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# STUDENT DISCIPLINARY REGULATIONS

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## 1. **Statement of Philosophy**

Iowa State University is an institution that encourages the intellectual and personal growth of its students as scholars and citizens. As an educational institution, the University recognizes that the transmission of knowledge, the pursuit of truth, and the development of individuals require the free exchange of ideas, self-expression, and the challenging of beliefs and customs.

In order to maintain an environment where these goals can be achieved safely and equitably, the University promotes civility, respect and integrity among all members of the community. The University strives to guide the educational community by establishing a Student Code of Conduct and student judicial system that promotes individual and social responsibility. Choosing to join the Iowa State University community obligates each member to a code of civilized behavior. Individuals, student organizations and campus organizations are expected to observe the policies, rules, and regulations of Iowa State University, the City of Ames, the State of Iowa, and the United States of America. University policies have been designed to protect individuals and the campus community and create an environment conducive to achieving the academic mission of the institution.

The purposes of the Student Code of Conduct are to set forth the specific authority and responsibility of the University in maintaining social discipline, to establish guidelines that facilitate a just and civil campus community, and to outline the educational process for determining student and student organization responsibility for alleged violations of University regulations. This judicial process will follow established procedures for ensuring fundamental fairness and an educational experience that facilitates the development of the individual and of the student organization.

## 2. **Student Rights and Responsibilities**

Students have certain rights as members of the University community in addition to those constitutional and statutory rights and privileges inherent from the State of Iowa and the United States of America, and nothing in this document shall be construed so as to limit or abridge students' constitutional rights. Students have the responsibility not to deny these rights to the other members of the University community. Student rights at Iowa State University are listed and explained here.

### 2.1 **Student rights and responsibilities**

Students have the right to:

- Have access to academic and non-academic University policies.
- Express themselves through academic work within the guidelines of the University rules and regulations. The right to expression does not affect the responsibility of the University and its faculty to evaluate based upon genuine academic criteria such as relevance, coherence, creativity and quality of academic work.
- Participate in University-sponsored activities and services without threat of harassment or discrimination.
- Join any organization without fear of charges being brought solely on the basis of membership.
- Expect that the University will not create and keep records that reflect beliefs, political activity, and associations except for information provided by students. The University may maintain counseling, health, law enforcement and disciplinary records which can only be released by expressed consent, a court order or as otherwise permitted by law.
- Petition for change in academic or non-academic regulations, procedures, or practices.
- Be protected from ex post facto (after the fact) regulations. An ex post facto rule is a rule created after an act has occurred, in order to be applied to the prior act.
- Due process in the student judicial process, as required by law and as described in Section 5, below.
- Be informed of and comment during the process of formulating non-academic regulations, procedures, or practices of the University.
- Subject to the rights indicated above, students and registered student/campus organizations have the responsibility to:
  - Respect the personal and property rights of the University community and all its members.
  - Represent themselves and their organizations truthfully and accurately in their interaction with official University functions
  - Accept the consequences of their actions.

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## 2.2 **Complainant Rights and Responsibilities; Other Persons Reporting Violations**

Complainants are persons who were the target of, or were affected by, the misconduct. Complainants have the following rights:

- To know the outcome of the case. The right to know the outcome does not include the right to access files on students, or to be present at every stage of disciplinary proceedings.
- Complainants may make a statement of how the alleged conduct has affected them. If the Complainant is a member of the University community at the time of a request for reinstatement by a student who committed an infraction against the Complainant, the Complainant has a right to provide a statement for or against reinstatement.
- Complainants may make a statement of their opinion as to an appropriate sanction if a student or student/campus organization is found responsible for misconduct.
- Other persons who witness or otherwise obtain evidence of misconduct may report it.
- Complainants and persons who report misconduct are expected to cooperate in providing accurate information regarding the alleged conduct, including providing documents and physical evidence if requested.

## 3. **Offices and Their Functions**

### 3.1 **Board of Regents, State of Iowa**

The Board of Regents, State of Iowa, governs the Regent Universities, including Iowa State University. Persons who have exhausted their appeal rights within Iowa State University may appeal to the Board of Regents. Regent policies and rules govern such appeals.

### 3.2 **President**

The Board of Regents has delegated to the President of Iowa State University general authority over the University. Responsibility for student conduct has been delegated to the Vice President for Student Affairs, subject to the discretionary authority of the President to review a case once the Vice President for Student Affairs or Dean of Students has made a decision. Students and student organizations may seek discretionary review by the President prior to appealing to the Board of Regents.

### 3.3 **Vice President for Student Affairs**

The Vice President for Student Affairs is the chief officer responsible for the University Student Disciplinary Regulations. The Vice President hears appeals of All University Judiciary (AUJ) recommendations once the Dean of Students has made a determination. See Section 6, Appeals. The Vice President's action is final, subject only to discretionary review by the President or an appeal to the Board of Regents.

### 3.4 **Dean of Students**

The Dean of Students oversees the operation of the Office of Judicial Affairs and the various hearing bodies. The Dean of Students receives recommendations from the All University Judiciary (AUJ). The Dean of Students also hears appeals of all administrative hearings. See Section 6, Appeals. The Dean of Students' action on an appeal is final, subject only to discretionary review by the President or an appeal to the Board of Regents.

The Dean of Students notifies students and student organizations of the outcome of AUJ cases and appeals from administrative hearings.

### 3.5 **Office of Judicial Affairs (OJA)**

The staff of the Office of Judicial Affairs (OJA) is responsible for:

- Receiving reports of misconduct.
- Investigating allegations of misconduct, or assigning a case to another unit for investigation.
- Determining whether a matter warrants a hearing.
- Referring cases to the proper hearing board, or in the cases of minor violations, holding administrative hearings. (See Section 5.6.1.)
- Issuing notices of hearing.

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- Maintaining records regarding disciplinary actions.
- Informing Complainants of the outcome of the disciplinary process.
- Training the members of each of the various conduct boards and administrators of the student disciplinary regulations.

### 3.6 Office of Judicial Affairs Administrator

The OJA Administrator oversees the activities of the OJA and coordinates with the Coordinator of Residence Judicial Affairs, the Greek Judicial Representatives and the various hearing bodies.

The OJA Administrator reviews all reports to assure that they are properly assigned for investigation. The OJA Administrator has the authority to assume responsibility for any case. After investigation, if it is determined that the case should go to a hearing, the OJA determines the proper hearing body to hear the matter. The OJA Administrator is responsible for maintaining all records of disciplinary matters that are created during the process outlined in the University Student Disciplinary Regulations.

### 3.7 Coordinator of Residence Judicial Affairs

The Coordinator of Residence Judicial Affairs (RJA Coordinator) works with OJA to determine whether the case will be handled in the residence judicial system or by OJA.

A student charged with misconduct may request that the Coordinator of Residence Judicial Affairs hear the case as an administrative hearing. The RJA Coordinator may refuse to do so if, in the RJA Coordinator's judgment, the All Residence Judiciary should hear the case. The RJA Coordinator may delegate authority to Residence Area Directors to hold administrative hearings and hear such cases.

When cases are referred to the All Residence Judiciary (ARJ), the Coordinator of Residence Judicial Affairs receives recommendations from the All Residence Judiciary (ARJ) and makes a final disciplinary determination in such cases. The Coordinator of Residence Judicial Affairs notifies students of the outcome of the residence disciplinary process. Appeals from the decision may be taken to the Dean of Students.

### 3.8 Residence Area Directors

For purposes of the University Student Disciplinary Regulations, Residence Area Directors are those employees within the Department of Residence with responsibility to manage student disciplinary matters within the different University housing areas. They include the following positions:

- Residence Hall Director - For each Residence Hall;
- Apartment Community Director – For Frederiksen Court; and
- Coordinator of Resident Education – For Student Apartments at University Village and Schilleter Village.

Within the residence judicial system, Area Directors are responsible for:

- Receiving reports of misconduct, and forwarding them to the Coordinator of Residence Judicial Affairs.
- Investigating allegations of misconduct.
- Issuing notices of hearing.
- Conducting administrative hearings when delegated by the Coordinator of Residence Judicial Affairs
- Presenting cases to the All Residence Judiciary.
- Filing records regarding disciplinary actions with the Coordinator of Residence Judicial Affairs.
- Informing Complainants of the outcome of the disciplinary process.

### 3.9 All Residence Judiciary (ARJ)

The ARJ hears cases when residents allegedly violate Department of Residence policies and minor violations of the University Conduct Code. (See Section 5.6.1.) When the matter involves an alleged violation of the Conduct Code (as opposed to a residence rule), the matter will be referred to the OJA for a determination of the proper Board to hear the case. The ARJ may not hear cases where the proposed sanction is suspension or dismissal from the University. The ARJ is composed of members nominated by the Governing bodies in Residence, University family housing and Frederiksen Court and appointed by the Director of Residence. The ARJ hears cases in panels of five persons.

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The ARJ may adopt additional procedures consistent with University Disciplinary Regulations. The ARJ makes its recommendation to the Coordinator of Residence Judicial Affairs.

### **3.10 All University Judiciary (AUJ)**

The All University Judiciary hears cases in which a serious violation of the Conduct Code may result in suspension or expulsion from the University. AUJ may also hear cases of minor nature which have been referred by the Office of Judicial Affairs. The AUJ hears cases in boards of five persons each, at least two of whom are students. The AUJ makes its recommendation to the Dean of Students.

The All University Judiciary is appointed by the President and is composed of ten faculty members nominated by the members of the University community or the Faculty Senate, five staff members nominated by the Vice President for Student Affairs, five graduate students nominated by the Graduate Student Senate, and ten students nominated by the Government of the Student Body. All appointments are subject to the approval of the President.

All appointments are for a two-year term and may be extended or reappointed if the member is willing to serve, unless the member has been removed by the appointing authority. If a vacancy occurs on the committee, the nominating authority will replace that member with an interim member to complete the term. All chairpersons (individual or joint) are appointed by the President from members of the general faculty or the professional and scientific staff for a three-year term. Two faculty/staff and two students selected from the 30-member All University Judiciary and the Hearing Board Chair will constitute the Hearing Board for each case.

### **3.11 Greek Judicial Representatives**

The Greek Councils shall designate one or more judicial affairs representatives who will work in concert with the Office of Judicial Affairs to investigate and present cases involving violations of the University Conduct Code and other violations of University rules. Greek Judicial Representatives may not proceed to hearing without the approval of the OJA Administrator.

### **3.12 All Greek Judiciary (AGJ)**

The AGJ hears cases involving violations of the rules of the various Greek Councils, and minor violations of the University Conduct Code. (See Section 5.6.1.) When the matter involves an alleged violation of the Conduct Code, the matter will be referred to the OJA for a determination of the proper board to hear the case. The AGJ may not hear cases where the proposed sanction is suspension or dismissal from the University. Decisions of the All Greek Judiciary are recommendations to the OJA Administrator. The All Greek Judiciary is composed of representatives nominated by the Greek Council (Panhellenic, Interfraternity Council and the National Pan-Hellenic Council) and approved by the Assistant Dean for Greek Affairs for a one-year term. The AGJ will sit in panels of five members, at least three of whom are from the cognizant Council of the accused's Greek organization.

### **3.13 Administrative Hearing Officers**

In cases involving minor violations (see Section 5.6.1), the staff of the OJA may hold administrative hearings as Administrative Hearing Officers. In such cases, the OJA may not impose a sanction greater than deferred suspension in the case of an individual student, and loss of privileges for more than five months in the case of a student organization. In cases involving major violations (see Section 5.6.1), in which a student waives an AUJ hearing, the OJA administrator may impose any sanction which could have been imposed in an AUJ hearing.

In cases assigned to the All Residence Judiciary, the charged student may request the matter be held as an administrative hearing before the Coordinator of Residence Judicial Affairs, who has discretion to take the case, to assign the matter to a Residence Area Director, or to require an All Residence Judiciary hearing.

### **3.14 Administrative Law Judges**

In certain cases, students will be given the option of having their case heard in accordance with the state Administrative Procedure Act (APA). Students who elect an APA hearing will have the case heard by an

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administrative law judge appointed in accordance with Iowa law, Chapter 17A of the Iowa Code, and Regent rules. IAC §681-20.4-20.5A.

## 3.15 Other Student Judicial Bodies at ISU

Other student judicial bodies exist within student or campus organizations with the authority to resolve internal disputes within the organization and between its members. These judicial bodies do not have jurisdiction to resolve alleged violations that are the subject of the University Student Disciplinary Regulations unless the OJA Administrator determines not to pursue the matter as a disciplinary proceeding under the University Student Disciplinary Regulations.

### 3.15.1 GSB Supreme Court

The Supreme Court of the Government of the Student Body is a judicial body created by GSB to resolve grievances between or among registered student/campus organizations and students and shall extend to all cases arising out of the laws of GSB.

### 3.15.2 Sports Club Council

The Sports Club Council is a judicial body created by the Constitution of the ISU Sports Club Council to resolve grievances between registered sports clubs or a grievance by a member of the Sports Club Council concerning matters involving the Sports Club Council.

## 4. Conduct Code

Students and registered student/campus organizations are entitled to all the rights and protections enjoyed by members of the University community and are subject to obligations by virtue of this membership. Students and registered student/campus organizations also are subject to all civil and criminal laws, the enforcement of which is the responsibility of duly constituted civil and criminal authorities. See Section 5.9, below.

### 4.1 General Definitions and Standards

The following general definitions and standards apply to violations of the Student Conduct Code:

#### 4.1.1 Members of the University Community

Members of the University Community include students, faculty and staff of Iowa State University; the employees of organizations affiliated with ISU and located on or near campus; and visitors to the University and organizations affiliated with ISU.

#### 4.1.2 Campus

For the purposes of the conduct regulations, the campus includes the geographic confines of the University, including its land, institutional roads and buildings, its leased premises, common areas at leased premises, the property, facilities and leased premises of organizations affiliated with the University, such as the Memorial Union, University Housing, and University-recognized Housing. University Housing includes all types of University residence housing such as halls and apartments. University-recognized Housing includes fraternity and sorority chapter dwellings.

#### 4.1.3 Off-Campus Violations

Conduct off campus in violation of the conduct regulations which affects a clear and distinct interest of the University is subject to disciplinary sanctions. Specifically included within the University's interest are violations that:

- Involve conduct directed at other members of the University community;
- Disrupt educational or other functions of the University;
- Occur during or at University-sponsored events;
- Occur during the events of organizations affiliated with the University, including the events of student organizations;
- Occur during a Study Abroad Program; or
- If repeated on the campus, pose a threat to the safety of members of the University community.

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## 4.1.4 Seriousness of Infractions

A violation of any provision of the conduct regulations will be regarded as more serious if:

- The conduct involves threatened or actual physical injury to another person, or endangers other persons;
- The conduct is willful or intentional;
- The conduct results in, contributes to or enhances the severity of a public disorder, group violence or a mass disruption that involves conduct in violation of section 4.2.7;
- The conduct involves interference with safety officials (police, fire and emergency medical responders) in the performance of their work;
- The same or similar conduct is repeated; or
- The conduct impairs other students' abilities to continue their education.

A violation of any provision of the conduct regulations will be regarded as less serious if:

- Immediately after the conduct, and before being notified that disciplinary action may take place, the violator takes significant measures to correct his or her conduct or lessen the damage caused;
- In the case of group violence or mass disruption, the violator can show that the his or her actions were consistently directed to quelling the riot or mass disruption; or
- The violator was encouraged or coerced to act in an uncharacteristic manner.

## 4.1.5 Aiding and Assisting

Students and student/campus organizations aiding or assisting others in violating University conduct regulations are subject to disciplinary sanction under these regulations.

## 4.1.6 Attempt

A student or student/campus organization may be disciplined for attempting to violate the Conduct Code, even though the attempt is not successful.

## 4.1.7 Organizational Responsibility

A registered student or campus organization may be held responsible for misconduct when:

- Its officers or other leadership use or knowingly allow the use of the facilities, resources, membership or name of the student/campus organization for actions that are a violation of the Student Conduct Code;
- The leadership of the student/campus organization encourages a violation of the Student Conduct Code by its members; or
- A significant number of members of the student/campus organization engage in concerted action which violates the Student Conduct Code and the leadership of the student/campus organization is aware of the violation by its members and takes no action to stop the violation.

## 4.1.8 Persons Subject to Conduct Code

Persons who are students or admitted to ISU at the time of the alleged violation are subject to these University Student Disciplinary Regulations. The term "student" shall include admitted students. Registered student/campus organizations are subject to these regulations.

## 4.2 Prohibited Conduct

The following are violations of the Student Conduct Code and are subject to disciplinary sanctions by the University. Each violation is numbered for ease of reference and may be referred to as "Student Conduct Code Section X."

### 4.2.1 Academic Misconduct

The academic work of all students must comply with all University policies on academic honesty. Examples of academic misconduct are:

- Attempting to use unauthorized information in the taking of an exam;
- Submitting as one's own work, themes, reports, drawings, laboratory notes, computer programs or other products prepared by another person;

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- Knowingly assisting another student in obtaining or using unauthorized materials; or
- Plagiarism.

Academic honesty policies are included in the Policy On Academic Dishonesty, Policies and Procedures On Academic Misconduct Investigations, and Code of Computer Ethics. Additional information on academic dishonesty is available at: <http://www.public.iastate.edu/~catalog/2005-07/geninfo/dishonesty.html>. In addition, students are responsible for following ethical standards adopted by the various colleges and departments.

### 4.2.2 Misuse of Alcoholic Beverages and Controlled Substances

(a) Students and student/campus organizations are subject to ISU's Alcohol Policy and federal, state, and local laws. Violations of the policy or laws include, but are not limited to, the illegal possession, use, manufacture, distribution, or sale of alcoholic beverages or controlled substances both on and off campus. Members of the University community are accountable for their own actions and are expected to make responsible, lawful decisions regarding the use of alcohol. Alcohol must only be used in ways that neither harm or degrade the individual or the University community. Students under the legal age may not use altered or falsified identification to procure alcohol.

(b) Supplying Alcohol To Persons Underage. Students and student/campus organizations may not supply alcoholic beverages to persons who are not of legal age to possess or consume alcoholic beverages. This section will apply to persons who intentionally, knowingly, recklessly or negligently supply alcohol to persons underage. For example, a person who holds or sponsors an event/activity and fails to take reasonable measures to assure that persons under the legal age are not receiving and/or drinking alcohol, is in violation of this section. This rule will not apply in those cases where alcoholic beverages are consumed in a private residence with the knowledge, consent and presence of the parent or guardian, or where the underage recipient handles alcoholic beverages in the course of employment by a licensed seller of alcoholic beverages, as provided under Iowa Code Section 123.47.

(c) Alcohol Regulations During VEISHEA. In consultation with the representative student governments, the President has the authority to adopt special rules regarding use, possession and consumption of alcohol during the annual VEISHEA celebration. The rules will be published in the Iowa State Daily, and by other means before the celebration. Students and student/campus organizations violating these rules are subject to discipline. Ongoing instructional or research activities involving alcohol conducted by academic units are excluded from these rules. Consumption of prescribed or over-the-counter medicines containing alcohol is also excluded from these rules when consumed for medical reasons.

### 4.2.3 Assault, Injury and Threat

Assault, injury or threat is an act that:

- Is intended to cause pain or injury to another;
- Is intended to result in physical contact which is insulting or offensive to another;
- Is intended to place another in fear of immediate physical contact that will be painful, injurious, insulting or offensive;
- Involves pointing any firearm or simulated firearm toward another;
- Involves the display in a threatening manner of any dangerous weapon toward another; or
- Involves the making a threat intended to cause another person to fear for their safety or physical well-being.

### 4.2.4 Bribery and Extortion

(a) Bribery is the offering, giving, receiving, or soliciting of anything of value to influence action as an official or in discharge of legal or public duty.

(b) Extortion is the attempt to obtain property, services or benefits from another induced by wrongful use of actual or threatened force, violence, fear or coercion, or false pretense.

### 4.2.5 Contempt

Contempt is defined as the following:

- Failure to appear before any University adjudicatory or regulatory body as summoned;

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- Failure to comply with any disciplinary sanctions;
- Failure to comply with the lawful order of authorized University officials or police officers;
- Failure to identify oneself or to show an identification card when lawfully requested to do so by authorized University officials or police officers; or
- Providing, procuring, or seeking to procure, false testimony in any University or administrative hearing.

### 4.2.6 Disruption of Rights

Violations involving disruption of a University community member's rights are:

- Intentional disruption, obstruction or denial of access to University services, facilities or programs;
- Intentional interference with the rights, privacy, privileges, health and safety of persons on campus;
- Interference with emergency evacuation procedures;
- Intentional or knowing interference with academic pursuits;
- Disorderly conduct;
- Disturbing the peace; or
- Inciting others to do acts which are restricted above.

### 4.2.7 Public Disorder, Group Violence and Mass Disruptions

Misconduct under these regulations includes the following actions related to public disorder, group violence and mass disruptions:

- Participating in group behavior that involves damage to property, actual violence or threatened damage to property or violence;
- Inciting a group toward immediate violent behavior;
- Defying or refusing to obey police orders to disperse a group engaged in violent actions;
- Inciting or encouraging a group to defy police orders to disperse when the group is engaged in violent actions;
- Assaulting, throwing objects at, or otherwise endangering police officers or city or university officials and employees engaged in quelling a riot or mass disturbance;
- Starting, stoking or using fire, creating barricades, or blocking streets and passageways, as part of a riot or mass disturbance;
- Interfering with police, fire and emergency medical personnel in carrying out their duties during a riot or mass disturbance; or
- Attempting to circumvent or defeat police crowd-control measures.

Students charged with participating in or encouraging acts of violence during a riot or mass disruption are subject to immediate interim suspension under Section 5.5.2 of the Student Disciplinary Regulations.

### 4.2.8 Gambling

As provided by Iowa law, the following are prohibited:

- Bookmaking; or
- Placing a bet or accepting wagers for a fee outside licensed gambling locations.

### 4.2.9 Harassment, Sexual Harassment and Racial and Ethnic Harassment

(a) Harassment is defined as any act or acts done without legitimate purpose and with the intent to intimidate, annoy or alarm another. This policy shall specifically apply to, but not be limited to, harassment on account of disability, sexual orientation, religious affiliation, or any other basis for non-discrimination as stated in the University's *Discrimination and Harassment Policy*. Any act meeting the definition of harassment under Iowa Code §708.7, or the definition of stalking under Iowa Code §708.11, is a violation of this rule. Engaging in First Amendment protected speech activities shall be considered acts done with a legitimate purpose.

(b) Sexual harassment, as defined by the University's *Discrimination and Harassment Policy*, is prohibited. Sexual harassment may include, but is not limited to:

- Coercing or attempting to coerce a person into a sexual relationship;
- Subjecting a person to unwanted sexual attention or demands;
- Punishing or retaliating against a person for refusal to comply with sexual demands; or
- Unwelcome physical advances or physical contact of a sexual nature, or conduct of a sexual nature that is intimidating, demeaning, hostile, or offensive.

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As provided by law, students may not be disciplined for engaging in speech activities protected by the First Amendment

(c) Racial harassment, as defined by the University's *Discrimination and Harassment Policy*, is prohibited. Racial and ethnic harassment may include, but is not limited to:

- Threats, physical contact, pranks or vandalism directed at an individual or individuals because of their race or national origin;
- Severe or persistent racial epithets, derogatory comments, jokes or ridicule directed to a specific person or persons about their race or ethnicity;
- Defacement of a person's property based upon race of the owner; or
- Persistent and repeated racial or ethnic remarks or conduct, even if not directed at a specific person or persons, which unreasonably affect the ability of persons to participate in University programs.

As provided by law, students may not be disciplined for engaging in speech activities protected by the First Amendment.

### 4.2.10 Hazing

Hazing is any intentional, knowing, or reckless action, request, or creation of circumstances that:

- Endangers the health or safety of any individual;
- Causes or presents a substantial risk of physical injury, serious mental distress, or personal humiliation to any individual; or
- Involves the destruction or removal of public or private property in connection with initiation or admission into, or continued membership in, any group affiliated with the University, including but not limited to, any student, campus, fraternal, academic, honorary, athletic, or military organization.

It is not a defense to the violation of this section that the hazing participant provided explicit or implied consent. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this section.

### 4.2.11 Misuse of Computers

Students and student/campus organizations are subject to ISU's Code of Computer Ethics. See the ISU Policy Library at: <http://policy.iastate.edu/policy/it/ethics/>. Examples of computer misuse are:

- Accessing, damaging or altering records, programs or databases without permission;
- Accessing or disclosing another user's private files without permission;
- Unlawful copying of, or improperly using, copyrighted material;
- Use of University computing facilities for personal financial gain without permission of the University; or
- Sending obscene, harassing or threatening material.

### 4.2.12 Misuse of Identification and Falsification

Improper actions of identification or falsification are:

- Providing inaccurate identifying information to authorized officials with reason to request such information;
- Knowingly misleading University officials, police officers, faculty, staff and organizations affiliated with the University in the conduct of their official duties;
- Tampering with official records, documents, identification cards; or
- Forgery.

### 4.2.13 Misuse of Keys or Access Cards

This violation is defined as unauthorized possession, duplication or use of keys or cards that permit access to any University or University-related services, vehicles, or premises, including University housing.

### 4.2.14 Sexual Assault or Abuse

Sexual abuse as defined by Iowa law is prohibited. Sexual abuse includes non-consenting and forced sex acts or sexual contact, or sexual contact with a person unable to give consent by reason of incapacity or age. See Iowa Code Chapter 709.

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### 4.2.15 Theft or Damage to Property or Services

Actual or attempted unauthorized taking, use, misappropriation, or damage to property or services owned or maintained by the University, by a member of the University or Ames communities, by any person or visitor on campus, or by any person attending a University-sponsored event is a violation. The knowing possession of stolen property is also a violation.

### 4.2.16 Unlawful Entry or Trespassing

Unauthorized or attempted unauthorized entry, occupation or use of any University-owned or controlled property, equipment or facilities is a violation. It is a violation to enter restricted areas of the University such as restricted research areas and utility tunnels. Remaining in or on premises after permission to remain has been revoked also is trespassing.

### 4.2.17 Possession or Misuse of Weapons

Possession of weapons, unless authorized by the University, is a violation.

(a) A weapon is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death or injury when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the possessor intends to inflict death or injury upon another, and which, when so used, is capable of inflicting death or injury upon another, is a weapon.

(b) Weapons include any pistol, revolver, shotgun, machine gun, rifle or other firearm, BB or pellet gun, tazer or stun-gun, bomb, grenade, mine or other explosive or incendiary device, ammunition, archery equipment, dagger, stiletto, switchblade knife, or knife having a blade exceeding five inches in length. Residents of University housing may possess knives having a blade exceeding five inches for cooking purposes.

(c) A "weapon" also means an object that is not an instrument capable of inflicting death or injury but closely resembles such an instrument (For example, a realistic toy, replica, imitation weapon or look-a-like gun that is reasonably capable of being mistaken for a real weapon) or the student used the object in a manner that created the impression that the object was such an instrument (For example, wrapping a hand in a towel to create the appearance of a gun).

### 4.2.18 Violation of Any Local, State, or Federal Law

Students and student/campus organizations are expected to abide by the laws and regulations applicable to other citizens. Any action or conduct that meets the definition of a crime under any local, state, or federal law is prohibited. A violation of this section may be shown by preponderance of the evidence, or by documentation of a final determination or formal admission of guilt.

### 4.2.19 Indecent Exposure

Indecent exposure as defined by Iowa law (Iowa Code §709.9), and public urination are prohibited.

### 4.2.20 Unauthorized Sale of Others' Intellectual Works

Course-related presentations are owned by the presenter. Students may take written notes or make other recordings for educational purposes, but specific written permission to sell the notes or recordings must be obtained from the presenter. Failure to secure permission is a violation of these conduct regulations.

### 4.2.21 Violation of Conditions of Recognition

Registered student and campus organizations may be disciplined for failing to meet conditions of recognition of student organizations as established by the University. In addition to these disciplinary regulations, registered student/campus organizations not in compliance with the ISU Student Organizations Resource Manual (SORM) and other University regulations relating to student/campus organizations may be denied privileges by the office responsible for administering such conditions until they comply with conditions of recognition.

### 4.2.22 Endangerment

The creation of a hazard, endangering the physical safety of self or others by engaging in a dangerous activity or using hazardous materials or chemicals is prohibited.

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## 4.2.23 Department of Residence Regulations

Members of the University housing community are subject to the following additional rules and regulations:

- (a) The terms of their residence contract, which are separately enforceable pursuant to the terms of the contract; and
- (b) Rules and regulations adopted within the living unit in accordance with the bylaws of the student residence governments.

## 4.2.24 Study Abroad Regulations

Students who participate in an ISU Study Abroad Program are subject to the following additional rules and regulations:

- (a) Rules and regulations adopted by the ISU Study Abroad Resource Center and provided to each student in the Study Abroad Resource Center Student Handbook;
- (b) The laws of the host country in which the student is traveling or living; and
- (c) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying.

## 4.2.25 Fire or Safety Violations

Fire or safety violations are:

- Arson or attempt at arson;
- Tampering, damaging or misusing fire/safety equipment, barriers or signs;
- Falsely reporting or setting alarms for fire, explosion or other emergencies on campus (for example: bomb threats);
- Interfering with law enforcement or fire safety officials who are engaged in discharging a safety-related duty;
- Possession or unauthorized use of fireworks, explosive devices, or other flammable materials; or
- Failure to evacuate a University facility when the fire alarm has been sounded.

## 4.2.26 Regents Uniform Rules of Personal Conduct

The Board of Regents, State of Iowa, has adopted Uniform Rules of Personal Conduct applicable to the public universities under their jurisdiction. See Appendix A or 681 Iowa Administrative Code Section 9.1. A violation of the Uniform Rules of Personal conduct is also a violation of this Student Conduct Code.

## 5. Process

### 5.1 Reports of Misconduct

The conduct process normally begins with the filing of a report by a Complainant or a person who has observed or is aware of alleged student misconduct, whether the conduct was directed at the reporter or another person.

Misconduct reports may be filed by leaving a written statement of the nature of the alleged violation with the following offices:

- For all matters: The Office of Judicial Affairs;
- For University housing matters: The Coordinator of Residence Judicial Affairs or Residence Area Directors, as described in Section 3.8;
- For fraternity and sorority matters: Greek Judicial Representatives.

Report forms may be obtained from any of these offices. The person who receives a misconduct report shall provide a copy of the report to the OJA Administrator within two business days of receipt.

For allegations of academic dishonesty against students, please consult the Academic Regulations of the Iowa State University Bulletin for information relating to procedures prior to referral for disciplinary action. In the case of allegations of violation of the College of Veterinary Medicine Interclass Honor Code, cases may be brought under these procedures, or under the separate procedures of the College of Veterinary Medicine. Please consult the Handbook for Professional Curriculum Students in the College of Veterinary Medicine.

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### 5.2 Investigation, Notice and Referral to Hearing

When the Office of Judicial Affairs (OJA), the Coordinator of Residence Judicial Affairs or a Greek Judicial Representative receives a report, a copy shall be filed centrally in the Office of Judicial Affairs. The OJA Administrator will determine who will investigate the alleged violation.

The OJA Administrator has the authority to initiate an investigation in the absence of a report, if he or she becomes aware of possible misconduct by a student or student organization.

If it appears an investigation is warranted, the OJA may schedule an initial meeting with the accused student or student/campus organization to provide information as to 1) the allegations; 2) the possible hearing processes; 3) the student's or student/campus organization's rights; and 4) possible outcomes of the process. Failure of a student or officers of a student/campus organization to appear for the initial meeting may result in placement of a hold on registration or records as provided under Section 5.5. Failure to respond to a request for an initial meeting, or failure to appear for the initial meeting, will not prevent an investigation from proceeding.

Upon completing the investigation, the investigating office will prepare a formal complaint if it is determined that there is cause to believe a violation has occurred. The OJA Administrator will review all formal complaints before they are issued. The investigating office will consult with the OJA Administrator to determine whether the alleged violation is major or minor (see Section 5.6.1), and whether the matter should be referred to the Coordinator of Residence Judicial Affairs (RJA Coordinator), All Greek Judiciary (AGJ), an OJA administrative hearing, or the All University Judiciary (AUJ).

#### Formal Complaint in Minor Cases

In a minor case, a Formal Complaint will be provided to a student or student/campus organization and will include:

- Any provision of the Student Disciplinary Regulations which appears to have been violated;
- A summary of grounds for the alleged violation;
- A specific date by which the student and/or organization must schedule a hearing with the office responsible for hearing the Formal Complaint.

In a minor case, a notice will be provided to a student or student/campus organization at least four business days before the hearing is held.

#### Formal Complaint in Major Cases

In a major case, a Formal Complaint will be provided to a student or student/campus organization and will include:

- Any provision of the Student Disciplinary Regulations which appears to have been violated;
- A summary of grounds for the alleged violation
- A specific date by which the student or student/campus organization must schedule an appointment and review the evidence contained in the student's disciplinary file.
- A description of the hearing options available to the student or student/campus organization. The options include a hearing before the All University Judiciary (AUJ) under Section 5.6.4, waiving an AUJ hearing and requesting an administrative hearing before the OJA under Section 5.6.4(a), or electing an administrative hearing under the Iowa Administrative Procedure Act (APA) pursuant to Section 5.8

In a major case, notice will be provided to a student or student/campus organization at least seven business days before the hearing is held.

### 5.3 Giving Notice: How to Count Business Days

Notice may be given to students living on campus by hand delivery to the student's residence hall or apartment mailbox. Notice may be given to students living off campus by United States mail to the student's last known address. Student/campus organizations may be given notice by hand delivery or United States mail to an officer of the organization as listed in the organization's last registration or request for recognition.

For the purpose of these procedures, "business days" are those days the University is open for regular business during the fall, spring or summer terms. Weekends and University-wide holidays are excluded. When the day by which some action must be taken falls between terms, or within the weeks of Thanksgiving or Spring

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## STUDENT DISCIPLINARY REGULATIONS

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break, the action will normally be postponed to the first business day after the break or the beginning of the next term. However, the University may require, upon prior notification of the student, that extenuating circumstances warrant counting of days during such breaks.

### 5.4 Agreed Resolutions

At any time before the hearing, if the OJA administrator and the accused student or student/campus organization reach agreement upon a reasonable sanction for conduct, the parties may enter into an agreed resolution which shall be binding upon approval by the Dean of Students. Discussions regarding agreed resolutions shall not be introduced against the accused as evidence of responsibility in disciplinary hearings.

### 5.5 Interim Actions

The following interim steps may be taken:

#### 5.5.1 Hold on Registration and Records

(a) The OJA Administrator or Dean of Students may place a hold on the accused student's registration, transcripts, new awards of financial aid and/or other University records until the case is adjudicated when the following circumstances occur:

- The student has failed to respond promptly to requests for information from the investigating office;
- The student has failed to appear for the initial meeting with the OJA Administrator or for any hearing; or
- \*The alleged conduct is such that, if true, may pose a threat of harm to persons or property.\*
- The student is scheduled to graduate prior to the adjudication of the case.

(b) When a student has pre-registered for a term after the one in which the hold is placed, the OJA Administrator or Dean of Students may also revoke the registration of a student.

(c) If there are allegations of misconduct relating to the qualifications of a student to graduate, such as allegations of academic fraud or serious allegations of misconduct, the OJA Administrator or Dean of Students may delay graduation until the charges are determined.

(d) The decision to place a hold on registration, to revoke registration, or to delay graduation may be appealed to the Dean of Students or the Vice President for Student Affairs. The OJA Administrator or Dean of Students may impose reasonable conditions on release of the hold.

#### 5.5.2 Interim Suspension

The OJA Administrator or Dean of Students may order that a student be immediately excluded from classes, University facilities (including University housing), or denied privileges and ability to participate in activities when the student's continued presence may constitute a significant danger to safety or property. The student will receive a written notice stating the reasons for the interim suspension and the time and place of the hearing to be held within two business days. The hearing will be before the Dean of Students. At the time of the hearing, the University shall show probable cause why interim suspension is warranted, and the student shall have the opportunity to show why interim suspension is not warranted. If it appears that the student's behavior indicates medical withdrawal is warranted, the OJA Administrator or Dean of Students may initiate medical withdrawal as provided at: <http://www.public.iastate.edu/~catalog/2007-2009/geninfo/withdraw-invol.html> under "Involuntary Medical Withdrawal". Hearings regarding continued suspension and medical withdrawal will be held under that policy.

#### 5.5.3 Interim Suspension of Organizational Privileges

The OJA Administrator or Dean of Students may order that a student/campus organization be immediately denied University privileges and be excluded from activities on the campus when the student/campus organization's continued activity on the campus may constitute a significant danger to safety, property or campus welfare. The student/campus organization will receive a written notice stating the reasons for the interim suspension and the time and place of the hearing to be held within five business days. The hearing will be before the Dean of Students. At the time of the hearing, the University shall show probable cause why interim suspension is warranted, and the organization shall have the opportunity to show why interim suspension is not warranted.

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### 5.5.4 No Contact Order

In cases involving allegations of assault, injury, sexual abuse, harassment or where there is reason to believe continued contact between the accused and specific persons, including Complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the OJA Administrator, the Director of Residence or Director of Public Safety may order that the accused student not have contact with specific persons. The student will receive a written notice of, and reasons for, the No Contact Order. Within two business days of a request by the accused student, a hearing will be held to determine whether the order should remain in place or be modified. The hearing will be before the Dean of Students.

## 5.6 Hearings

### 5.6.1 Minor and Major Cases

A minor case is a case in which it is determined that the sanction to be sought will not be greater than that which may be imposed in an administrative hearing, a hearing before the All Residence Judiciary, Residence Area Directors, Residence Judicial Affairs Coordinator, or the All Greek Judiciary. See Section 5.6.3(c). A major case is a case in which the sanction that may be imposed is more severe than those that may be imposed in a minor case, and includes suspension and expulsion. See Section 5.6.4(i). A major case will be heard by the All University Judiciary (AUJ) pursuant to Section 5.6.4(a), handled by an OJA Administrative Hearing pursuant to Section 5.6.4(a), or an Administrative Law Judge pursuant to Section. 5.8

### 5.6.2 Challenging Hearing Board Members for Bias

The accused student or student/campus organization may request removal of members of the hearing board for reasons of bias. Such requests, including the reasons for it, should be made as early as possible to the OJA Administrator, but no later than 5:00 p.m. of the business day prior to the hearing. If there is a change in the composition of the hearing board after issuance of the notice of the hearing, the student or student/campus organization may request removal of the new board members at the opening of the hearing. The chair of the hearing board will make decisions regarding removal, unless the student is requesting removal of the chair. Where there is a request to remove the chair, and the chair does not voluntarily remove himself/herself, the Dean of Students will decide whether removal is warranted.

### 5.6.3 Procedures in Minor cases

(a) Assignment of Minor Cases. If the OJA Administrator determines the case is minor, it will be referred to the Residence Judicial Affairs Coordinator, if it involves a University housing issue; to the All Greek Judiciary (AGJ), if it involves a Greek issue; or to an OJA administrative hearing. For all cases the OJA Administrator has the discretion to refer the case to the All University Judiciary for adjudication. The formal complaint will be sent to the student or student/campus organization at least four business days before the date of the hearing.

(b) Administrative Hearings. At an administrative hearing involving minor charges, ARJ hearing or AGJ hearing, the student or student/campus organization is informed of the evidence supporting the charges. The student or student/campus organization has a reasonable opportunity to make a statement and respond on his/her/its behalf to the charges.

(c) Right to Presence of Advisors. Any two persons from within the University community (faculty, staff, student) or outside the University community may advise the accused student or student/campus organization. University Hearings are not court proceedings. The advisor may:

- Advise the accused on the preparation and presentation of the case;
- Accompany accused to all judicial hearings; and
- Advise the accused in preparation and presentation of any appeal.

The advisor may not:

- Present any part of the case for the accused. However, a student with a disability affecting communication or a student who cannot effectively communicate in the English language may seek a

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reasonable accommodation from the chair of the assigned AUJ Hearing Board to allow an advisor or interpreter to present or translate the case for the student;

- Directly examine or cross examine witnesses; or
- Disrupt or delay the proceedings.

Advisors not complying with University hearing procedures may be removed from the judicial proceedings.

If the student or student/campus organization does not take responsibility for an alleged conduct violation, the administrative hearing officer, All Residence Judiciary, All Greek Judiciary, or the All University Judiciary will make a determination whether the student or student/campus organization has committed a violation and, if so, may impose or recommend the sanctions indicated below. The case shall be dismissed or recommended for dismissal if the administrative hearing officer or hearing board determines, after considering the information presented, that the evidence available does not indicate by a preponderance of the evidence that the alleged violation occurred.

The ARJ and AGJ make recommendations to the Coordinator of Residence Judicial Affairs and to the OJA Administrator. In reaching a final decision, the Coordinator of Residence Judicial Affairs or OJA Administrator may:

- Consult with the hearing board in determining whether to accept or reject its determination;
- Ask the hearing board to reopen the case and consider additional matters;
- Accept the recommendation;
- Reject the recommendation and find the student or student/campus organization responsible or not responsible; or
- If there is a finding that the student or student/campus organization has violated University Conduct Code, Department of Residence Regulations (including University Housing Rules), or Study Abroad Regulations, modify the recommended sanction.

Before a recommendation of non-responsibility may be reversed, or before increasing a sanction, the Coordinator of Residence Judicial Affairs or OJA Administrator must:

- Consult with the chair of the hearing board regarding the recommendation and the reasons for it;
- Find that there are strong reasons for changing the decision;
- Give written notice to the student or student/campus organization of the reasons supporting such action; and
- Give the student or student/campus organization at least three business days to respond in writing or to request a meeting to respond to the proposed action.

If no response to the notice is made, or if a meeting has not been requested within three business days, the Coordinator of Residence Judicial Affairs or OJA Administrator may take the proposed action.

(d) Sanctions in Administrative Hearings. The following sanctions may be imposed in minor cases:

All cases: The following sanctions may be imposed in all minor cases:

- Disciplinary Reprimand: An official warning followed by the written notice to the student or student organization that his/her/its conduct is in violation of University rules and regulations.
- Conduct Probation/Conditions: A more severe sanction than a disciplinary reprimand. It is a period of review during which the student or student organization must demonstrate the ability to comply with University rules, regulations, and other requirements stipulated for the probation period. While under conduct probation, a student may be disqualified from serving as an officer of a student or campus organization or as a member of a University committee or council. The OJA Administrator or RJA Coordinator may impose reasonable conditions upon probation which may include limitations on activity or access to University facilities for a period of five months or less.
- Education: A requirement to participate in some project, class or other activity that is relevant to the nature of the offense and appropriate for the violation.

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- **Restitution:** A requirement to pay the cost of property damage to another student or student organization incurred during conduct violation or make other appropriate restitution, so long as the costs do not exceed \$200.[1]

**Administrative Hearings before the OJA and AUJ:** In addition to sanctions that may be imposed in all minor cases, in an OJA administrative hearing, or a referral case to the AUJ, the following sanction may be imposed:

- **Deferred Suspension:** A suspension, but which is deferred subject to a definite or indefinite period of observation and review. If a student is found responsible for further violation of the Student Conduct Code or an order of a judiciary body, suspension may be recommended to the Dean of Students Office. While under deferred suspension, a student may be disqualified from serving as an officer of a student or campus organization or as a member of a University committee or council. The OJA Administrator may impose reasonable conditions upon deferral, which may include limitations on activity or access to University facilities for a period of the deferred suspension.

**Residence Cases:** In addition to sanctions which may be imposed in all minor cases, in a residence case (whether by RJA administrative hearing or ARJ hearing), the following sanctions may be imposed:

- **Removal from University Housing:** A resident may be removed from a residence hall or apartment. The student shall have a maximum of ten days to move. The student's access to specific living or dining areas may be restricted as part of the sanction. If the decision is appealed, the Dean of Students shall have power to waive or enforce removal while the appeal is pending. The student's original room or apartment will not be reassigned until the completion of the appeals to the Dean of Students.
- **Sanctions provided under the Residence Contract.** Sanctions outlined in the Department of Residence Contract may be levied in a Residence case, including sanctions for violation of disciplinary regulations duly adopted by the applicable residence government.

**Greek Cases:** In addition to sanctions which may be imposed in all minor cases, in a case before the All Greek Judiciary or OJA Administrative hearing, the administrative hearing officer may impose sanctions permitted by the duly adopted rules of the governing Greek Council.

(e) **Notification of the Result of Administrative Hearings.** The OJA Administrator or the Coordinator of Residence Judicial Affairs will send notice confirming the decision to the accused within five business days of the hearing and will also inform the appropriate University officials and the Complainant (if any) of the decision.

### 5.6.4 Procedures in Major Cases

(a) **Jurisdiction of All University Judiciary (AUJ), Waiver of AUJ Hearing.** If the Office of Judicial Affairs determines that the case is major (see Section 5.6.1), the case will be heard by the All University Judiciary hearing board. The accused student or student/campus organization may waive hearing and request an administrative hearing. The OJA may grant the request, or continue to an AUJ hearing.

If an administrative hearing is held, the OJA will hear the case under the informal rules for administrative hearings and, if the student is found responsible, will recommend a sanction to the Dean of Students. When AUJ hearing is waived, the OJA and the Dean of Students may impose any sanction which could have been imposed in an AUJ hearing.

(b) **Time for Hearing.** The AUJ hearing will be held within 20 business days of issuance of formal complaint, unless the OJA or the Hearing Board Chair grants additional time upon the written request of the accused student, the accused student/campus organization or the Judicial Affairs

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Representative presenting the case. The accused student or student/campus organization shall have at least seven business days' notice of the charges and hearing.

(c) Written Statement of Accused Student or Student/Campus Organization. The accused student or student/campus organization may submit a written account of the incident to the Hearing Board Chair through the Office of Judicial Affairs at least one business day prior to the hearing.

(d) Review of Documents and Case Summary. After issuance of a Formal Complaint or notice of the AUJ Hearing, the accused may review the documents (in the OJA only) and the case summary evidence prepared by the OJA. The case summary will indicate the following information:

- Persons expected to testify
- Documents expected to be used
- A short summary of the information to be presented to the AUJ.

(e) Opening of Hearings. All hearings are closed; however, the accused has the right to submit a written request for an open hearing at least three business days prior to the hearing. The Hearing Board Chair also has the discretion to close a hearing or a portion of the hearing when:

- Charges involve alleged personal misconduct that might be embarrassing to the party, the victim or witnesses;
- A victim or witness might be harmed if the case were disclosed;
- A witness does not agree to give open testimony;
- Private student records, as defined under the Family Educational and Privacy Rights Act (FERPA), would be disclosed; or
- There is another compelling reason.

(f) Right to Presence of Advisors. Any two persons from within the University community (faculty, staff, student) or outside the University community may advise the accused student or student/campus organization. Complainants/witnesses to a proceeding also have the same right to the presence of advisors. The All University Judiciary is not a court proceeding. The advisor may:

- Advise the accused on the preparation and presentation of the case;
- Accompany accused to all judicial hearings; and
- Advise the accused in preparation and presentation of any appeal.
- The advisor may not:
- Present any part of the case for the accused. However, a student with a disability affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the chair of the assigned AUJ Hearing Board to allow an advisor or interpreter to present or translate the case for the student;
- Directly examine or cross examine witnesses; or
- Disrupt or delay the proceedings.

Advisors not complying with University hearing procedures may be removed from the judicial proceedings by the chairperson of the All University Judiciary Hearing Board.

(g) Right to be Present/Failure to Attend. The accused student or officers of an accused student/campus organization have the right to be present at the hearing. If the student or student/campus organization fails to attend the hearing after having been given proper notice of the hearing, the Hearing Board Chair may find the student or student/campus organization responsible and recommend an appropriate sanction. The Hearing Board Chair must require the OJA Administrator to present a summary of the evidence prior to making a finding and recommendation.

(h) The Hearing. The Hearing Board Chair will have general authority to control the proceedings and to call conferences of the AUJ. The Hearing Board Chair may permit testimony to be taken by telephone, remote video or otherwise, keeping in mind fairness to the accused. The Chair may impose measures to prevent witnesses from being harassed by any party.

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The Chair will ask the accused to state whether they are responsible or not responsible for the alleged violation. The accused may remain silent or refuse to answer any questions. The accused may admit responsibility and make a statement regarding suggested sanctions.

The OJA representative and the accused will be asked to give a summary of the case.

A representative of the Office of Judicial Affairs will present the case to the AUJ. The OJA representative will be asked to present the evidence supporting disciplinary action.

The accused will be asked to present evidence supporting their view of the case.

Witnesses may be questioned by the parties and by members of the AUJ. At the request of either party, witnesses will be excluded from the hearing room until such time as they have testified. The Hearing Board and the accused may call witnesses as deemed necessary.

Formal rules of evidence do not apply. The AUJ will consider both witness testimony and documentary evidence and give it appropriate weight under the circumstances.

The Hearing Board will make its decision based on the evidence presented at the hearing.

A video tape recording will be made in AUJ hearings. All other recording devices and/or cameras are prohibited in hearings.

After hearing the evidence, the Hearing Board will deliberate in private and decide by a vote of at least four of its five members whether the accused is not responsible or responsible. The Hearing Board shall base its decision that the alleged violation occurred or not on a standard of preponderance of the evidence. If, after reasonable deliberations, four members of the Hearing Board are unable to agree on whether the accused is responsible or not responsible, each group of Hearing Board members shall prepare a written statement that explains the reasons for their recommendation and forward it to the Dean of Students.

If the accused is found responsible, the AUJ will recommend a sanction to the Dean of Students. The Hearing Board shall request a pre-sanction report from the Office of Judicial Affairs to determine if the accused may have had previous violations. Dissenting members may present a dissenting opinion or recommended sanction to the Dean of Students.

(i) Sanctions permissible in Major Cases . In addition to the sanctions permissible in a minor case (see Section 5.6.3(c)), the following sanctions may be imposed upon an individual student in a major case :

- Restitution in amount of \$200 or more;
- Long-Term Limitation on Activity or Access: A requirement that the student be limited in or excluded from participation in an extracurricular activity, club or organization for a period of more than five months. Access to University facilities and premises may be limited or denied.
- Revocation of admission: If a student violates the Student Conduct Code after admission but before attendance at the University, admission may be revoked prior to attending, or during the first term after admission, and fees will be refunded;
- Defined length suspension: The student is dropped from the University for a specific length of time. This suspension may not be less than one semester or more than two years. Reinstatement may be contingent upon meeting the written requirements of the All-University Judiciary at the time the sanction was imposed. A hold will be placed on reentry until reinstatement is granted under the procedure provided in Section 7 below.
- Indefinite suspension: The student is dropped from the University indefinitely. Reinstatement may be contingent upon meeting the written requirements of the All University Judiciary specified at the time the sanction was imposed. Normally, a student who is suspended indefinitely may not be

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reinstated for a minimum of two years. A hold will be placed on reentry until reinstatement is granted under the procedure provided in Section 7 below.

- Expulsion: The student is permanently deprived of his/her opportunity to continue at the University in any status.

Student/Campus Organizations:

In addition to the sanctions permissible in a minor case (see Section 5.6.3(c)), the following sanctions may be imposed upon a registered student/campus organization in a major case :

- Term suspension: A student/campus organization may be suspended from recognition and University privileges for a specific amount of time. This suspension may not be less than one semester or more than four years.
- Indefinite suspension: A student/campus organization may be indefinitely suspended from recognition and University privileges. The suspension may indicate that the student/campus organization shall not be considered for reinstatement for a specified period of time. To achieve recognition again, the student/campus organization may apply for recognition, and the nature of the conduct giving rise to the indefinite suspension may be considered in deciding to recognize the student/campus organization. See Section 7.
- Long Term Limitation on Activity or Access: A requirement that the student/campus organization be limited in or excluded from participation in an extracurricular activity, club or organization for a period of more than five months. Access to University facilities and premises may be limited or denied.
- Officer or member sanctions: As a condition of any sanction imposed on a student/campus organization, the organization may be required to: remove or suspend from office any officer, prohibit identified members from becoming officers and/or remove or suspend identified members.

(j) Actions of Dean of Students. In reaching a final decision, the Dean of Students may:

- Consult with the AUJ in determining whether to accept or reject its recommendation;
- Ask the AUJ to reopen the case and consider additional matters;
- Accept the recommendation;
- Reject the recommendation and find the student or student/campus organization responsible or not responsible; or
- If there is a finding that the student or student/campus organization has violated the University Conduct Code or rules governing a student organization, modify the recommended sanction.

Before a recommendation of non-responsibility may be reversed, or before increasing a sanction, the Dean of Students must:

- Consult with the AUJ Hearing Board Chair regarding the recommendation and the reasons for it;
- Find that there are strong reasons for changing the decision;
- Give written notice to the student or student/campus organization of the reasons supporting such action; and
- Give the student or student/campus organization at least three business days to respond in writing or to request a meeting to respond to the proposed action.

If no response to the notice is made, or if a meeting has not been requested within three days, the Dean of Students may take the proposed action.

(k) Notification of Results. The Dean of Students will notify in writing the accused, the AUJ, OJA and appropriate University administrators of the result within seven business days of the final decision. The Dean of Students Office will notify any Complainant of the result.

Notification shall be by leaving a message for the student to pick up the decision. If there is no way to leave a message for the student, the notification can be made by campus or U.S. mail.

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## 5.7 Procedure During a Study Abroad Program

A Study Abroad Program is an academic program providing the student involved with an opportunity to pursue academic study for credit outside the United States. Students are expected to take advantage of the cultural opportunities involved and are responsible for their behavior during the program. The Study Abroad Resource Center has developed Rules and Regulations that all participants are required to follow while studying in a foreign country. Students who fail to abide by the Rules and Regulations of the Study Abroad Resource Center may be withdrawn from the Study Abroad Program and sent back to the United States at their own expense pursuant to procedures developed by the Study Abroad Resource Center. In addition, if the student's conduct is also in violation of the University Student Disciplinary Regulations, disciplinary action may be undertaken by the Office of Judicial Affairs.

## 5.8 Option for APA Hearing

In order to assure compliance with the Iowa Administrative Procedure Act, Chapter 17A of the Iowa Code, in major cases, ISU provides the option for students or student/campus organizations to have their case heard by an administrative law judge under the procedures of Iowa Code §17A.11-16 and 681 IAC 20. Students will be advised of this right in the Formal Complaint. Students or student/campus organizations must make the election within five business days of receiving the Formal Complaint. Otherwise, they are deemed to have waived their right to an APA Hearing.

In APA hearings, the University may elect to have a member of its legal staff present the case to the administrative law judge.

## 5.9 Effect on Payment of Fees

Disciplinary action shall not affect payment of fees, nor will refunds of fees be granted, unless unnecessary delay, not the fault of the student or student organization, causes the student to incur tuition or fees which could have been avoided.

## 5.10 Effect of Civil or Criminal Proceedings

In the event that a civil or criminal case is also pending against the accused student or student/campus organization for the same act, the Office of Judicial Affairs may, but need not, delay consideration of the case until after civil or criminal proceedings have been completed.

## 6. Appeals

Failure to appeal or comply with appeal procedures will render the original decision final and conclusive. In the event of special circumstances, an extension in time may be requested by submitting a written request to the appellate officer stating good reasons for the request for additional time. Normally, such requests will be granted if the request is filed before the deadline.

All evidence is to be presented to the Administrative Hearing Officer or specific Hearing Board assigned to hear the case. Evidence may not be presented during an appeal without special permission of the person hearing the appeal. See Section 6.8.

### 6.1 Who May Appeal

A student or student/campus organization found responsible with having violated the Student Conduct Code has a right to appeal that decision.

### 6.2 Time for Filing an Appeal

An appeal must be filed within five business days after notification of the student or student/campus organization of the decision.

### 6.3 How to Appeal: Basis for Appeal

A notice of appeal must be filed with the person responsible for hearing the appeal. The appellant may appeal the lower judiciary decision based on one of the following reasons:

- The student's or student/campus organization's rights were substantially violated in the hearing process;
- The procedures used or the decision reached is contrary to law or University policy;

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- There was not substantial evidence to support the conclusions reached;
- There is new material evidence that could not have been discovered at the time of the hearing; or
- The sanctions imposed were too severe or not appropriate for the violation.

The notice of appeal must state the basis for appeal and give a brief statement of the reasons.

### 6.4 Access to Record

For purposes of appeal, students or officers of campus or student organizations may review a copy of the official recording and documents used at the hearing at the Office of Judicial Affairs. Students or officers of student campus organizations will be granted an ample opportunity to review the recording and the documents, but will not be permitted to take copies of them.

### 6.5 Written Statement

Within five business days after filing the notice of appeal, the appealing student or student/campus organization must present a written statement of the reasons for the appeal. A copy of the written statement must be filed with the OJA at the same time.

It is recommended that the written statement contain the following information: basis for appeal, arguments and references to evidence presented during the hearing. In case the appeal is based upon new evidence, the written statement should contain a statement of the new evidence, together with a statement as to why the information could not have been discovered at the time of the hearing.

### 6.6 OJA Statement: Transmittal of the Record

OJA will provide a written statement in response to the student's or student organization's written statement within seven business days of its filing. A copy of the OJA statement must be sent to the student or student organization at the same time it is filed.

The OJA will transmit the record of the hearing to the person hearing the appeal at the same time it files the response.

### 6.7 Supplemental Statement

The student or student/campus organization may provide a supplemental statement within three business days of filing of the OJA Response.

### 6.8 Person to Hear Appeals

The following chart identifies the Appellate Officer assigned to hear appeals from the various administrative decisions or hearings under the University Student Disciplinary Regulations:

<b>Decision Made By:</b>	<b>May be Appealed to (Appellate Officer):</b>
Administrative hearing officer (OJA Representative or Coordinator of Residence Judicial Affairs)	Dean of Students
Coordinator of Residence Judicial Affairs (After Residence Area Directors or ARJ hearing)	Dean of Students
OJA Administrator (After AGJ hearing)	Dean of Students
Dean of Students (After AUJ hearing)	Vice President for Student Affairs

### 6.9 Status during Appeal

Any sanction imposed as a result of a hearing with a lower board will remain in effect during the process of appeal. The Dean of Students and the Vice President for Student Affairs have the authority, under extenuating circumstances, to defer the imposed sanction while an appeal is in process. Granting of deferral may be conditioned upon agreement to reasonable conditions.

### 6.10 Procedure: Decision

After receiving all written statements, the Appellate Officer may rule, or may ask for the parties to present short oral arguments. The Appellate Officer may do one of the following:

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- Affirm the decision below.
- Reverse the decision below by finding that no violation of the Conduct Code occurred.
- Remand the case for a new hearing.
- Remand the case for consideration of new evidence.
- Reduce the sanction(s).

The decision of the Appellate Officer will be based upon the record and the materials submitted by the parties. The decision and the reasons for the decision will be sent to the accused, to the Office of Judicial Affairs, the Hearing Board Chair, and the Dean of Students. The decision of the Appellate Officer shall be the final decision of the University, subject to review as provided in Section 6.11. If the decision is anything other than upholding the decision, the OJA will inform the Complainant.

### 6.11 Review of Final Decision

#### 6.11.1 President's Discretionary Review

A student or student organization may request the President review the final decision of the Appellate Officer. The President has discretionary authority to grant or deny the request. See Section 3.2.

When the President decides to review the decision of the Appellate Officer, the President's decision becomes the final decision of the University.

#### 6.11.2 Board of Regents

The Board of Regents may review the final decision of the University. See Section 3.1. Any review by the Board of Regents will be determined under the Rules and Procedures established by that agency.

#### 6.11.3 Judicial Review

A final decision by the Board of Regents may be reviewed by an Iowa District Court as provided in the Iowa Administrative Procedure Act. See Iowa Code Chapter 17A.

## 7. Reinstatement

Students or student/campus organizations who are suspended for a defined period with conditions on return, or who are suspended indefinitely, must apply for reinstatement. See Section 5.6.4(i), above. Applications for reinstatement must be filed on a form provided by the Dean of Students Office. To assure sufficient time for review, the application should be filed at least two months in advance of the requested date of return.

In order to be reinstated, the student must:

- If the student has been absent for a period of twelve months or more, he or she must follow University procedures for reentry (See, ISU Bulletin, Withdrawal and Reentry);
- File a petition for reinstatement with the Dean of Students indicating the basis for the request, including evidence of compliance with any conditions for reinstatement, if any;
- Supply evidence of good behavior and ability to make academic progress, such as statements from employers, educational institutions and/or counselors; and
- Supply documentation as requested by the Dean of Students supporting reinstatement.

In order to be reinstated, the student/campus organization must:

- File a petition for reinstatement with the Dean of Students indicating the basis for the request, including evidence of compliance with any conditions for reinstatement, if any; and
- Supply documentation as requested by the Dean of Students supporting reinstatement.

The Dean of Students will:

- Review the information provided by the student or student/campus organization;
- Review the student's or student/campus organization's disciplinary and academic records;
- Request a statement from any person who filed the complaint leading to suspension, if that person is still a member of the University community, and consider any such statement;
- Issue a determination as to whether the student or student/campus organization will be reinstated.
- The determination of the Dean of Students may be appealed to the Vice President for Student Affairs.

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### 8. **Records of Disciplinary Actions**

Disciplinary records will be filed in the student's or student organization's disciplinary file in the Office of Judicial Affairs consisting of a statement of charges, summary of the information presented at the hearing, findings and sanctions of the administrative hearing officer or hearing body, records of appeals and rationale for the decisions. Copies of student records from the lower hearing boards will be filed in the Office of Judicial Affairs.

Student disciplinary records are normally maintained in the Dean of Students Office for a period of seven years, after which the file records may be purged. Records may be maintained for a longer time at the discretion of the University except that the tape recording of any hearings may be destroyed one semester following the exhaustion of all appeals.

Individual student disciplinary records are confidential; nothing from them appears on a student's academic transcript. Persons desiring access to disciplinary records may do so by securing a written waiver from the student whose record is requested.

Records of violations by student/campus organizations may be transmitted for inclusion in the organization's file in the Campus Organizations Office.

If the student is suspended or expelled, a notation will appear on the transcript that the student has been dropped due to disciplinary action and is not eligible to enroll.

### 9. **Amendment**

The University Student Disciplinary Regulations may be amended through the routine decision-making process of the university and appropriate notification to the University community through the Iowa State Daily.

Any organizations or members of the University community may propose amendments by providing a written proposal to the Dean of Students.

At least every five years, and sooner when the Dean of Students determines it is necessary, a committee shall be established by the Vice-President of Student Affairs to review the current Student Disciplinary Regulations and recommend any amendments to the University community. Amendments to the University Student Disciplinary Regulations will not be effective until approved by the President and published in the Iowa State Daily.

This amendment procedure shall not be construed to supercede the Board of Regents policy that places authority in the President to declare a state of emergency and sanction any person who is found to have violated a presidential order concerning a declared state of emergency.