

Northern Illinois University
The Student Code of Conduct
(Effective August 8, 2006)



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Foreword

As an academic community, Northern Illinois University is committed to providing an environment in which learning and scholarship can flourish. The members of the community—students, staff, faculty, and administrators—have come together in voluntary association not merely to fulfill individual responsibilities but also to contribute to the realization of the university objectives for the good of all.

To function effectively and provide a climate where members can achieve satisfaction in fulfilling their special obligations, guidelines defining rights and responsibilities must be articulated. Some of the guidelines concern opportunities and responsibilities that are appropriate to all communities, here reaffirmed because of their relevance to this university community. Other guidelines focus on factors unique to this community and its special attributes.

The Northern Illinois University community subscribes to and strongly supports the right of each student to study and work in a quiet, respectful, and non-violent atmosphere that is conducive to the pursuit and acquisition of knowledge. To provide such an atmosphere, students, staff, faculty, and administrators will conduct themselves individually and collectively in ways that offer the opportunity for individual and group examination, study, and discussion that encourage the students' intellectual advancement. The right of each individual to peaceful and thoughtful pursuit of knowledge is a major premise of this institution, and each member of the community is expected to assume responsibility for creating such conditions in the residence halls, the library, and all academic areas created for and dedicated to such purpose.

In developing responsible conduct, the favored approaches are counseling, guidance, example, and admonition. In the exceptional circumstances where these preferred means fail to resolve problems of conduct, proper procedural safeguards are required both to establish disciplinary procedures and to protect the student involved from unfair imposition of serious penalties.

This document is effective August 8, 2006, and supersedes all previous judicial codes, policies, or procedures.

Chapter I

Jurisdiction

The Student Code of Conduct defines a disciplinary system for the efficient administration of justice for the student body of Northern Illinois University. *The Student Code of Conduct* establishes standards of behavior, both scholastic and behavioral, for the student body of Northern Illinois University. The established standards of behavior may be applied to student behavior both on and off campus, campus being defined as any grounds or buildings under university control, when relevant to the lawful mission, processes, and functions of Northern Illinois University. *The Student Code of Conduct* is the official document regarding student conduct regulations, policies, and procedures and supersedes all previous judicial codes, policies, or procedures. Action taken under the University Judicial System does not preclude prosecution in the criminal courts. The Northern Illinois University Judicial System handles all cases of student misconduct, excluding the following:

1-1 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.

1-2 Academic Regulations: Student grievances over grades are resolved through the grade appeal system established by the University Council. However, academic misconduct, as a violation of *The Student Code of Conduct*, may be handled through the University Judicial System.

1-3 Financial Regulations: Disputes over violations of university policies regarding the payment of bills and loans are resolved through the Accounting Office.

1-4 Organized Group Regulations: See policy page 33.

1-5 Traffic Regulations: Violations of the university traffic policy as outlined in the *Rules of the Road* are handled by the University Police.

1-6 Parking Regulations: Violations of the university parking policy as outlined in the *Motor Vehicle and Parking Regulations Handbook* are handled by the Parking Division of the University Police.

1-7 Contractual Obligations: Violations of nondisciplinary contractual obligations between a student and the university are handled by the appropriate university office.

Chapter II Rights

Every student is entitled to certain rights and guarantees of due process in this judicial system. The rights outlined below are not inclusive but serve as guidelines to ensure that all students are treated fairly.

2-1 No judicial action shall be taken, nor a case file opened, if an incident report has not been filed within ten (10) academic days of an alleged Class I offense or within six (6) months of an alleged Class II offense, except those incidents involving academic misconduct, where cases can be filed up to thirteen (13) months from the time the incident occurred.

2-2 In accordance with the Family Educational Rights and Privacy Act, a student may inspect and review his/her judicial file upon request to the Judicial Affairs. Student disciplinary records are for intramural use only, and may not be released to any party outside the Judicial System without the written permission of the student. A student may obtain a copy of his/her disciplinary file from the Judicial Affairs when:

- (a) A copy is necessary to allow the student to exercise his/her right to inspect and review the records; or
- (b) the student is currently charged with an offense and a copy is needed to prepare his/her case for a particular university judicial hearing.

Student disciplinary records from Class I judicial cases will be retained for a period of two (2) academic years from the end of the current semester, after which time they will be destroyed. Student disciplinary records from Class II judicial cases will be retained for a period of two (2) academic years from the end of the current semester if the student is in attendance at NIU or withdraws from the university without graduating. All Class I and Class II disciplinary records will be destroyed upon the student's graduation, except for those involving suspension or expulsion from the university, which will be retained for five (5) academic years. In the event of a dismissal of charges or a finding of not guilty, the student may request that the records pertaining to that case be destroyed. These records will be destroyed upon receipt of the student's written request by Judicial Affairs.

2-3 Upon request, the alleged offender shall have the right to be informed of the identity of known witnesses to the offense and to examine all documents, statements, or other evidence that will be presented at the hearing.

2-4 Judicial Affairs shall give reasonable notice in writing to the alleged offender: (a) A summary of the content of the preliminary meeting between the student judicial adjudicator and the alleged offender; (b) the date, time, and location of the hearing before the appropriate student judicial board at least three (3) academic days prior to the hearing. If after such notification the alleged offender does not appear at the hearing, the case may be heard and a decision rendered despite his or her absence. Students are responsible for notifying the Office of Registration and Records and the University Judicial Affairs of any address change. Notices mailed to the address last provided by a student will constitute valid notification to the student.

2-5 The alleged offender shall have the right to receive in writing the decision reached by the appropriate judicial board or hearing officer mailed within five (5) academic days after the decision has been made.

2-6 The alleged offender shall have the opportunity to discuss the findings of the judicial hearing with the hearing officer once the alleged offender has been notified in writing of the decision. This opportunity for discussion shall be stated in the notification letter sent by the hearing officer to the alleged offender.

2-7 The alleged offender may be accompanied by an advocate only in Class II cases where suspensions or expulsions are being considered. In such cases, the advocate may accompany the alleged offender during all phases of the university student judicial proceedings. Only students trained by Judicial Affairs can participate in hearings as advocates.

2-8 The alleged offender shall have the right to choose whether his/her case will be heard by a Judicial Hearing Board or by a hearing officer.

2-9 In a judicial hearing, the alleged offender shall have the right to present his or her respective position by introducing evidence and witnesses, making statements and asking questions. However, no one will be required to give evidence against himself or herself in any judicial proceeding.

2-10 The alleged offender is entitled to a fair and impartial hearing and is presumed innocent until proven guilty. No student shall be found guilty of any offense unless his or her guilt is proven by a preponderance of evidence.

2-11 The alleged offender and the complainant shall each have the right to request that any particular Judicial Hearing Board member not be called to serve on the hearing board for reasonable cause. The hearing officer for the case shall make the final determination in regard to which board members shall hear the case.

2-12 Hearings before all university judicial bodies shall be closed. However, the alleged offender may request to be accompanied by two individuals. See Chapter VI, Section 2, for a listing of all other individuals entitled to be present at a university judicial hearing.

2-13 No penalty may be levied by the University Judicial System, with the exception of a temporary sanction, without either a plea of guilt by the alleged offender before a judicial adjudicator or the finding of guilt before a judicial board.

2-14 The alleged offender shall have the right to one appeal of a judicial action taken against him or her except in cases involving suspension or expulsion from the university, where the alleged offender may request an additional appeal hearing before the Assistant Vice President of Student Services.

2-15 Failure to comply with the procedural requirements set forth in *The Student Code of Conduct* may be cause for dismissal of the charge, if it is shown that such procedural error biases that case or causes specific harm to the student.

2-16 In addition to adjudication through the University Judicial System, the alleged offender and the complainant always have the right to seek relief through a court of law.

Chapter III

Violations of The Student Code of Conduct

The following acts or omissions to act are violations of *The Student Code of Conduct*. These sections are not inclusive, and students are subject to additional rules and regulations of Northern Illinois University. Refer to the *Guidepost* for rules and regulations governing residence halls, the *Undergraduate* and *Graduate Catalogs* for academic regulations, and the appropriate university department for specific regulations governing that area.

3-1 Safety

All members of the university community are entitled to freedom from suffering deliberate hurt, injury, or loss. Access to the university must be available to all in a nonhostile and nonthreatening atmosphere. These protections include but are not limited to injuries resulting from antagonisms based upon race, ethnicity, religion, gender, sexual orientation, or disability status.

3-1.1a Physical Abuse: Physically contacting another person without his or her permission causing or intending to cause injury or creating or intending to create an imminent fear of injury.

3-1.1b Brawling: Willfully participating or contributing to an incident of physical abuse.

3-1.2 Harassment: Intentional and wrongful use of words, gestures and actions to annoy, alarm, abuse, embarrass, coerce, intimidate or threaten another person.

3-1.3 Sexual Misconduct

1.3a Sexual Harassment: Behavior that may include but is not limited to unwanted fondling or touching of a sexual nature, directly or through clothing; indecent exposure; or lewd behavior; any of which demeans, intimidates, coerces, threatens, or has the effect of creating a hostile or offensive environment. Such behavior may include the use of mail, telephone, or electronic communication to convey messages that are obscene or intimidating to the recipient.

1.3b Sexual Assault: Any actual or threatened sexual contact against that person's will or where the victim is incapable of giving consent.

3-1.4 Hazing: Participating in the act or activity of hazing. Hazing shall be defined as any act or activity by an organization or group or by a member of that organization or group in which a member(s) or prospective member(s) may be subjected to an activity that may cause or create a risk to one's physical or mental health. Hazing includes any act or activity that may cause (but is not limited to): 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 will not constitute a defense. The university or the hazing recipient may charge an individual and/or the officers of a recognized organization with responsibility for the hazing act(s) both on or off-campus.

3-1.5 Dangerous Weapons:

1.5a Possession, use, sale, or distribution in any residence hall, building, or grounds under university control of: fireworks, firearms, shotguns, rifles, hand guns, switchblade knives, any type of ammunition, explosives, and all other serious weapons.

1.5b Misuse of martial arts weaponry, BB guns, pellet guns, clubs, knives, and all other serious weapons.

Students who wish to bring firearms to the campus must obtain written permission from the chief security officer of the university. Firearms must be stored at the University Security Office except with written permission of the chief security officer of the university. At no time will any of the above dangerous weapons be allowed in the university residence halls.

3-1.6 Fire Prevention:

1.6a Knowingly, recklessly, or negligently setting a fire on university property.

1.6b Creating a fire hazard or endangering the safety of persons or property by the improper use or possession of hazardous substances.

1.6c False reporting of a fire.

1.6d Failing to report a fire.

1.6e Interfering with the response of university or city officials to emergency calls.

1.6f Misuse of or tampering with fire prevention and control equipment.

1.6g Use or possession of any electrical appliance not authorized in university residence halls or other areas of the university.

1.6h Burning of candles in the residence halls.

1.6i Pranks involving fire.

1.6j Refusing to comply with fire alarm and fire drill procedures.

3-1.7 Dangerous and Narcotic Drugs: Possession, use, manufacture, sale, or distribution of any dangerous, narcotic, hallucinogenic, and/or look-alike drugs in any form except under the direction of a licensed physician or as expressly permitted by law.

3-1.8 Cannabis (Marijuana): Possession, use, manufacture, sale, or distribution of cannabis.

3-1.9 Alcohol: Use of alcoholic beverages on the university campus except when approved by university policies and procedures.

3-1.10 Throwing Objects Out of Windows or Off Roofs: Throwing objects out of windows or off roofs of any residence hall or any building on university property.

3-2 Property

The maintenance and preservation of the resources of the university, including its grounds, academic buildings, residences, dining facilities, and other structures are obligations of all members of the Northern Illinois University community. These resources are provided for the general community purposes and must be maintained so that no persons are denied their right to their proper use. It applies equally to the protection of the personal property and possessions of students, staff, administration, and faculty, and to those buildings and materials which are owned or leased by the university.

3-2.1 Unauthorized Removal, Possession, or Use: Unauthorized use, possession, or removal from a designated area of property belonging to the university, its community members, guests, or vendors.

3-2.2 Unauthorized Entry: Unauthorized entry to property under university control. (No student shall remain in a university building beyond its normal closing hours unless duly authorized by a university official.)

3-2.3 Damage, Destruction, or Defacement of Property: Damage, destruction, or defacement of property belonging to the university, any of its community members, guests, or vendors.

3-2.4 Unauthorized Painting: Unauthorized painting or staining in any residence hall room, public area, administrative office, classroom, or other property owned by Northern Illinois University.

3-2.5 Unauthorized Posting of Announcements: Failure to post announcements in accordance with established procedures of the specific building. (For additional information see Policy Appendices.)

3-2.6 Computer Misuse

2.6a Misuse of university computer systems, laboratories, equipment, or software in violation of university computer use policies.

2.6b Unauthorized access, distribution, alteration, or use of electronic materials including, but not limited to, information, images, text, or software.

3-3 Personal Identification and Honesty

The climate of life in the academic community is one of honesty and integrity. In order to preserve academic scholarship and the free flow of ideas in the university community, each student must acknowledge and stand by his or her own work and refrain from misleading or false statements.

3-3.1 Academic Misconduct: Receipt or transmission of unauthorized aid on assignments or examinations, plagiarism, unauthorized use of examination materials, or other forms of dishonesty in academic matters including any offenses of types described under 3-3.3, 3-3.4, or 3-3 that are related to a student's academic status or performance. For a detailed description of the process by which academic misconduct cases are handled, refer to Chapter VI, Section 4.

3-3.2 Failure to Follow Instructions from University Officials: Failure to follow the oral or written instructions regarding university regulations or state law given by any properly identified university official whom the Board of Trustees or the president of the university has vested with the authority to give such instruction. Failure to present personal identification to a university official upon request.

3-3.3 Personal Misrepresentation: Representing oneself as another in person or in writing, or through means of electronic communication, with intent to obtain a benefit or to injure or defraud.

3-3.4 Unauthorized Representation: Alleging to represent the university or any of its recognized organizations without specific prior consent of the respective officials and with intent to obtain a benefit or to injure or defraud.

3-3.5 Inaccuracy of Records and Information: Falsifying, tampering, altering, forging, or misusing any university record or official document or knowingly supplying false or misleading information to university officials.

3-3.5a Fraudulent Registration Policy: Violation of the Fraudulent Registration Policy as referred to on page 28.

3-3.5b Registration Tampering: A student who tampers or attempts to tamper with the registration or records of another student or one's own, including but not limited to dropping courses and adding courses, may be subject to disciplinary sanctions as defined in *The Student Code of Conduct*.

3-3.6 Dishonesty in Judicial and Administrative Matters: Dishonesty before judicial bodies, university boards or committees, or university officials; or knowingly misrepresenting verbally or in writing the nature of events or the identification of persons coming before such persons or bodies.

3-3.7 Failure to Personally Appear Before a Judicial Body: Failure of the complainant or any witnesses to appear before the appropriate judicial adjudicator or Judicial Hearing Board upon request by an official member of the University Judicial System.

3-4 Noise, Obstruction or Disruption

Northern Illinois University as an academic community requires that each individual respect the needs of others to study, learn, work, and sleep in a peaceful atmosphere.

3-4.1 Excessive Noise: Disruption of study, sleep, work, or any other appropriate activity through excessive noise.

3-4.2 Disruptive Behavior: Disruption of study, sleep, work, or any other appropriate activity through disorderly behavior.

3-4.3 Obstruction or Disruption of University Activities: Knowingly or willfully obstructing or disrupting classes, research, administration, disciplinary proceedings or other authorized activities on university premises. For information concerning demonstrations, see Policy Appendices.

3-5 Accessory Responsibility

3-5.1 Accessory to a Violation: Aiding another individual in the commission of an offense as defined by *The Student Code of Conduct*. A person may be charged under this section even though the alleged perpetrator of the original offense may be found “not guilty.”

3-5.2 Guest Responsibility: Northern Illinois University students may be held responsible for the actions of their guests. When a guest commits a violation, the host may be charged with accessory responsibility.

3-5.3 Accessory or Accomplice to a Drug Violation: The knowing actions of an individual to aid, encourage, incite, compel or coerce another to commit an offense defined by 3-1.8 of *The Student Code of Conduct*.

3-6 Violation of Rights

Any intentional violation of a student’s rights to due process or any intentional failure to follow proper judicial procedures as outlined in *The Student Code of Conduct*.

Chapter IV Sanctions

Sanctions should relate to the character of the offense with further consideration given to the possibility of the wider effect of the offense on the university community. When possible, sanctions will be given for a particular offense as established by previous decisions in similar cases. The sanctions listed below are not inclusive but merely serve as guidelines. These sanctions are listed in reasonable order of severity and may be levied in any combination.

4-1 University Disciplinary Warning: A letter of reprimand indicating that any future violation of *The Student Code of Conduct* will subject the student to further judicial proceedings in which the original violation will be considered when determining the sanctions to be imposed.

4-2 Work Assignments: A contractual agreement between a university judicial adjudicator or a Judicial Hearing Board and the student to fulfill the requirements of an available work assignment. Failure to complete the work assignment satisfactorily will result in an encumbrance upon the student’s academic records. If an encumbrance is placed on the student’s academic records, the student may be unable to register for classes or receive copies of his/her NIU transcript. This encumbrance will remain on a student’s record until the work assignment is completed.

4-3 Administrative Fines: A sum imposed as administrative discipline for an offense. Student judicial administrative fines will range from a minimum of \$50 to a maximum of \$250, to be imposed at the discretion of a student judicial adjudicator or a Judicial Hearing Board. The offender is billed by the Bursar’s Office for the sum of the fine, and the student shall pay the fine within 30 days. Failure to pay a fine will prevent the student from obtaining transcripts and registering for classes; however, if the student’s financial position hinders the direct payment of the fine, and with the concurrence of the judicial adjudicator or the hearing officer, the student may substitute a work assignment.

The following schedule of administrative fines applies to violations of *The Student Code of Conduct* and may frequently involve additional administrative sanctions or charges for the cost of equipment or damage repair, depending on the circumstances, as a result of the student judicial process. Individual residence halls, by action of their hall council in conjunction with the hall director or area coordinator, may establish and post additional administrative fines for the hall, such as dining room line cutting, lockouts, or equipment returned late to the main desk.

1. Tampering with life-safety devices (for example, fire extinguishers, fire alarms, smoke detectors, or heat sensors). \$250
2. Projecting or dropping potentially dangerous objects from a residence hall building or in residence hall areas (for example, cans, bottles, water balloons, other heavy objects, balls of any type, or Frisbees). \$100
3. Possession or use of firecrackers. \$50
4. Participation individually or as part of a group in action that may result in damage to university property (such as water fights or participation inside a residence hall in sports suitable only for outdoor areas or special courts). \$100
5. Possession of firearms or other illegal weapons. \$100
6. Tampering with elevators or elevator controls. \$100
7. Possession of bulk alcoholic beverage containers over two gallons in capacity (such as kegs, party balls, etc.). Bulk containers are subject to confiscation and emptying. Furthermore, the container and tapper will be retained until the judicial process is complete. \$50
8. Violating the Residence Hall Alcoholic Beverage Policy. \$50 - \$250 (Sanction depends upon the type or repetitiveness of the offense and current sanctioning standards.)
9. Engaging in acts that may endanger the safety of others (e.g., pinning/blocking a person in a room, dangerous "Pranks," etc.). \$50 - \$250
10. Misuse or defacement of the NIU OneCard. \$50
11. Removal of food (except from a la carte dining locations), trays, china, silver, glasses, salt and pepper shakers, etc., from the dining room. \$50
12. Any disruptive actions that violate normal socially accepted rules of conduct or may seriously annoy and/or disturb other customers in the dining room. \$50
13. Unauthorized entry into the dining room. \$50
14. Misuse of university computer resources. \$250

4-4 Restitution: Payment for damage to an individual's or the university's property. The dollar amount is determined by the cost of materials to repair the item damaged, including any labor needed to replace or restore the item. The student will be responsible for payment of charges assessed within 30 days after receipt of a bill. If the bill is not paid during the 30 days, an encumbrance will be placed on the student's record.

4-5 Floor Transfer: The transfer of a resident from one floor of a residence hall to another floor of the same residence hall.

4-6 Residence Hall Transfer: The transfer of a resident from one residence hall to another residence hall.

4-7 Restricted Access: Restricting or banning from entering certain designated areas and use of specific equipment as defined by a judicial adjudicator or a Judicial Hearing Board for a specified period of time. Restricting or banning may include, but is not limited to, access to a university facility, participation in university-sponsored activities, or contact with a specified university community member(s).

4-8 Probation: A strong formal warning that defines a student's status for a specific period of time. If a student violates any other rules and regulations within the jurisdiction of the judicial system while under University Disciplinary Probation, that student will be subject to further disciplinary proceedings. If a student is found guilty of the new offense, a more severe sanction may be imposed than would normally be imposed for the new offense alone.

4-9 Suspension from the Residence Hall System: The removal of a student from the residence hall system. A student who is removed from the residence halls as the result of this sanction shall be required to pay the full room charge and a prorated portion of the board charge based on the number of meals served as of the date of being removed from the residence hall system.

4-10 Short Term Suspension: A sanction whereby the student temporarily loses the privilege of being enrolled as a student at NIU, from one to three semesters, as determined by the Class II judicial adjudicator or the Class II Student Judicial Hearing Board. The Class II adjudicator or the Class II Board shall have the prerogative to establish conditions that the student must meet prior to re-enrollment in classes at the university.

Extended Suspension: A sanction whereby the student loses the privilege of being enrolled as a student at NIU for a period of between two and four years, as determined by the Class II judicial adjudicator or the Class II Student Judicial Hearing Board. A student under this sanction must petition the Assistant Vice President of Student Services for readmission.

4-11 Expulsion from the University: A sanction whereby the student permanently loses the privilege of being enrolled as a student at Northern Illinois University.

4-12 Deferred Sanction: The deferral of a sanction for a definite or indefinite period. If a student pleads guilty or is found guilty of a further violation(s) of *The Student Code of Conduct*, the deferred sanction may be imposed. In determining whether to impose the deferred sanction, the student's judicial record, as well as the nature and circumstances of the subsequent offense, will be considered. Floor transfers, hall transfers, residence hall system removals, and suspensions are examples of sanctions that may be deferred.

Chapter V

Structure of the University Judicial System

5-1 Personnel

The Director shall have total responsibility for the administration, implementation, and efficient coordination of the University Judicial System. The Associate Director and assistant judicial officers shall perform all functions assigned to the university judicial officer with equal authority and responsibility.

The residence hall adjudicator is a professional member of the Housing Office who is responsible for the maintenance of a peaceful atmosphere in the residence hall. The residence hall adjudicator shall have the authority to conduct all preliminary meetings with an alleged Class I violator.

5-2 Offenses

The determination of the level of the offense shall be solely at the discretion of the judicial officer. Generally, examples of Class I offenses are excessive noise, water fights, theft of items valued less than \$10, or damage of property valued at less than \$100. Class I offenses are not limited to the above examples.

Class II offenses are more serious violations of *The Student Code of Conduct* and may include: theft of items valued at more than \$10, damage of property valued at more than \$100, academic misconduct, possession of an open alcoholic beverage in public areas of the university, or any felony. Class II offenses are not limited to the above examples.

In determining the level of the offense, the judicial officer, however, may take into consideration the circumstances, frequency, and consequences of the offense and any other factors which may relate to the severity of the offense.

5-3 Class I Judicial Board

Composition

The Class I Judicial Board shall be randomly composed of a pool of 24 students, consisting of 16 residence hall students and eight non-residence hall students. The individual hall councils select two students from each residence hall and the Student Association appoints eight students to sit as members of the Class I Judicial Board. Five members of the Class I Judicial Board pool constitute a Class I Hearing Board.

Authority

The Class I Judicial Board shall have the authority to levy all sanctions as described in *The Student Code of Conduct*, except for suspension or expulsion from Northern Illinois University.

5-4 Class II Judicial Board

Composition

The Class II Judicial Board shall be composed from a pool of 30 students and 20 faculty and supportive professional staff members. The 30 students are appointed by the Student Association. Thirteen of the members are appointed by the Faculty Senate, two faculty members from each degree granting college, with the exception of the College of Law, which will have only one representative. Two of the members are appointed by the Supportive Professional Staff Council.

The remaining five members from the faculty and supportive professional staff are recommended by the director of Educational Services and Programs and are appointed by the Faculty Senate. Five members of the Class II Judicial Board shall constitute a Class II Hearing Board. The five members will be randomly selected from their respective pools. In hearings involving academic misconduct, the Class II Hearing Board will be composed of three teaching faculty and two students. In all other disciplinary hearings, the Class II Hearing Board will be composed of three students and two faculty members of the pool from the teaching faculty or from the supportive professional staff.

Authority

The Class II hearing board shall have the authority to levy any type of sanction described in *The Student Code of Conduct*.

5-5 Hearing Officer

Composition

The Director, Associate Director, or assistant university judicial officers will serve as hearing officer. In any hearing, the hearing officer shall not have participated in the preliminary meeting with the alleged offender.

Authority

The hearing officer will have the same authority as the Class I or the Class II Judicial Hearing Board. The scope of that authority is determined by whether the offense is a Class I or Class II offense.

5-6 Judicial Appeals Board

Composition

The members of the Class I Appeals Board will be randomly selected from the Class I and Class II Judicial Hearing Board pools. The Appeals Board for a hearing involving a Class II offense will be randomly selected from the Class II Judicial Hearing Board pool.

Three members shall constitute a University Appeals Board. In hearings involving academic misconduct, the Appeals Board will be comprised of two faculty members and one student, who are drawn at random from the Class I or Class II student pool. In all other disciplinary hearings, the Appeals Board will be composed of two students and one faculty member. No hearing board member who heard the case in a previous hearing will be allowed to hear the case on appeal.

Authority

The Appeals Board has the authority to uphold or reverse the decision of the original hearing board or modify, but not increase, the sanctions levied by the judicial adjudicator or by the Judicial Hearing Board.

5-7 Term of Appointments to Judicial Boards

All students who are appointed by the Student Association to serve on the Class I and Class II Judicial Hearing Board pools are appointed in the fall semester for a one-year renewable term. Student Judicial Board members shall be in good academic standing. The students shall serve until the following fall semester when their successors are appointed. Class I Board members who are appointed by Hall Councils are appointed in the fall and serve for one academic year. All vacancies shall be filled by the appropriate appointing body to serve the remainder of the respective terms.

If cases are called before a Judicial Hearing Board during summer school at a time when Class I or Class II Hearing Board membership pools fail to provide sufficient members to constitute the necessary Judicial Hearing Board, interim faculty appointments may be made by the president of the Faculty Senate and interim student appointments by the president of the Student Association.

Chapter VI Procedures

6-1 Preliminary Meeting

The preliminary meeting occurs between an adjudicator and the alleged offender. During this meeting the adjudicator will explain the operation of the University Judicial System. The adjudicator shall inform the alleged offender that he or she may later serve as university presenter if the case is brought to a hearing. The alleged offender may present his or her interpretation of the incident. The suggested order of events for the preliminary meeting is as follows:

6-1.1 The adjudicator checks to be sure that the alleged offender has received a copy of the incident report, notice of charges, a copy of *The Student Code of Conduct*, an advocate list, and any other pertinent information. If the alleged offender has not received all of this information, it will be provided at this time. The adjudicator may later serve as university presenter if the case requires a formal hearing. The alleged offender shall be so notified of this possibility at this time.

6-1.2 The alleged offender asks any questions he or she desires about the incident in question or the judicial system in general. After the adjudicator has answered any questions, the alleged offender may present his or her interpretation of the incident.

6-1.3 The adjudicator will then decide whether to proceed with the case; drop the charges against the alleged offender; or adjourn the preliminary meeting pending further consultation with the complainant.

6-1.4 If the adjudicator decides to drop the charges, the preliminary meeting will end; the student will receive written notification of the adjudicator's decision.

6-1.5 If the adjudicator decides to proceed with the matter, the student will be explained the pleas available within the University Judicial System. The alleged offender may then decide to plead or may request a maximum of one academic day in which to plead. If more than one day is needed, an additional time request can be made to the university judicial officer. Depending on how the alleged offender pleads, the following will occur:

- (a) Not guilty. The adjudicator will request that the student choose to have the case heard before either a Judicial Hearing Board or a hearing officer. The procedure described under "Full Hearings" will be followed.
- (b) Guilty and accepts the sanctions offered by the adjudicator. The alleged offender will complete the assigned sanctions.
- (c) Guilty but appeals the sanctions offered by the adjudicator. The adjudicator will contact the hearing officer for the Judicial Appeals Board and the procedure as described under "Appeals" will be followed.
- (d) No contest. The alleged offender pleads neither guilty nor not guilty but accepts the sanctions offered by the adjudicator. This option is available to students who are involved in either civil or criminal proceedings arising out of the same incident.

6-1.6 If the alleged offender fails to attend a preliminary meeting and the alleged offender has received the material described in 6-1.1 either in person or through the mail, the adjudicator shall enter a not guilty plea on the alleged offender's behalf and select the format for the hearing. The format for the hearing will be either before a Judicial Hearing Board or a hearing officer, except in cases of academic misconduct which will always be before a hearing board. The procedure described under "Full Hearings" will be followed.

6-2 Hearing Guidelines

Every student in the Northern Illinois University community shall have the right to a hearing. Except for the imposition of temporary sanctions, no judicial penalty shall be imposed upon any student without a hearing, a plea of guilty, or no contest.

6-2.1 Participants in Hearings: All hearings before a Class I or Class II Judicial Hearing Board, hearing officer, or a Judicial Appeals Board are closed except for the following individuals: assigned Hearing Board members, hearing officer, complainant, presenter, ombudsman, alleged offender, student advocate and witnesses. Two individuals who are not active participants (one for the alleged offender and one for the complainant) may also attend as observers if a written request is submitted to Judicial Affairs at least two academic days prior to the scheduled hearing.

6-2.2 Record of Hearings: A complete and confidential record shall be kept of all university judicial hearings by tape recorder. All tape recordings shall be the property of Northern Illinois University. All tapes will be erased after the two (2) academic day deadline for appeal, unless the student requests an appeal. In this instance, the tapes will be kept for the appeals hearing, and destroyed five (5) academic days after the appeals hearing.

When the sanction issued by the Judicial Hearing Board is suspension or expulsion from Northern Illinois University, the tapes of the hearings will be kept until the end of the following semester. This provides the student with a recording of the previous hearings if that student appeals the matter to the associate provost of student affairs.

6-2.3 Safeguard of Property: Judicial Affairs may issue orders that may be necessary to safeguard the property that is the subject of a case without prejudice to the rights of the parties involved or to the final determination of the dispute.

6-2.4 Basis of Decision: The decision by the Judicial Hearing Board of whether a student is guilty or not guilty will be based solely on the evidence submitted. The complainant must prove by a preponderance of evidence that the alleged offender committed the act in question.

6-2.5 Evidence: Inasmuch as these disciplinary hearings are not governed by standard legal proceedings, strict rules of evidence as in a court of law may not be automatically applicable. However, fundamental constitutional rights may be considered as a guide for determining the admissibility of evidence.

6-2.6 Vote on Decisions: A majority vote shall govern all decisions of the Judicial Hearing Board.

6-2.7 Duties of Hearing Officer: The hearing officer shall coordinate and convene all hearings before the appropriate Judicial Hearing Board, rule on admissibility of evidence, and interpret and apply the rules of procedure as they relate to the power and duties of the Judicial Hearing Board without infringing on the rights of any party. During all stages of a board hearing, the hearing officer shall play a neutral role only. The hearing officer has the authority to exclude or remove any participant who does not conduct him or herself in the appropriate manner during the course of the hearing. The hearing officer has the responsibility of notifying the alleged offender and the complainant/victim of the decision reached by the hearing board.

6-2.8 Responsibility of Hearing Board Members: Judicial Hearing Board members have the responsibility to refuse to hear any case in which they would be unable to maintain an objective perspective of all aspects of the case.

6-2.9 Arguments and Questions Concerning Legal Validity of *The Student Code of Conduct*: Arguments and questions concerning the constitutionality or legal validity of university, living unit, or organizational regulations and policies pertaining to a particular case shall not be addressed to the board or individual hearing or reviewing the case. Such arguments and questions shall be delivered in writing to the judicial officer for submission to the university legal counsel not less than 48 hours prior to the scheduled hearing or review. The opinion of the university legal counsel shall be delivered in writing to the board or individual reviewing the case for consideration in reaching a decision.

6-3 Full Hearings

Full hearings are held before the appropriate Hearing Board to determine the guilt or innocence of the alleged offender. In the event a guilty verdict is delivered, the Judicial Hearing Board will also decide the appropriate sanction.

Hearings will follow the sequence below. Slight changes may be made to accommodate unusual circumstances; however, no change will be made that deprives the alleged offender of any of his or her rights without prior written consent.

6-3.1 The hearing officer will convene the Judicial Hearing Board and preside over the hearing.

6-3.2 The hearing officer will start the tape recorder and ask all those present to identify themselves and state their position within the university.

6-3.3 The hearing officer will inform all parties of their responsibility regarding testimony, honesty, rights, and the maintenance of order.

6-3.4 The hearing officer will read the charge and ask the alleged offender to enter a plea. In the event of multiple charges, the alleged offender will plead separately to each charge. If the defendant is absent or refuses to plead, the hearing officer will order a plea of “not guilty” to be entered on the student’s behalf.

6-3.5 The presenter and the alleged offender may make an opening statement. The opening statement will inform the Judicial Hearing Board of the evidence to be presented and provide a general overview of the case itself.

6-3.6 The presenter will present witnesses and evidence in support of the charges.

6-3.7 The alleged offender or advocate may then question each witness or address each piece of evidence as presented. This will be limited to a total 10-minute period. A majority of the Judicial Hearing Board may allow for a time extension, if requested.

6-3.8 The presenter may question each witness or address each piece of evidence again after the alleged offender or student advocate has finished. This will be limited to a total 10-minute period. A majority of the Judicial Hearing Board may allow for a time extension, if requested.

6-3.9 Members of the Judicial Hearing Board may question the witnesses if they so desire.

6-3.10 The alleged offender or advocate may challenge the admission of evidence if he or she believes that there is a good reason that it should not be admitted. The presenter may argue in favor of the admission of the evidence if he or she so desires. The hearing officer shall make the final decision in all cases regarding admissibility of evidence.

6-3.11 The presenter will rest his or her case after the presentation of all the witnesses and evidence.

6-3.12 The alleged offender or advocate may then present witnesses and evidence in an effort to refute the charge(s) made by the complainant.

6-3.13 The presenter may question these witnesses or challenge evidence in the manner described above. This will be limited to a total 10-minute period. A majority of the Judicial Hearing Board may allow for a time extension, if requested.

6-3.14 Members of the Judicial Hearing Board may question the witness if they desire.

6-3.15 The alleged offender will rest his or her case after the presentation of all the witnesses and evidence.

6-3.16 The Judicial Hearing Board may at this time recall any witnesses it wishes to question further.

6-3.17 After all witnesses, evidence, and testimony have been presented, the hearing officer will specifically ask the alleged offender, advocate, and presenter if there is any other information pertaining to the case that has not been presented. If there is, they will then be given an opportunity to present it in the previously described manner.

6-3.18 The presenter and alleged offender or their advocate will have the opportunity to present their closing statements if they so desire. The closing statement summarizes evidence and testimony.

6-3.19 The hearing officer shall remind the Judicial Hearing Board of the alleged offender's rights as stated in section 2-10.

6-3.20 The Judicial Hearing Board will then enter executive session to determine a verdict. The hearing officer may be called in during deliberations to provide additional information to the Judicial Hearing Board, but does not vote. Any questions or comments made while the hearing officer is present in the executive session will be recorded and become part of the transcript of the hearing.

6-3.21 When the Judicial Hearing Board has completed its deliberation, the decision must be given to the hearing officer.

6-3.22 If there is a decision of guilty, the hearing officer will inform the Judicial Hearing Board of the offender's previous university disciplinary history, including any notice of inappropriate behavior. The Judicial Hearing Board shall assign sanction(s) appropriate to the seriousness of the charge, taking into consideration the offender's previous record.

6-3.23 The hearing officer will notify the alleged offender of the decision.

NOTE: The hearing officer or any member of the Judicial Hearing Board may ask for an executive session of the Judicial Hearing Board at any time during the hearing. After receiving such a request, the hearing officer will direct all individuals within the hearing room to leave except for himself or herself and the Judicial Hearing Board.

6-4 Academic Misconduct

A faculty member has original jurisdiction over any instances of academic misconduct that occur in a course that the faculty member is teaching. The student shall be given the opportunity to resolve the matter in meetings with the faculty member and the departmental chair. If the facts of the incident are not disputed by the 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. The faculty member shall notify the student in writing whenever such action is taken, *and Judicial Affairs shall receive a copy of the Academic Misconduct Incident Report indicating final disposition of the case, which will be placed in the student's judicial file.* In all matters where the charge of academic misconduct is disputed by the student, or if the faculty member believes a sanction greater than an 'F' in the course is appropriate (*such as repeat offenders or flagrant violations*), the faculty member shall refer the matter to Judicial Affairs, *making use of the Academic Misconduct Incident Report. Sanctions greater than an 'F' in a course can be levied only through the University Judicial System.*

The referral must contain all relevant evidence or information related to the allegation and the grade that would have been assigned to the student's work had the alleged academic misconduct not occurred. The faculty member may not assign a final grade to the relevant test, paper, or course until the Class II Judicial Hearing Board makes a determination as to the student's guilt or innocence as outlined in *The Student Code of Conduct*. In instances where a course grade is necessary, Judicial Affairs shall notify the Office of Registration and Records and the faculty member that a not reported (NR) shall be entered; and the records office shall record an NR.

If during its investigation of the facts relevant to the charges an issue surfaces that is not in the purview of Judicial Affairs, it shall be referred back to the appropriate academic area. The individuals involved shall receive written notification of such action.

If the results of the academic misconduct hearing are that the student is guilty, the Class II Judicial Hearing Board will levy a sanction taking into consideration the recommendations of the faculty member. The hearing officer for the Class II Judicial Hearing Board will notify the faculty member of the determination, and the faculty member shall initiate, in writing, a grade change as appropriate.

If the determination is not guilty, the hearing officer for the Class II Judicial Hearing Board will notify the faculty member of the determination. The student will receive the grade that he or she would have received on the test, paper, or course in question had the allegation of academic misconduct not been made.

The student will have the right to appeal either the sanction levied by a faculty member for academic misconduct [see (a) under section 6-5.3 below] or the decision of the Class II Judicial Hearing Board to the Judicial Appeals Board [see section 6-5.3 below]. The student has five (5) academic days to submit a written appeal as outlined in *The Student Code of Conduct*. The hearing officer will notify the faculty member and the records office, when appropriate, of the determination of the University Appeals Board.

6-5 Appeals

Only Class II judicial cases can be appealed. The Assistant Vice President of Student Services will only hear appeals involving suspensions or expulsion.

6-5.1 The alleged offender will submit a written request for an appeal to Judicial Affairs within two (2) academic days after receiving written notice of the decision.

6-5.2 Judicial Affairs will refer the appeal request and the contents of the alleged offender's judicial file to the Judicial Appeals Board.

6-5.3 The Judicial Appeals Board will review the case and determine if the judicial action involved any one or a combination of the following:

- (a) the sanction was too severe, or unprecedented for the offense;
- (b) the judicial decision was made in an arbitrary or capricious manner;
- (c) the finding of guilt was not substantiated by the evidence; or
- (d) the alleged offender's due process rights as defined in the section "Rights" were violated.

6-5.4 After reviewing the case material, the Judicial Appeals Board will decide to do one of the following:

- (a) resolve the matter in light of only the case material;
- (b) recall witnesses, in which case due process will be assured; or
- (c) call for a full hearing on the matter, in which case the procedures described under "Full Hearings" will be followed.

6-5.5 After the Judicial Appeals Board has either reviewed the case material or heard the entire case, the board/officer will then decide whether to uphold or reverse the decision of the original hearing board/officer or modify, but not increase, the sanctions levied by the original record.

6-5.6 The hearing officer will be prohibited from participation in the executive session of the Judicial Appeals Board if the hearing officer made the determination of guilty and imposed a sanction in the original hearing.

6-6 Temporary Sanctions

A temporary sanction is an administrative action taken only under serious circumstances when time does not permit the convening of the appropriate hearing and expeditious action needs to be taken. The imposition of a

temporary sanction is not to be construed as a judgment of guilt or innocence, but is an administrative decision by Judicial Affairs. Such action is taken by an appropriate individual only when he or she has strong reason to believe that the alleged offense(s) involved one or more of the following circumstances:

- (1) Serious injury or danger to the emotional or physical welfare of the student in question, other students, faculty, or staff at the university, or any others.
- (2) Serious damage to university property.
- (3) Serious disruption of residence hall students' lives (based on repeated violations of *The Student Code of Conduct* where judicial action had been initiated.) A temporary sanction based on this reason can be imposed only by the university judicial officer or the assistant judicial officer.

A decision to administer a temporary sanction will be a result of evaluating all incident reports, if applicable, and other pertinent information in the time available. The alleged offender will be provided an opportunity to present his or her interpretation of the incident.

In determining the extent of a temporary sanction, the student's need to attend to his or her own academic responsibilities shall be considered.

The following temporary sanctions may be levied:

- 6-6.1** Restriction of access to the entire residence hall system (for nonhall residents), a particular residence hall, or any floor or public area in a residence hall.
- 6-6.2** Restriction of access to any university-controlled building.
- 6-6.3** Floor transfer.
- 6-6.4** Residence hall transfer.
- 6-6.5** Removal from the University Residence Hall System.
- 6-6.6** Removal from the Northern Illinois University campus.

The Director, the Associate Director, the assistant judicial officers, and the Assistant Vice President for Student Services, may levy all of the above sanctions. The director and the associate director of student housing services may levy all sanctions except restriction of entry to any university-controlled building other than the residence halls and removal of a student from the Northern Illinois University campus.

The university judicial officer must be informed that a temporary sanction has been imposed within 24 hours after the imposition, or as soon as practical after the imposition.

If a decision has been made to administer a temporary sanction, the student in question will be given written notice of the terms and conditions of the temporary sanction and a copy of *The Student Code of Conduct* at the time the temporary sanction is imposed. A student who is given a temporary sanction will receive, at least 72 hours prior to the time of the full hearing:

- (1) a notice of charges;
- (2) a copy of any incident report(s); and
- (3) a copy of any other pertinent information that will be presented in the case.

Any temporary sanction will be reviewed upon the request of the student by the Assistant Vice President of Student Affairs or his designee within two (2) academic days upon receipt of the appeal request for the purpose of determining whether the temporary sanction is to remain in effect until the appropriate hearing is convened. If the Assistant Vice President of Student Services has issued the temporary sanction, the administrative review shall be by the president of the university or his designee.

The case will be given a full hearing within three (3) academic days from the time the temporary sanction was imposed or as soon as possible thereafter unless the student requests an extension. No extension shall exceed ten (10) academic days. The purpose of this full hearing is to determine the guilt or innocence of the student. After the imposition of a temporary sanction, a representative of Judicial Affairs will conduct a full investigation of all aspects of the charges. If any additional information relevant to the case is brought to Judicial Affairs, the representative will investigate it and make arrangements for the attendance of witnesses at the hearing and for the presentation of the additional information. The university judicial officer has the prerogative to reduce or remove any temporary sanction that has been imposed prior to the full hearing.

TEMPORARY SANCTION LETTER

The following temporary sanction(s) has/have been imposed on you:

- (1) _____
- (2) _____
- (3) _____
- (4) _____

This serious administrative action is being taken on the basis of reasonable cause to believe that the alleged offense(s) involved one or more of the following as checked below:

- (1) Serious injury to the emotional or physical welfare to the student in question, other students, faculty, or staff at the university, or any other.
- (2) Serious damage to university property.
- (3) Serious disruption of residence hall students' lives (based on repeated violations of *The Student Code of Conduct* where judicial action had been initiated). A temporary sanction for this reason can be imposed only by the university judicial officer or assistant judicial officer.

This temporary sanction will be reviewed upon your request by the Vice President of Student Affairs or his designee within two (2) academic days. The imposition of a temporary sanction is not to be construed as a judgment of your guilt or innocence in the matter at hand, but as an administrative decision by the university that shall not prejudice your case when it is heard by the Class II Judicial Hearing Board or hearing officer.

If in the course of preparing a defense you should need to enter an area that you have been restricted from, you must:

- (1) Obtain permission from the university judicial officer.
- (2) Sign in at Judicial Affairs before entering the restricted area and sign out at Judicial Affairs after leaving the area.

If you need assistance in preparing your case, you may wish to contact the following people:

Executive Director of Housing and Dining
Neptune Hall East
Phone: 753-1525

University Ombudsman
7th floor of Holmes Student Center
Phone: 753-1414

Director, Judicial Affairs
Campus Life Building, Suite 280
Phone: 753-1571

You are being given a copy of *The Student Code of Conduct* in addition to this letter outlining the temporary sanction(s) you received. Please refer to page 20 for additional information on temporary sanctions.

Sincerely,

Signature _____

Title _____

Your signature is not an admission of guilt nor does it indicate your agreement with the sanction(s) levied upon you. Your signature does verify that you have received this temporary sanction letter.

Received by _____

Date _____

Time _____

OR

Served by _____

Date _____

Time _____

Chapter VII

Procedure for Amending University Judicial System

Suggestions or recommendations for changes in the University Judicial System as outlined in *The Student Code of Conduct* may be submitted by any member of the Northern Illinois University community. The suggestion or recommendation for change should be submitted in written form to Judicial Affairs. Within the University Judicial System, there is a University Judicial Advisory Board that meets twice each semester (fall and spring) with additional meetings as necessary to review the submitted suggestions and recommendations. Substantive or procedural changes shall be reviewed by the Judicial Advisory Board, the General Counsel, and considered by the president for approval.

The University Judicial Advisory Board will be composed of voting and non-voting members. The voting members will be one student member from Class I Judicial Board members appointed by the Residence Hall Association, two student members from the pool of Class II Judicial Board members appointed by the Student Association, two faculty members chosen from the seven degree granting colleges appointed by the Faculty Senate, a faculty member recommended by the director of Educational Services and Programs and appointed by the Faculty Senate, and the university judicial officer.

The nonvoting members include the Associate Director of Judicial Affairs, Judicial Affairs's legal adviser, Educational Services and Programs representative, and any concerned members of the university community.

The Director of Judicial Affairs will chair the University Judicial Advisory Board and will make an attempt to invite members of the university community who will be affected by changes in the document.

Definitions

Academic Day-Any day in which regularly scheduled classes are in session.

Adjudicator-A designated individual who meets with an alleged offender and affords him or her the opportunity to settle the case without a full hearing. The Director of Judicial Affairs, Associate Director, assistant judicial officers, and residence hall advisers may serve as adjudicators.

Advocate-An individual who represents a complainant or an alleged offender and pleads his or her case in a disciplinary matter.

Alleged Offender-An individual who is charged with committing a violation of *The Student Code of Conduct*.

Appeal Hearing-A hearing before the Judicial Appeals Board in which the board will render a decision to either uphold, modify, or reverse the findings of the original Judicial Hearing Board.

Complainant-The party that files the complaint against a student.

Concurrent Jurisdiction-Two judicial bodies having or exercising judicial authority at the same time. When a serious violation occurs, a student may be subject to both the University Judicial System and a criminal or civil court of law.

Full Hearing-A hearing before a Judicial Hearing Board in which the complainant and the alleged offender have the opportunity to present testimony, evidence, and arguments. A determination as to the innocence or guilt of the alleged offender will be based upon the evidence presented at the hearing and, if the alleged offender is found guilty, appropriate sanctions will be levied.

Hearing Officer-The designated individual who coordinates and convenes the appropriate Judicial Hearing Board, rules on the admissibility of evidence, and interprets and applies the rules of procedure as they relate to the power and duties of the Hearing Board without infringing on the rights of the party.

Incident Report-An accusation in written form which must be signed by an individual indicating that he or she has first-hand knowledge or strong reason to believe that an individual has committed an offense.

Jurisdiction-The extent or range of judicial authority and the territory over which the authority is exercised.

Notice of Charges-A written statement identifying the alleged offender and the specific violation(s) of *The Student Code of Conduct* that has/have allegedly occurred.

Plagiarism-Representation by the student as his or her own, material which was written, in whole or in part, by others; or use by student of materials, information, concepts, etc., from books or other sources without appropriate credit.

Presenter-The individual who presents the case to the Hearing Board on behalf of the university.

Ombudsman-A member of the university community who may be consulted in cases of misunderstandings between different parties on the campus. The ombudsman may act as mediator in conflict situations and may also participate in judicial proceedings in the interest of assuring that due process requirements are fulfilled.

Sanction-A penalty imposed upon a student after he or she either has admitted guilt or has been found guilty by a Judicial Hearing Board of having committed a violation of *The Student Code of Conduct*.

Temporary Sanction-A sanction imposed for a limited duration by the university judicial officer or the director of student housing services in an emergency situation.

University Judicial Affairs-The administrative office of the university that is responsible for the efficient and fair operation of the University Judicial System.

Waiver or Hearing Option Form-The form on which the alleged offender pleads guilty and accepts the sanction(s) as presented; pleads guilty and requests a hearing on the appropriateness of the sanction(s); pleads not guilty and requests a full hearing before a judicial board; or pleads no contest and accepts the sanction(s).

Work Assignment-A sanction involving work on a particular task or tasks for a specified number of hours.

Written Notice of Hearing-Formal written notification of the date, time, and place the appropriate judicial board will meet to hear a case. The alleged offender must be given a minimum of three (3) academic days' notice prior to the scheduled convening of the hearing.

Northern Illinois University DeKalb, Illinois Policy Concerning Demonstrations

The university pledges equal emphasis to its responsibilities in three areas: (1) vigorous protection of the rights of all students and encouragement of the free expression of ideas; (2) unceasing efforts to keep the channels of communication open to all suggestions for change; and (3) a guarantee to the people of the state and to the great majority of the students that the educational process will not be disrupted.

The university respects the rights, accorded to all persons by the Constitution, to freedom of speech, peaceable assembly, petition, and association. Students and student organizations, as well as other members of the university community, may examine and discuss all questions of interest to them, and express opinions publicly as well as privately. They may support causes by lawful means that do not disrupt the operations of the university's facilities. They may petition for a redress of grievances through peaceful means, and the declared policy of the university is to hear such petitions sympathetically and with an eye to prompt disposition of legitimate complaints. University facilities are available for the use of speakers and as forums for the expression of opinion. In order to insure equitable access to its facilities for the entire university community, the university will maintain its obligation to place reasonable limits on the times during which its rooms and buildings may be used by any particular individual or group.

In the event of disruption of the normal academic or operational functions of the university, including interference with the free use of corridors and entrances to rooms and buildings, it is the policy of the university to move with dispatch to restore order and open operation of the university. Every attempt will be made to discuss issues rationally and to avoid violence or the use of force. However, in the event the processes of discussion fail, the issues are determined to be unnegotiable, and disruption continues, the responsible official will issue legal notice to the group to disperse. If the members of the group refuse to comply, they will be subject to arrest for violation of the law.

Policies Concerning Sale and Distribution of Printed Materials at Northern Illinois University

It is recognized by the Northern Illinois University community—students, faculty, staff, and university organizations—that the free discussion and semination of ideas is essential in a university. Therefore, opportunity should be provided for the free distribution and sale of printed materials in all areas of the university including residence halls, classroom buildings, and other university buildings provided that the following guidelines are observed:

General guidelines for sale and distribution of printed material

1. The material distributed and the form of distribution shall not violate state and federal law.
2. Except in the bookstore and at established newsstands, sale of printed material will be permitted in designated areas only.

General areas where sale and distribution of materials shall not be allowed

1. Classrooms when class is in session.
2. Libraries and other designated study areas.
3. Private rooms and offices.
4. The student health service facilities.

General guidelines for buildings in which policy-making boards or councils exist

In buildings where policy-making boards or councils exist, as in the case of the residence halls and the Holmes Student Center, these agencies are encouraged to designate areas where literature may be distributed and sales solicited. These agencies are also encouraged to establish written regulations for the distribution and sale of literature in these designated areas. Where no such regulations exist, solicitation and distribution of printed material shall be allowed subject to the stated guidelines.

General guidelines for administrative and classroom buildings

It shall be the responsibility of the provost to designate on request areas where literature may be distributed or sold.

Use of tables for the sale and distribution of literature

It shall be understood that while literature may be distributed and sold in public areas of buildings, the use of tables for this purpose shall be governed by the size of the area in question. Tables cannot be permitted in hallways or entrances if they interfere with the free flow of traffic.

In those areas where tables will be permitted for the distribution and sale of printed material, tables may be used on a first-come, first-served basis up to the limit of space available. Prior permission should be secured from the organization or office administratively responsible for the area.

Enforcement

Prohibition from selling or distributing literature or other sanctions which may be imposed as a result of violations of these policies and procedures or complaints which may be raised about too restrictive regulations imposed in individual buildings may be appealed. In residence halls the appeal initially should be made in writing to the residence hall judiciary. In the case of another building the initial appeal should be made to the committee established below for the purpose of review and revision of the campus-wide policies. Final appeal, in both instances, shall be to the highest court of the campus judiciary.

Provision for policy changes concerning the sale and distribution of printed material

Future revision of this policy, including the definition of possible sanctions, may be made by a committee consisting of a representative of the residence hall presidents (elected from the residence hall presidents), a representative of the Holmes Center Board, a representative from the administration (to be selected by the president), a member of the faculty (to be selected by the University Council), and a representative of the Student Association (to be selected by the Student Association). Recommendations of this committee will require approval of the University Council (Senate) and the Government of the Student Association.

Fraudulent Registration Policy

Fraudulent registration is to be considered a Class II offense. In cases of suspected fraudulent registration involving Section 3-3.4, Unauthorized Representation, or Section 3-3.5, Inaccuracy of Records and Information of *The Student Code of Conduct*, the Office of Registration and Records will notify the department and faculty involved and confer if necessary. If the case appears to be a result of possible fraudulent registration, the case will be referred to the Judicial Hearing Board to determine the merit of the charge and examine the evidence of the case as expeditiously as possible. The determination of guilt and any subsequent sanction, (excluding sanctions related to grades or academic credit), against the student is the responsibility of the Judicial Hearing Board. Neither the academic department nor the faculty member(s) involved shall make such determinations. The student will be allowed to remain in the class until such time as he/she has been found guilty of the charge and all appeals have been exhausted. Should a grade be required before the appeal process is completed, the faculty member will report the earned grade to the Office of Registration and Records, where it will be held and "NR" will be entered in the record until the case is resolved.

If the student is found not guilty of fraudulent registration, the department and faculty member(s) will be notified and no further judicial action will be taken. If the student is found guilty, the board shall prescribe sanctions as permitted by *The Student Code of Conduct* with the exception that no sanction related to altering grades or academic credit may be imposed. The student will have the right to appeal any sanction(s) levied by the Judicial Hearing Board.

The finding of guilty shall be reported to the Office of Registration and Records, the department, the faculty member(s), and the student. When that finding is received in the Office of Registration and Records, the student will be automatically dropped from the course in which he/she was fraudulently registered. Within ten (10) calendar days of notification, the student may petition for reinstatement in the course utilizing the departmental grade review board, which will consider the petition and make the decision regarding reinstatement. If the student is reinstated in the course, the earned grade shall be posted. The grade given shall not be used as a disciplinary sanction for the fraudulent registration.

This policy does not preempt the right of academic departments and faculty to delete from classes students who have failed to follow class permit procedures or meet prerequisite requirements in specific courses.

Policy on Parental Notification of Alcohol Violations

Judicial Affairs may notify parents/guardians of students, under the age of 21, who have been found in violation of *The Student Code of Conduct* and their violation(s) has (have) involved the use of alcohol or illegal substances. Generally, notification of parents/guardians will occur when there have been two or more violations involving the use of alcohol or illegal substances and when, in the opinion of the judicial officer, these violations pose a threat to the student and/or others.

INVOLUNTARY UNIVERSITY WITHDRAWAL POLICY FOR THREATS RELATED TO MENTAL OR PSYCHOLOGICAL DISORDERS

Authority

This policy is intended to establish standards and procedures for addressing specific student conduct in extraordinary instances when, in the judgment of appropriate administrative officials, *The Student Code of Conduct* is not applicable or cannot be timely applied effectively.

Authority to issue an involuntary university withdrawal for direct threat reasons rests with the Vice President for Student Affairs (VPSA), the Associate Vice President for Student Affairs, and any Assistant Vice President for Student Affairs (AVP).

Issuance

A student will be subject to involuntary university withdrawal for direct threat reasons if the student engages or threatens to engage in behavior that poses a direct threat of harm to self or others. "Direct threat" means behavior that: (1) presents a significant risk of substantial harm to the health or safety of the individual or others, or (2) substantially impedes the lawful activities of other members of the campus community.

A student whose behavior appears to meet the above criterion is subject to mandatory administrative referral by an AVP to either the Director of the Counseling and Student Development Center or designee, or to a Health Services Staff Psychiatrist, for an immediate, mandatory psychological evaluation including a direct threat assessment. No other person may accompany the student during this evaluation. The examining mental health provider will immediately communicate in writing the results of this evaluation to the referring AVP with an opinion regarding the presence or absence of a direct threat of harm to the student or others.

If the AVP determines on the basis of evidence (a) from the examining mental health provider that the student is suffering from a mental disorder, as defined by the current American Psychiatric Association diagnostic manual or its equivalent; (b) that as a result of the mental disorder, a direct threat of harm to self or others is present; and (c) that it is in the best interest of the student, apparent potential third-party victims and/or the university that the student receive an involuntary university withdrawal for direct threat reasons, the student will be informed of this decision, the reason(s) for the decision, and of his/her right to an informal administrative hearing with the VPSA or designee.

If it is determined that a direct threat of harm to self or others is not present, procedures under this policy will have been concluded. The student will be referred to Judicial Affairs for review and adjudication of any violations of *The Student Code of Conduct* that may be outstanding.

The student must provide written authorization to permit verbal and written communication about his or her condition between university officials and all the examining licensed mental health providers specified in this policy. Failure by the student to complete any required mental health assessment(s) under this policy and procedure, or failure to provide written authorization for communication among pertinent university and designated non-university individuals under this policy, or failure to abide by deadlines and other requirements of this policy will result in initiation of an involuntary university withdrawal for apparent direct threat reasons.

Hearing

A student who receives an involuntary university withdrawal for direct threat or apparent direct threat reasons may request an informal administrative hearing with the VPSA or designee to review only: 1) the accuracy/reliability of the information regarding the student's behavior, and 2) whether or not the criterion for involuntary university withdrawal for direct threat or apparent direct threat reasons has been met. The request for an informal administrative hearing must be submitted to the VPSA in writing within three university class days of the issuance of the involuntary university withdrawal and must include the student's authorization for release of relevant information for the purpose of conducting the hearing. If the student refuses to provide such authorization, the informal hearing will proceed without the requested information. The student will remain involuntarily withdrawn from the university pending the conclusion of the informal hearing.

If the student is hospitalized during the time interval for requesting an informal administrative hearing, the request deadline will normally be deferred to the university class day after the date of the student's discharge from the medical facility.

The informal administrative hearing will be convened by the VPSA normally within three university class days of receipt of the student's written request. The student may be assisted during the proceeding by a licensed mental health provider of his/her choice, a member of the university faculty or staff, or a family member. The student may request that the AVP and the director or staff psychiatrist be present. As part of the informal hearing process the VPSA may require the student to undergo, at university expense, an additional psychological evaluation and direct threat assessment by a licensed mental health provider designated by the university and the results of such evaluation shall be communicated to the VPSA for consideration. No other person may accompany the student during this evaluation.

Normally within two university class days of concluding the informal hearing the VPSA will determine if the involuntary withdrawal for direct threat or apparent direct threat reasons is appropriate or if the student will be reinstated. The VPSA may consult with pertinent university officials prior to making this determination. The VPSA's decision will be final. Written communication of the decision will be given to the student in person or sent by certified mail within one university class day of the decision.

Throughout the term of the involuntary university withdrawal for direct threat or apparent direct reasons the student may not attend class or use university facilities, must vacate university housing and may not return to campus unless approved by the VPSA or designee. The student will be responsible for his/her own food and shelter during the period of the involuntary university withdrawal. The student will be entitled to any applicable refunds of tuition, fees and room and board charges during the involuntary university withdrawal. A registration hold will be placed on the student's record so that any request for subsequent registration will come to the attention of the VPSA.

Reinstatement

The involuntary university withdrawal will remain in effect until the student adequately demonstrates that his/her behavior no longer constitutes a direct threat of harm to self or others. For reinstatement at the university the student must submit a written request to the AVP and arrange for the submission of documentation from his/her licensed mental health provider confirming the absence of a direct threat of harm to self or others as defined in this policy. The student must authorize verbal and written communications about his/her condition between all licensed mental health providers involved in this process and relevant university staff. The director or staff psychiatrist will review this information and provide a written recommendation to the AVP regarding the student's eligibility for reinstatement. The AVP may require the student to undergo, at university expense, additional psychological evaluation by a licensed mental health provider designated by the university and the results of such evaluation shall be communicated to the VPSA for consideration; no other person may accompany the student during this evaluation. Written communication of the decision to grant or deny reinstatement will normally be given to the student in person or sent by certified mail within one class day of the decision.

Upon reinstatement at the university, the student will be referred to Judicial Affairs for review and adjudication of any violations of *The Student Code of Conduct* that may be outstanding. When all judicial proceedings have been completed and any applicable academic requirements satisfied, the student may be permitted to re-

Policy and Procedures for Addressing Violations Committed by University Registered and/or Recognized Student Organizations Including Greek Letter Organizations

Northern Illinois University Division of Student Affairs

Student organizations, including Greek letter organizations, planning and carrying out their activities and conducting their affairs, bear the responsibility for doing so in accordance with university regulations, *The Student Code of Conduct*, and federal, state, and local laws. Failure to accept the responsibilities of group membership may subject the organization to permanent or temporary suspension of charter, cancellation of university registration and support, e.g., use of facilities, etc., probation or other appropriate action.

This policy is applicable to all student organizations that receive their recognition from the university. Such student organizations fall into two general categories:

- Organizations that are comprised of members of the National Pan-Hellenic Council (NPHC), the Interfraternity Council (IFC), the College Pan-Hellenic Council and the Multicultural Council (MGC).
- Organizations that receive their recognition from the NIU Student Association, and/or their registration from the department of Student Involvement and Leadership Development.

Since there are two distinct types of organizations covered by this policy, certain sections of the policy will have specific applications.

Expectation

A student organization, including Greek letter organizations, may be held liable when (a) sufficient prevention measures have not been employed, e.g., non-admittance, removal, or other controls, and (b) action to refer individual cases to appropriate authorities or judicial boards is not taken by the group. This liability shall be tempered only by the extent and effectiveness of dealing with such violations during and immediately following the activity. Members of an organization, or their guests, at the event or activity are included in the expectation of the organization's responsibility, and appropriate measures must be employed to prevent or deal with problems and violators.

Responding to Student Organization Infractions

Student organizations are expected to refer alleged violating groups and/or individuals to Judicial Affairs or the campus police. The Director of Judicial Affairs will then refer all Class I cases to the appropriate judicial hearing boards, i.e., the National Pan-Hellenic Council (NPHC), College Pan-Hellenic Council (CPC), the Interfraternity Council (IFC), the Multicultural Council (MGC) or for Class II cases the All-Greek Judicial Board (AGJB), which is comprised of one representative from each council and one Student Affairs staff member. The decision of the board is expected to be relevant to and consistent with the nature of the violations. Any cases of a severe nature involving suspension or expulsion as a recommended sanction will be retained by the office of Judicial Affairs. The president of the organization will be the designated recipient of all organizational charges.

These judicial boards and chapter standards boards have the opportunity and are expected to deal with individuals or Greek letter organizations allegedly in violation of their governing body bylaws and policies, university rules and regulations, The Student Code of Conduct, or federal, state, and local laws. These boards must show good faith in dealing with the individual(s), especially their own members allegedly in violation of university regulations or laws. The degree to which the group or organization carries out this overall responsibility will influence the extent to which it may be held liable for the actions of the individual(s).

Judicial Affairs will handle cases involving all other student organizations.

Definition of an Organization's Activity and When the Organization is Considered Responsible

An activity is considered to be related to an organization and the organization is held responsible for violation of university rules, regulations, laws and *The Student Code of Conduct* when one or more of the following circumstances exist:

1. One or more of its officers or authorized members, acting in the scope of his or her general responsibilities, commit the violation.
2. One or more members of a committee of the organization commit the violation while acting in the scope of the committee's assignment.
3. Members of an organization, acting with apparent authority of the organization, commit the violation.
4. Members of an organization, or their guests, commit the violation.

A student may be disciplined for a student violation even though the organization of which he or she is a member is penalized for the same violation or for a violation growing out of the same factual transaction.

The organization shall be responsible for the actions of new members or other subgroups carrying official status from the organization. Events planned where non-members are invited are also the responsibility of the organization.

Student Organization Disciplinary Procedures

1. Any registered student organization may be placed on probation, receive a disciplinary warning letter, be required to complete an educational sanction, be suspended, expelled, restricted, have its registration withdrawn, or receive other sanctions appropriate to the violation by the appropriate judicial board or hearing panel following a hearing in accordance with the provision of fundamental fairness and due process. By choice, a student organization may opt for an informal adjudication by the Director of Judicial Affairs or a designee.
2. Such actions may be taken for any one of the following reasons which are not all inclusive:
 - a. The organization fails to maintain compliance with the General Policies on Student Organizations and Criteria for Registration of an Organization.
 - b. The organization operates or engages in any activity in violation of the rules and regulations of the university, *The Student Code of Conduct*, bylaws and policies of the governing bodies, or federal, state, and local laws.

3. The student organization shall be afforded all the rights of fundamental fairness and due process as outlined in *The Student Code of Conduct*, for violations of university rules and regulations, or federal, state, or local laws.
4. Initial Action:
 - a. Violations involving organizational governing bodies' rules or violations of the constitution or bylaws shall also be reported to the Director of Judicial Affairs, who in turn will forward the violation to the appropriate judicial board or hearing panel.
 - b. Violations of university rules and regulations, *The Student Code of Conduct* federal, state, and local laws, shall be reported to the Director of Judicial Affairs.
 - c. The Director of Judicial Affairs or designee shall hold a preliminary meeting to determine if formal disciplinary action is warranted.
 - d. If the Director of Judicial Affairs or designee determines there is a probable cause to suspect a violation has occurred, he or she shall arrange a conference with the organization's officers and individuals to notify them of the alleged charges, to allow them to present their version of the alleged violation, and to review the rights of due process with the student organization's officers.
 - e. In the absence of unusual mitigating circumstances, an initial conference should be held within five (5) class days of the date of the charge.
 - f. Failure of the officers and individuals involved to agree to a meeting or appear at a conference will result in a decision's being rendered without organizational input and possible disciplinary action.
 - g. After notifying the officers and individuals of their rights and explaining the hearing procedures set forth in *The Student Code of Conduct*, the Director of Judicial Affairs or designee may solicit a plea of guilty, not guilty, or no contest and shall solicit from the officers their choice of a hearing officer or board. Once the selection has been knowingly made, the choice will be binding on all parties.

In instances when any organization that lies under the jurisdiction of one of the five governing bodies, i.e., National Pan-Hellenic Council (NPHC), College Pan-Hellenic Council (CPC), Interfraternity Council (IFC), Multicultural Council or the All-Greek Judicial Board (AGJB), the following procedures will apply:

- h. The Director of Judicial Affairs or designee will request a meeting with the complainant(s) to confirm their willingness to bring forth the information, preferably in written form.
- i. If the Director of Judicial Affairs or designee determines further action is warranted, the director or designee will meet with the organizational leadership to discuss the allegation.
- j. If the organization is determined to hold responsibility, the Director of Judicial Affairs or designee will work to resolve the case. Greek Affairs will provide a history of the organization's judicial record to the Director of Judicial Affairs or designee.
- k. In cases involving recruitment violations, social policy violations, or other minor infractions, the respective council judicial boards will assign sanctions.

- l. In cases where hazing or other serious violations have occurred, the Director of Judicial Affairs or designee, and the organization National Headquarters (if applicable) will work together to follow up and ensure the organization meets their sanctions.

5. Organization Sanctions:

Upon a proper determination that an organization has violated any rules or regulations, of the university, *The Student Code of Conduct*, or federal, state, and local laws, the following organization sanctions may be imposed either singly or in combination:

- a. **Reprimand.** A written reprimand may be given to any organization in violation of university policy, *The Student Code of Conduct*, or federal, state, and local laws. It signifies that the organization is to take necessary actions to bring it into compliance and to avoid further violations. Failure to do so will result in more severe penalties.
- b. **Restitution.** Any organization that has committed an offense against property may be required to reimburse the university or other owner. Any such payment shall be limited to actual cost of repair or replacement.
- c. **Administrative Fine.** A sum imposed as administrative discipline for an offense.
- d. **Educational Sanction.** A contractual agreement between a university judicial adjudicator or a judicial hearing board and the organization to complete specific educational assignments or good works.
- e. **Restriction.** Such restrictions may include, but are not limited to, loss of privilege of meeting in or using university facilities, denial of right to participate in intramural sports or other campus events, denial of social functions, or other restrictions consistent with the nature of the offense.
- f. **Probation.** An organization placed on probation is deemed not to be in good standing with the university. Its continued registration is conditioned by adherence to the rules, regulations, and provisions of *The Student Code of Conduct*. Organizations on probation may continue to hold meetings, but may lose selected privileges including, but not limited to, access to university facilities and social privileges. The organization must obtain advance approval from the Assistant Director of Student Involvement and Leadership Development for Greek Affairs for all activities.
- g. **Suspension or Withdrawal of Registration.** Any organization that is suspended or has had its registration withdrawn may not engage in or sponsor any activity or program and may not hold meetings. When registration is withdrawn, the organization shall cease to exist.
- h. **Other appropriate sanctions applicable to the violation.**

6. Appeals:

The organization has the right to appeal the findings of either hearing board or the Director of Judicial Affairs. A written request to appeal the decision should be directed to the Office of the Vice President for Student Affairs within three business days of notification of decision. The appropriate body or administrator will handle the appeal. The results of the appeal will be final.

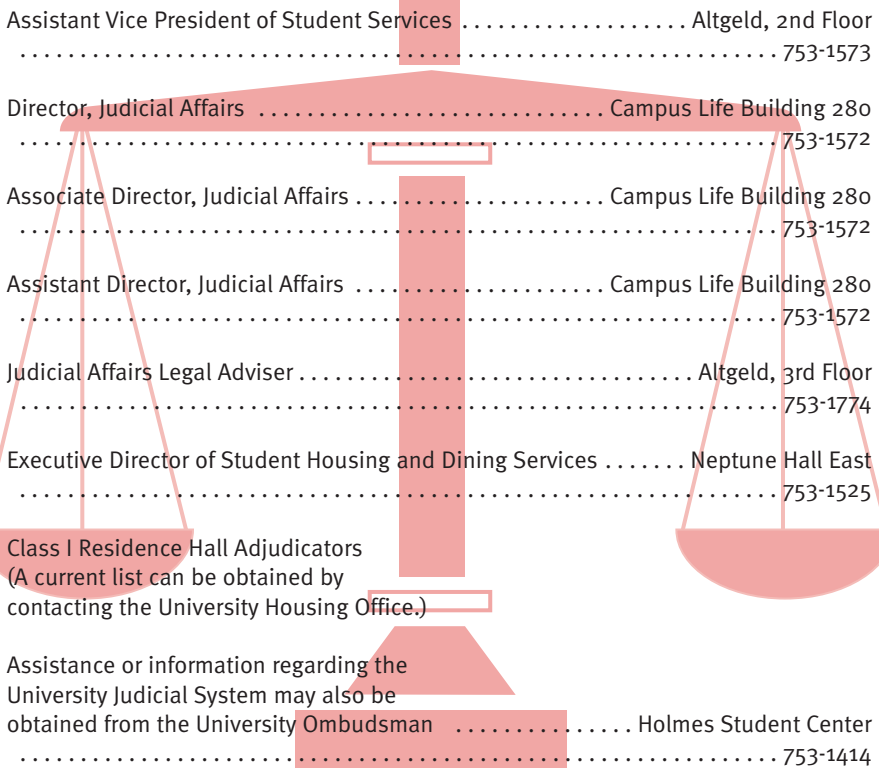
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Judicial System



Assistant Vice President of Student Services	Altgeld, 2nd Floor
.....	753-1573
Director, Judicial Affairs	Campus Life Building 280
.....	753-1572
Associate Director, Judicial Affairs	Campus Life Building 280
.....	753-1572
Assistant Director, Judicial Affairs	Campus Life Building 280
.....	753-1572
Judicial Affairs Legal Adviser	Altgeld, 3rd Floor
.....	753-1774
Executive Director of Student Housing and Dining Services	Neptune Hall East
.....	753-1525
Class I Residence Hall Adjudicators (A current list can be obtained by contacting the University Housing Office.)	
Assistance or information regarding the University Judicial System may also be obtained from the University Ombudsman	Holmes Student Center
.....	753-1414



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