for misconduct. As soon as possible after the event that gives rise to a charge, the accuser shall visit the office of the judicial coordinator, where the accuser will be instructed to prepare a written complaint and to submit that written complaint to the judicial coordinator. Written complaints may also be referred to the office of the judicial coordinator as a result of the review of a Title IX report or complaint. Complaints referred by the Title IX Coordinator will be reviewed and processed by the judicial coordinator according to the procedures set forth in this policy.
- B. The judicial coordinator will conduct an initial investigation to determine if the charges have merit and will meet with the accused student(s) to determine if the accused student(s) accepts or denies responsibility for the charges.
- C. If charges are deemed to have merit, an informal resolution hearing may be scheduled, at which time, charges may be disposed of administratively by mutual consent of the parties involved, and on a basis that the proposed resolution is acceptable to the judicial coordinator.
- D. If the charges can be disposed of as noted by the conditions of 9.C, above, such disposition shall be final and there shall be no subsequent proceedings.
- E. If the charges cannot be disposed of by the conditions of 9.C above, the process continues to the formal hearing stage.
- F. All charges shall be presented to the accused student in writing prior to the formal hearing, noting the specific section(s) of the Student Code of Conduct that are alleged to have been violated, as well as the factual basis for the charges.
- G. A time shall be set for the formal hearing not fewer than three (3) days after the student has been notified. The accused student may waive this waiting period, if they choose to. In cases of a threat to safety, the judicial coordinator may proceed without three (3) days' notice to the accused student.
- H. Hearings shall be conducted by the judicial coordinator according to the following guidelines:

- (1) Hearings shall be conducted in private.
  - (2) Admission of any person to the hearing shall be at the discretion of the judicial coordinator.
  - (3) In hearings involving more than one (1) accused student, the judicial coordinator, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
  - (4) The complainant and the accused have the right to be assisted by any advisor they choose from the faculty, staff or students of the campus. Complainants and the accused are responsible for presenting their own cases and, therefore, advisors are not permitted to speak or participate directly in any hearing before the judicial coordinator.
  - (5) The complainant and the accused and the judicial officer shall have the privilege of presenting witnesses, subject to the right of questioning by opposing parties and the judicial coordinator.
  - (6) Pertinent records, exhibits and written statements may be accepted as evidence for consideration, at the discretion of the judicial coordinator.
  - (7) All procedural questions are subject to the final decision of the judicial coordinator.
  - (8) After the hearing, the judicial coordinator shall decide whether the student has violated the specific section(s) of the Student Code of Conduct which the student has been charged with violating.
  - (9) The judicial coordinator's determination shall be made on the basis of whether it is more likely than not that the accused student violated the specific section(s) of the Student Code of Conduct which the student has been charged with violating.
  - (10) The accused student(s) will be notified in writing of the decision of the judicial coordinator. Every attempt will be made to have this notification in the hands of the accused student within 7 working days after the last hearing.
- I. Except in the case of a student charged with failing to obey the summons of a judicial body or University official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before judicial coordinator.
  - J. If the accused student fails to appear, the hearing may proceed and all evidence in support of the charges may be presented and considered, at the discretion of the judicial body.
  - K. If the complainant or witness(es) fail to appear, the hearing may proceed. All evidence in support of the charges shall be presented and considered, and the judicial coordinator may issue his or her final determination, at his or her discretion.
  - L. There shall be a summary record kept of all hearings before a judicial body. The record shall be the property of the System and it shall be retained for a period of at least five years.
  - M. Transcriptions and photocopying: Any costs incurred for transcriptions or photocopying of the record, when such costs are incurred at the request of the accused student either for that student's appeal or for another related event, will be borne by the requesting party.

**10. Sanctions.**

- A. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:
- (1) Warning: A notice in writing to the student that the student is violating or has violated System regulations.
  - (2) Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any System regulation(s) during the probationary period. Probation may carry loss of privileges including but not limited to the prohibition of holding any System office, representing ENMU at any function, or receiving System awards with the exception of academic scholarships for the period of probation.
  - (3) Loss of Privileges: Denial of specific privileges for a designated period of time.
  - (4) Fines: Fines may be imposed.
  - (5) Restitution: Compensation for loss, damage or injury. Restitution may take the form of appropriate service or monetary or material replacement.
  - (6) Discretionary Sanctions: Work assignments, service to the System or other related discretionary assignments. Such assignments must have prior approval of the Judicial Coordinator.
  - (7) Residence Hall Suspension: Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions of readmission may be specified. Refunds will follow the approved schedule of refunds and will be based on the date that disciplinary action was taken against that student. Deposits are not refundable.
  - (8) Residence Hall Expulsion: Permanent separation of the student from the residence halls.
  - (9) Suspension: Separation of the student from the System for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - (10) Expulsion: Permanent separation of the student from the System.
- B. More than one (1) of the sanctions listed above may be imposed for any single violation.
- C. The following sanctions may be imposed upon groups or organizations:
- (1) Those sanctions listed in section A (1) through (9).
  - (2) Deactivation: Loss of privileges, including System recognition, for a specified period of time.
- D. In each case in which a judicial body determines a student has violated the Student Code of Conduct, the sanction(s) shall be determined and imposed by the judicial coordinator. The judicial coordinator shall advise the accused in writing of its determination and of the sanction(s) imposed, if any.

**11. Interim Suspension.** In certain circumstances the VPSA, or branch campus equivalent, or a designee, may impose a campus or residence hall suspension prior to the hearing before a judicial body.

A. Interim suspension may be imposed only:

- (1) To ensure the safety and well-being of members of the System community or preservation of System property; or
- (2) To ensure the student's own physical or emotional safety and well-being; or
- (3) If the student poses a definite threat of disruption or interference with the normal operation of the campus.

B. During the interim suspension, students shall be denied access to the residence halls and/or the campus (including classes), and/or all other System activities or privileges for which the student might otherwise be eligible, as determined by the VPSA or branch campus equivalent, or the judicial coordinator.

**12. Management of Student Records.**

- A. Other than records of a student's expulsion, disciplinary sanctions shall not be made a part of the student's permanent academic record, but shall become a part of the student's confidential record. In cases involving the imposition of sanctions other than System notations of discipline shall be expunged from the student record five (5) years after final disposition of the case.
- B. Under the power of a valid subpoena that complies with the exceptions to student record confidentiality under FERPA, the System may be legally compelled to release student records.

**13. Appeals.**

- A. A decision reached by the judicial coordinator may be appealed by the accused to the judicial appeals officer.
- B. The student must file a Notice of Appeal in writing. The notice will be submitted to the judicial appeals officer within seven (7) working days from the date the student receives the letter of disposition.
- C. A Notice of Appeal shall state with specificity the purpose(s) for the appeal. All appeals shall be limited to review of the record of the initial hearing and supporting documents for one (1) or more of the following purposes:
  - (1) To determine whether the original hearing was conducted fairly; or
  - (2) To determine whether the decision reached regarding the accused student was based on a preponderance of the evidence, i.e., whether the record supports a finding that it was more likely than not that the student committed the offending conduct(s) with which that student was charged; or
  - (3) To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct; or

- (4) To consider new evidence or other relevant facts not brought out in the original hearing, because such evidence or facts were not known to the person appealing at the time of the original hearing.
- D. The judicial appeals officer shall, after review of the Notice of Appeal, reach one of the following results:
- (1) To uphold the decision of the judicial body; or
  - (2) To reverse the decision of the judicial body; or
  - (3) To remand the case to the judicial body for a re-opening of the hearing, with instructions to consider additional or different evidence; or
  - (4) To accept the judicial body's determination of guilt but change the sanction imposed by the judicial body.
- E. The judicial appeals officer's determination of the appeal shall be in writing and shall be delivered to the petitioner and the judicial coordinator or their executive assistant.
- F. If the judicial appeals officer remands the case back to the judicial coordinator for further proceedings, such proceedings may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the judicial body may, upon review of the case, reduce, or maintain, but not increase, the sanctions previously imposed.
- G. The appeal to the judicial appeals officer is considered final.

#### **14. Interpretation and Revision.**

- A. Any question of interpretation regarding the Student Code of Conduct shall be referred to the VPSA or branch campus equivalent, or their designee for final determination.
- B. The Student Code of Conduct shall be reviewed every four (4) years under the direction of the VPSA or branch campus equivalent.

Approved by Board of Regents, June 18, 2014.

Approved by Board of Regents, November 13, 2020.

Approved by Board of Regents, April 22, 2022.

Approved by Board of Regents, December 9, 2022.