Welcome to North Dakota State University. I am pleased you have chosen to be part of our community. The concept of community is one that you will hear and read about frequently during your time at NDSU. Richard Keeling, a well-recognized leader in higher education, defines community as a place “where members are aware that their individual decisions affect others; a place where members are not indifferent toward one another.” (Richard Keeling, 1998)

Members of the NDSU community are expected to uphold certain responsibilities and expectations. On the other hand, as an old advertising campaign stated, “membership has its privileges.” As a student at NDSU, you have the right to learn and engage in an environment that is supportive of and conducive to:

- personal growth, acquisition of knowledge and skill enhancement,
- free exchange of thoughts and ideas in a civil and respectful manner and
- student participation in the governance of the university through Student Government and other leadership opportunities.

Maintaining this type of environment on campus requires each member of the community to accept responsibility for his/her actions. To help students understand how their individual decisions impact others, we have identified two key values upon which behavior expectations have been built.

1. Respect for the NDSU community and  
2. Respect for the protection and rights of others

I believe that by embracing these core values, each member of the community will assist in maintaining the delicate balance between the rights of individuals and the rights of the overall community.

I hope that your time at NDSU is positive, productive and memorable. Please let me know how I can be of help to you.

Sincerely,

Janna Stoskopf  
Dean of Student Life

**Student Rights & Responsibilities Mission**

In support of the university’s mission, the Student Rights and Responsibilities program fosters the development of personal accountability and commitment to community by helping students understand how individual decisions affect themselves and others.
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Introduction
Higher education plays a vital role in educating future leaders by providing students with educational opportunities inside and outside the classroom. The more time and energy students invest in educationally purposeful activities, the more they gain from their education. Learning is as much a social activity as a solitary endeavor.

To ensure NDSU students have an opportunity to gain the most from their education, they are encouraged to participate as committed citizens of the community by acting in a civil and responsible manner, accepting responsibility for actions and serving as a positive role model for others. Citizenship includes knowing and following local, state and federal laws, and the university’s Code of Student Behavior. Every NDSU student has the responsibility to observe and help maintain a code of personal behavior that contributes to the educational effectiveness of the university.

The Code of Student Behavior identifies core values important to an educationally purposeful environment. These values are Respect for the NDSU Community and Respect for the Protection and Rights of Others. Our goal with this code is educational and developmental as we work with students.

Respect for the NDSU Community
All NDSU stakeholders have a responsibility to respect the NDSU community. It is vital for all individuals to conduct themselves in a manner that does not negatively affect the educational mission of the university or the welfare of themselves or others. This includes promoting an environment conducive to learning and nurturing a sense of shared and mutual community responsibility. Community also involves awareness of how personal decisions affect others.

Respect for the Protection and Rights of Others
A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment. Behaviors that inhibit the educational process are of concern, whether they occur on or off university premises.

Participation in Conflict Resolution Process
The university’s goal is to work with students in an educational and developmental manner, and to assist them to reflect on and grow from their personal experiences. For this reason, other persons may not participate in the conflict resolution process; however, a person may be present as an adviser for the student.

General Complaint Procedures
The Vice President for Student Affairs Office has established a procedure for students to file complaints regarding student concerns or other issues, provide for orderly collection of information, address students’ complaints in a timely manner by appropriate university personnel, and help students learn effective conflict resolution skills. Complaints regarding student behaviors covered in this code will be resolved according to procedures described in this document. Complaints regarding non-students or student organization constitutional/procedural issues may be resolved by other means, including, but not limited to, student court, organizational standards boards, mediation and honor commissions.

To assist students in stating the problem and desired resolution, a form is available in the Vice President for Student Affairs Office, Old Main 100, the Dean of Student Life Office, Memorial Union 250, or online at www.ndsu.edu/fileadmin/vpsa.ndsu.edu/ProblemsProcedure1.pdf. Students also may arrange a meeting with the associate director of student rights and responsibilities, Memorial Union 250, any time during the process for advice and direction in resolving the problem.
1. Preamble
The president of NDSU is charged with the responsibility for development and administration of institutional policies and rules governing the role of students and their behavior. The president also has the responsibility of establishing guidelines for student behavior that set forth behavioral standards and provide for appropriate procedures and sanctions for violation of those standards, consistent with procedural fairness (North Dakota State Board of Higher Education Policy Manual, 305.1). The president has delegated student behavior responsibilities to the vice president for student affairs, while retaining the role as final arbiter in selected cases. The vice president has assigned the dean of student life to carry out these functions.

A Code of Student Behavior contains statements of university policies relevant to student life. Development and enforcement of these standards of behavior are an educational endeavor designed to foster students’ personal, social, and ethical development. This document forms the basis for student behavioral expectations as a member of the NDSU community. The enforcement of these standards serves to promote the protection of the rights, responsibilities, and health and safety of members of the NDSU community so its members may pursue their educational goals without undue interference and the personal growth of students in conflict with the code.

The Dean of Student Life Office developed the content of this code with input from a committee of individuals that included various members of the Division of Student Affairs and student, faculty and staff representatives, in consultation with the vice president for student affairs and the Office of General Counsel.

Contents of the code may be subject to change prior to the reprinting of this document. If changes are made, documents relating to the changes will be available from the Vice President for Student Affairs Office or the Dean of Student Life Office, printed in the Spectrum or other appropriate university publications, and/or communicated to students through official university electronic media. These changes will be included in future code revisions. An attempt also has been made to reference local, state or federal laws that complement university policies.

Questions should be referred to the Dean of Student Life Office, 250 Memorial Union.

2. General Behavior Code

2.1 General Student Responsibilities
Every NDSU student has the responsibility to observe and help maintain a code of personal behavior and social relationships, at all times, on and off campus, that will positively contribute to the educational effectiveness of the university and the student’s own personal growth. To this end, all students are expected to observe the university standards published in this code and those outlined in any other university policies, procedures, contracts or license contracts published elsewhere. In addition, students are expected to observe the laws of the community, the state, the nation and relevant jurisdictions when touring and/or studying abroad.

2.2 Persons Covered Under This Code
For the purpose of this document, “student” is defined as any individual who has been admitted to the university, was previously enrolled in the university, uses university resources for purposes related to the university’s educational mission, including, but not limited to, performing research and taking classes. Visitors attending an on-campus event also may be covered under this code. Students no longer enrolled in the university may be held accountable under this code for those offenses committed after they were admitted and before they left the university. Student organizations are held to the same behavioral standards that apply to individual students.

2.3 On Campus Living Requirement
All first-year students are required to live on campus. For more information, contact the Department of Residence Life.

2.4 Official University Communication
To facilitate correspondence between the student and the university, NDSU will first use the student’s email address as provided by the university. This address is considered the official form of communication for all purposes (see NDSU Policy 609). If correspondence is unsuccessful, NDSU will attempt to use alternate email addresses in university records, and as a last resort, will use local and other U.S. mail addresses on file with NDSU. It is the student’s responsibility to maintain the accuracy of all personal data. Failure to receive important university communications due to out-of-date personal information will not relieve the student of any university obligations. It is required that students continue to monitor the university provided email account at all times and it is recommended that students forward U.S. mail during extended university breaks.

2.5 Personal Inappropriate Behavior Not on University Property
General Information. The university may discipline a student for acts of personal inappropriate behavior committed outside of university property if the acts:

a) Occur during the course of or in conjunction with university activities that are being conducted off the university campus;

b) Relate to the safety and security of the university community and its members, integrity of the educational process, or interests of the university;

c) Relate to previous conflicts between the student and university behavioral standards.

For example, the university routinely processes police reports provided to the university when the subject of such reports involves illegal or abusive use of alcohol and/or other drugs, loud/noisy party disturbances, violence or other serious crimes. When law enforcement agencies report such activities to NDSU that involve students, the university may pursue charges under this code against all NDSU students identified on such reports.

Other off campus behaviors addressed may include, but are not limited to, the following: altering academic transcripts; assault; arson; battery; drug trafficking; forgery; fraud; harassment as defined in this code; hazing; rape; sexual assault and/or sexual misconduct; trafficking in term papers; unauthorized use of a computer off campus to obtain access to information on campus; possession or consumption of an alcoholic beverage by any student who has not reached 21 years of age; furnishing false identification or otherwise making a false representation about one’s age for the purpose of buying, receiving or otherwise obtaining alcoholic beverages; and selling, giving away or otherwise distributing an alcoholic beverage to any student who has not reached 21 years of age.
Tri-College Policies
NDSU students who are charged with a violation of institutional policy at Concordia College or Minnesota State University Moorhead will be referred to NDSU and may be subject to action under this code.

2.6 NDSU Student Employees
When students commit acts that potentially violate this code while in their capacities as student employees of NDSU, the university reserves the right to review those potential conflicts when provided sufficient information to proceed with action under this code. When viewed as appropriate, NDSU may pursue resolution of those conflicts under this code in addition to any other personnel actions that may be taken against the students as employees.

2.7 Inappropriate Behavior by Student Athletes
Because of their relationship with the university, student athletes are responsible for observing the content of this code as well as the Student Athlete Code of Conduct and their specific team rules. For this reason, student athletes may face hearings under both codes with different findings and/or sanctions imposed. If civil and/or criminal charges are pending, the student athlete may answer separately to three different jurisdictions for the same set of circumstances. The university may proceed before, during or after the proceedings of the other two jurisdictions. Because the university’s and the athletic department’s procedures are educational and not criminal in nature, such separate procedures do not constitute double/triple jeopardy.

2.8 Inappropriate Behavior by Other Student Leaders
Because of their relationship with the university and roles within student organizations, student leaders are held to a higher level of personal accountability than other students. Each organization is responsible for reporting to the Student Activities Office those office holders who are considered organizational executives. These leaders may be held accountable under the code both in their leadership capacity and their individual capacity as NDSU students. If legal charges are pending, student leaders also may answer to civil and/or criminal courts for the same set of circumstances. Because the university’s procedures are educational (administrative) and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The university may proceed before, during or after legal proceedings, and does not typically wait for a court finding.

2.9 Inappropriate Behavior by Students in Specialized/Professional Programs
Some NDSU academic programs have established professional standards of behavior in addition to those required of all other students. Students in such programs that have established higher behavioral standards will be held accountable under the Code of Student Behavior, and at the same time, may face additional behavioral action related to their respective academic programs. As noted in 2.8, for the same reasons, these educational proceedings do not constitute double/triple jeopardy, even when criminal or civil actions may be pending from the same set of circumstances. The university may proceed before, during or after legal proceedings, and does not typically wait for a court finding.

2.10 Unlawful Behavior by Students
When students commit acts that are also violations of community, state or federal laws, on or off campus, those students will be subject to the same civil and/or criminal penalties as any other citizen in addition to campus resolution. Campus resolution of such acts may proceed before, during or after the civil or criminal proceedings have concluded. Because the university uses a lower standard of proof in code proceedings than used in criminal courts, differing judgments may result. In upholding university conduct standards, university conclusions also may vary from those resulting in civil courts over the same fact patterns. Since campus actions are educational and take the university’s interests into account, such simultaneous actions do not constitute double jeopardy.

2.11 Attempts
Individuals who attempt to commit acts prohibited by the standards of this Code of Student Behavior may be charged, found responsible and sanctioned to the same extent as if they had committed the prohibited acts.

2.12 Bias-Motivated Violations
Any code violation that is determined to have been motivated by hate based on age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate. North Dakota State University does not discriminate on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran. Direct inquiries to the Vice President for Equity, Diversity and Global Outreach, 205 Old Main, (701) 231-7708.

2.13 Repeated Code Violations
Repeated violations of this code are relevant in determining a student’s continued membership in the university community. Progressively more severe sanctions, including suspension or expulsion from the university, may be assigned, depending on the nature of the violation(s).

2.14 Designees
Administrators identified in this document may designate one or more individuals to act on their behalf.

2.15 Final Code Authority
Behaviors described in this code are illustrative rather than exhaustive. In the event there arises some ambiguity, inconsistency or need for clarification of these statements, such definition, interpretation or clarification will be determined at the discretion of the dean of student life, from whom any student, staff or faculty member may request written clarification. Final authority for interpretation of this code lies with the vice president for student affairs.

3. Behavior Expectations and Responsibilities
The following sections outline forms of behavior that are inappropriate in a university community and have been organized into two groups: Respect for the NDSU Community and Respect for the Protection and Rights of Others. Inappropriate behaviors outlined here are not intended to be exhaustive. Instead, they are intended to assist students to avoid conflicts with university policies and other members of the university community. Students will find that following these policies will protect the rights and freedoms of everyone in the university community.
QUESTIONS?
Contact the Office of the Dean of Student Life, Memorial Union 250
4. Respect for the NDSU Community

This section communicates the importance of conducting oneself in a manner that supports the educational mission of the university and does not adversely affect the rights and welfare of oneself and others. Respect for the NDSU community includes promoting an environment conducive to learning and nurturing a sense of shared community responsibility.

4.1 Violations of Law

The university reserves the right to address any behaviors occurring on or off campus that may be construed as potential or alleged violations of local, state or federal laws.

4.2 Complicity in Prohibited Acts

There are two types of complicity. The first is knowingly, recklessly or willfully encouraging or assisting others to commit acts prohibited by this code. The second type is, when in the presence of a potential code violation, students fail to do one or more of the following:

a) Personally confront those involved and stop the violation, except in cases of violence;

b) Bring the violation to the awareness of a staff member;

c) Leave the scene of the violation, if not responsible for the space in which the violation is occurring. Complicit students may be sanctioned to the same extent as if they had committed the prohibited act.

Students are accountable for their guests’ behavior and may be sanctioned under this provision as if they had committed the violations themselves.

4.3 Alcohol/Drug Use

NDSU maintains an alcohol/drug free campus, subject to minor exceptions noted below. Section 155 of the NDSU Policy Manual: Alcohol and Other Drugs applies to students, campus organizations and employees, regardless of the individual’s age. (See Section 155: Unlawful and Unauthorized Use by Students and Employees at www.ndsu.edu/policy/155.htm).

4.3.1 Alcohol on NDSU Property

Manufacture, sale, transfer, purchase, transportation, possession, use or consumption of an alcoholic beverage anywhere on NDSU property (including university vehicles, regardless of location), are all prohibited. Exceptions may include lawful possession of alcohol in on-campus professional staff residences, fraternity houses (in certain circumstances), president’s residence and other special exceptions as granted in writing by the president. Special exceptions must be educational in nature and comply with requirements outlined in section 4.3.8 of this document.

4.3.2 Behaviors While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code while a person is on university owned or controlled property, or at an NDSU sponsored or supervised function, and the person:

a) Endangers, or may endanger, the safety of others, property or themselves; or

b) Causes a disturbance.

4.3.3 Minors in Possession/Consumption/Under the Influence of Alcohol While on Campus

As students under the age of 21, being under the influence of possessing, manufacturing, exchanging, distributing, purchasing, using or selling alcohol on NDSU owned or controlled property, or at NDSU sponsored or supervised events, is prohibited.

4.3.4 Driving While Under the Influence of Alcohol or Other Drugs

Driving while under the influence of alcohol or other drugs, regardless of location, is prohibited.

4.3.5 Possession of Alcohol Beverage Container

Possession or display of empty alcohol beverage containers, including but not limited to cans, bottles and kegs, on the NDSU campus, including those held by unauthorized individuals for the purpose of recycling, is prohibited.

4.3.6 Alcohol at Student Organization Events

Recognized NDSU student organizations planning off campus events at which alcohol may be available (within the premises where the event takes place) must complete and file with the Student Activities Office, Memorial Union 120, an Event Risk Management Planning Notification Form, available in the Student Activities Office and online at www.ndsu.edu/mu/about_mu/forms. Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold/served by a licensed third party vendor. Policies for event planning include:

4.3.6.1 Events/Parties at which Alcohol May be Present

Open events/parties, at which alcohol may be present, are prohibited by the university. Open events/parties are defined as those with unrestricted access by non-members of the organization.

4.3.6.2 Closed events/parties, at which alcohol may be present, are defined as those requiring restricted access by members of the organization and identified guests. These events/parties require guest lists that must be submitted to the Student Activities Office, Memorial Union 120, during normal business hours at least 24 hours prior to the event.

4.3.6.3 Use of Student Organization or Public Funds

Student organization or public funds may not be used for the purchase of alcoholic beverages.

4.3.6.4 Sale of Alcoholic Beverages

Sale of alcoholic beverages by students and student organizations is strictly forbidden. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups and selling drink tickets. Alcohol sales may be conducted only by licensed third party vendors and made available only in individual serving containers.

4.3.6.5 Common Sources of Alcohol

Common sources of alcohol, such as party balls or kegs, are not permitted.

4.3.6.6 Activities and Promotions

No activities or promotions shall encourage excessive and/or rapid consumption of alcoholic beverages. This includes contests, drinking games and discounts or special pricing of alcoholic beverages. Use of alcohol at any such events is expected to be lawful and responsible.

4.3.6.7 Alcoholic Beverages as Prizes

Alcoholic beverages (such as kegs or cases of beer) may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift...
cards used for establishments with a liquor license must include the statement, “Not valid for purchase of alcohol.”

4.3.7 Advertising Related to Alcohol
Alcohol promotional activities, including advertising, shall not be associated with otherwise existing campus events, programs or campus organizational functions on or off campus. This includes, but is not limited to, such items as cups, frisbees, T-shirts, backpacks, beverage can/bottle coolers and any other items carrying alcohol/beer advertising. Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines:

4.3.7.1 Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse or promote alcohol specials such as two for ones, happy hour drink specials or any ads that encourage rapid and extensive consumption of alcohol.

4.3.7.2 Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.

4.3.7.3 Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with performance of tasks that require skilled reactions such as operation of motor vehicles or athletic performance.

4.3.7.4 Advertising of establishments that sell alcohol shall include a statement of low-risk such as “know when to say when” or “please use our products legally and in a responsible manner.”

For additional policy details, consult Section 155, the Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees, the Event Risk Management guidelines and the Greek Life Initiatives and Action Plan (policies are available in the Student Activities Office, Memorial Union 120, and online at www.ndsu.edu/MU).

4.3.8 Exceptions to Alcohol/Drug Use
Full or empty alcohol containers and/or drugs may be used in educational programs with educational purposes when officially requested by and conducted under the direction of university administrators with prior written approval from the president. Exceptions may be made as expressly permitted by law or as required for scientific research or teaching under the direction of faculty supervision. Programs that serve as fundraisers or at which admission is charged will not be eligible for exceptions to the alcohol policies.

4.3.9 Good Samaritan Responsibilities
4.3.9.1 Student Hosts
Student hosts have the responsibility to ensure the well being of their guests wherever events occur. If a guest needs emergency medical attention, student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may be potentially subject to additional civil and/or criminal liability.

Student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

4.3.9.2 Students
All students are expected to protect the well being of fellow students and others wherever events occur. If a person needs emergency medical attention, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability. Students who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

4.3.10 Drugs Other Than Alcohol
Drugs other than alcohol may include, but are not limited to, marijuana, K2, hashish, hash oil, cocaine, crack, Khat, LSD, inhalants, salvia divinorum, stimulants, depressants, hallucinogens, narcotics, designer drugs, anabolic steroids and other substances that alter one’s mental state.

4.3.10.1 Possession, Consumption, Being Under the Influence of Drugs Other than Alcohol
Possession, consumption and being under the influence of drugs other than alcohol are prohibited, except pursuant to a physician’s, dentist’s or other authorized medical personnel’s prescriptions.

4.3.10.2 Transport, Manufacture, Exchange, Distribution, Purchase, Use, Sale of Illegal Drugs
Transport, manufacture, exchange, distribution, purchase, use, sale of illegal drugs or any other controlled substances is prohibited except pursuant to a physician’s, dentist’s or other authorized personnel’s prescriptions.

4.3.11 Possession of Drug Paraphernalia
Possession of drug paraphernalia for illegal drug use is prohibited.

4.3.12 Off Campus Alcohol and/or Other Drugs
Students may face campus charges for alcohol and/or drug-related behaviors occurring off campus. Such reports generally come to the university in the form of a summons to court and/or police reports for loud party, noisy party/gathering, minor in possession/minor consuming/minor under the influence of alcohol, failure to disperse (from a loud party), consuming alcohol in public, driving under the influence of alcohol or other drugs, urinating in public, or other similar violations of law. Covered in this section are any other alcohol and/or other drug violations of law reported to NDSU by any law enforcement or other agencies.

4.3.13 Noisy (Loud) Parties/Public Disturbances
Students may face campus charges for participation in or hosting of noisy or loud parties or other public disturbances on or off campus. Loud parties consist of two or more individuals whose behaviors lead to noise complaints.

4.3.14 Smoking
Smoking is prohibited on the North Dakota State University grounds and in university buildings, residence halls, apartments and enclosed structures. (www.ndsu.edu/policy/153.htm)
4.4 Animals
Privately owned animals are prohibited in campus buildings, with the exception of fish. Outdoors, ani-
mals must be on a leash, must be under control of the
owners or their designees at all times and should not
be left unattended. Owners are responsible for any
health or safety issues that may arise concerning the
presence of these animals on university properties
and at NDSU sponsored or supervised events. Ques-
tions may be directed to the facilities management
director, Thorson Maintenance Center.

4.4.1 Service Animals
Service animals that assist persons with disabilities
are welcomed as provided under federal law. “Ser-
vice Animal,” as defined by the Americans with Dis-
abilities Act, means a guide dog, signal dog or other
animal individually trained to provide assistance to
an individual with a disability. Service animals perform
some of the functions and tasks an individual with a
disability cannot perform for him/herself in activities
of normal living. Service animals must be on a leash,
must be under control of the owners’ or their design-
ees at all times, and should not be left unattended.
Owners are responsible for any health or safety issues
that may arise concerning the presence of these ani-
mals on university properties and at NDSU sponsored
or supervised events. Students with a disability who
regularly utilize a service animal are required to regis-
ter with the Disability Services Office, and, if necessary,
to establish that an animal meets the service animal
definition above, and to provide documentation of the
disability within a reasonable period of time.

Service animals may not reside in university housing
without expressed approval from Residence Life. Such
requests will be processed as follows: A requesting in-
dividual should provide appropriate documentation to
the Disability Services Office at least 60 days before
housing is needed for the service animal. The Disabil-
ity Services Office staff will review the documentation
and arrange for conversations between the assistant
director for residence life operations, person making
the request and a disability services staff person to
facilitate the accommodation. See University Policy
100.2 for further information about service animals.

4.5 Bad Debts/Financial Responsibility
4.5.1 Payment
All students must pay in full any debts to NDSU, includ-
ing, but not limited to, tuition/fees, room/apartment
and meal plan charges, long distance telephone bills
and library fines. Any failure to meet these obligations
may result in a denial of registration, denial of occupa-
cency and/or continued occupancy of any university
residence life accommodation, refusal to release a
diploma upon graduation, or refusal to forward an
official transcript, unless the student has filed for bank-
rupancy or the debt has been discharged under federal
bankruptcy laws. For the complete text of the NDSU
Collection Policy, please consult the Customer Ac-
count Services staff or www.ndsu.edu/policy/513.htm.

4.5.2 Financial Aid Misuse/Abuse
Misusing financial aid through fraud or abuse is pro-
hibited.

4.5.3 Student Organization/Individual Debt
NDSU bears no responsibility for financial obligations
of individual students or student organizations. Any
debts incurred, either on or off campus, by students
or student groups will be the responsibility of the
organization and its leadership. In the event an organi-
zation dissolves and is no longer in existence, individu-
als holding leadership positions at the time the debt
was incurred will maintain responsibility for settling
outstanding debts.

4.5.4 Creditors
NDSU will normally take no action on behalf of credi-
tors in the case of debts incurred by students, student
organizations or other student groups. NDSU officials
will not use the power of the state to act as a collec-
tion agency for private debts of students.

4.6 Copyright
For more information, go to www.ndsu.edu/its/intel-
lectual-property-copyright.

4.6.1 Intellectual Property Infringement
Reproduction of any copyrighted materials without
authorization is prohibited. When reproducing or dis-
distributing information, users are responsible for obser-
vation of copyrights and other intellectual property
rights of others and all state and federal laws, insti-
tutional and North Dakota University System (NDUS)
policies. Generally, materials owned by others cannot
be used without the owner’s permission. Written con-
sent from the copyright owner is normally necessary
to reproduce or distribute copyrighted material. There
are some exceptions, such as fair use in teaching and
in research. Documentation of consent to use copy-
righted materials must be kept on record and made
available to institution officials upon request. NDUS
assumes no obligation to monitor users for infringing
activities, but will, when such activities are called to
the appropriate official’s attention, investigate to de-
termine if there is likely infringement and take approp-
riate action.

4.6.2 Trademarks
Users also should be careful of unauthorized use of
trademarks. Trademarks are words, names or sym-
ols that serve as source identifiers of a company’s
or institution’s products. Certain uses of such marks
are prohibited. For additional information and guidance,
please see NDUS Policy Manual 700.1, Use of Univer-
sity Name.

4.6.3 Use of NDSU's Name
Use of NDSU's name without prior authorization is
prohibited. For additional information and guidance,
please see NDUS Policy Manual 700.1, Use of Univer-
sity Name.

4.6.4 Sale of Class Lecture Notes/Materials
Students are prohibited from transferring their class
lecture notes or instructor provided materials for com-
mercial purposes unless approved by the course in-
structor. In addition to copyright issues raised by such
practices, commercial sales or transfers may interfere
with the educational purposes of the instruction and
potentially inhibit free discussion of ideas central to
the academic purposes of instruction at NDSU. Note: This policy does not prevent note taking provided as part of an ADA accommodation.

4.7 Computer Related Inappropriate Behavior
Please see NDUS Policy Manual Section 158: Accept-
able Use of Electronic Communications Devices: www.ndsu.edu/policy/158.htm and the State Board
of Higher Education (SBHE) Policy Manual Section
1901.2, Computing Facilities: www.ndus.edu/makers/
procedures/sbha/default.asp?PID=126&SID=11.
If additional questions remain, contact the Information Technology Services Help Desk in IACC for additional guidance at http://its.ndsu.edu.

Following are common violations found in the two policies noted above. For a complete listing, please view both documents above.

4.7.1 Unauthorized use, sharing, lending or borrowing of an account is prohibited.

4.7.2 Using computer services or facilities for purposes other than those for which the account was issued is prohibited.

4.7.3 Using university network resources and services to play or store game programs is prohibited.

4.7.4 Using the university’s computer system for commercial purposes without written authorization of the Information Technology Security Officer is prohibited.

4.7.5 Copying, altering or destroying the files or output of another individual without the express permission of that individual are prohibited.

4.7.6 Altering system software or hardware configurations, or disrupting or interfering with the delivery or administration of computer resources are prohibited.

4.7.7 Misrepresenting oneself as another individual or entity in electronic communication is prohibited.

4.7.8 Downloading
   a) Using the university’s network system to download copyright protected media including, but not limited to, books, music, movies, television programs, games and software without proof of purchase or permission is prohibited.
   b) The university establishes bandwidth limits for students, faculty and staff. When an individual exceeds that limit, cooperation with Information Technology Services (ITS) staff is mandatory to remedy excess use.

4.7.9 Sharing Without Written Permission
Using the university’s network system to share or distribute copyright protected media, including but not limited to books, music, movies, television programs, games and software without written permission is prohibited.

4.7.10 Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons is prohibited.

4.7.11 Using the university’s network system to enter obscene material into university-owned computers or send obscene material through the Internet or any other electronic system is prohibited.

4.7.12 Any other violation of university or NDUS policies governing electronic communications, as referenced above, is prohibited.

4.8 Deception/Falsification/Misrepresentation
4.8.1 Withholding or providing false information is prohibited.

4.8.2 Falsely representing an entity and/or committing or using the resources of an entity without proper authorization is prohibited.

4.8.3 False Accusations
Knowingly, intentionally or recklessly making false accusations of inappropriate behavior against another individual; providing false information or falsified evidence with the intent of harming another person; or attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution are prohibited.

4.9 Disruption of University Business
4.9.1 Disruption or obstruction of university business, such that the function or service is materially or substantially disrupted or obstructed, is prohibited. University business includes (but is not limited to); teaching, research, administration, public service functions, meetings of university committees or boards, or any other authorized university activity or organization on or off university premises.

4.9.2 Obstruction of ingress or egress to any university facility, or intentional obstruction that unreasonably interferes with freedom of movement, both pedestrian and vehicular, on campus is prohibited.

4.9.3 Unauthorized entry on the performance area or spectator areas of any university event, including, but not limited to, athletic contests, exhibitions, musical or theatrical events, or any other events is prohibited.

4.10 Gambling
Illegal gambling at any time and in any form is prohibited. Internet gambling is illegal in North Dakota. Individuals may not gamble on university athletics. (Raffles or lotteries require a permit from the City of Fargo. Permit applications can be obtained from the City Auditor’s Office. See Section 8.1.4.)

4.11 Failure to Comply
4.11.1 Failure to comply with the instructions or directions of all university personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, recklessly obstructing or delaying any university proceedings, failing to cooperate with an investigation, resisting or fleeing a police officer, failing to comply with assigned university behavior sanctions, or engaging in verbal and/or physical abuse directed toward any university personnel.

4.11.2 Failure to comply with the instructions or directions of all emergency response personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, obstructing or delaying emergency response personnel, resisting or fleeing a police officer, or engaging in verbal and/or physical abuse directed toward any emergency personnel.

4.12 Identification
Students are expected to carry university identification at all times. Failure to produce either a university identification card or a driver’s license upon request by any university personnel in the performance of their duties is prohibited.

4.13 Bribery
Offering, giving, receiving or soliciting anything of value to influence the official decision or action of university personnel, or a person in a position of trust or influence, is prohibited.

Students are expected to complete their own academic assignments and responsibilities including, but not limited to the taking of exams, completion
of assignments/projects, and writing papers. Bribery
others to fulfill or otherwise attempt to evade these
academic responsibilities is prohibited.

4.14 Misuse of Proprietary Information
Unauthorized use or misuse of proprietary informa-
tion, in whatever form, is prohibited. “Proprietary”
means property in which the university or its employ-
ees and/or students have a legal interest or responsi-
bility to maintain confidentiality (see NDSU Policy 343,
Confidential Proprietary Information).

4.15 Property Violations
Property violations are prohibited and include, but are
not limited to, behaviors that would commonly con-
stitute criminal violations, such as burglary, robbery, theft, possession of stolen property, trespassing and vandalism.

4.15.1 Arson
Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another is prohibited.

4.15.2 Burglary
The unlawful entry into a building or another structure with the intent to commit a felony or theft is prohibited. This includes, but is not limited to, unlawful entry with intent to commit a larceny or felony, housebreaking and safecracking. Attempts to commit the aforesaid would constitute a violation of this policy.

4.15.3 Robbery
The taking of, or attempting to take, anything of value under confrontational circumstances from the control, custody or care of a person or persons by force or threat of force or violence or by putting the victim in fear is prohibited.

4.15.4 Motor Vehicle Theft
The theft or attempted theft of a motor vehicle is pro-
hibited. This includes, but is not limited to, persons having unlawful access even though the vehicle is later abandoned, such as joyriding.

4.15.5 Theft of Property
Theft or removal of property belonging to the univer-
sity or another individual is prohibited. This includes,
but is not limited to, furniture, artwork, plants, elec-
tronics, books, window screens and signs.

4.15.6 Theft of Services
Using university services to which one is not entitled
is prohibited. This includes, but is not limited to, using campus laundry services intended only for campus residents, using parking services not purchased, using parking lots other than those assigned by campus personnel, and unauthorized use of university print-
ing services.

4.15.7 Vandalism
The willful destruction or defacement of property
belonging to the university or another individual is prohibited. This includes, but is not limited to, writing on or tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and intentionally breaking or damaging property.

4.16 Sales
Unauthorized sales or solicitations in residence halls,
university apartments, or in any other campus buildings
are prohibited at any time. For questions regarding
sales in the Memorial Union, see the Memorial Union
director, Room 246. For questions regarding sales in
residence life facilities, see the senior associate direc-
tor of Residence Life, West Bison Court. For questions
concerning sales in any other areas, begin the inquiry
at the Dean of Student Life Office, Memorial Union,
room 250.

4.17 Traffic Safety and Parking Enforcement
University traffic and parking regulations are ap-
proved by the University Senate upon recommenda-
tion of the Campus Space and Facilities Committee.
The complete current rules are published in a separate pamphlet titled “NDSU Parking Regulations” which
may be obtained from the NDSU Parking Office, Thor-
son Maintenance Center or online at www.ndsu.edu/
parking/dox/parking/ParkingBrochure.pdf. Following
are common violations described in the NDSU Park-
ing Regulations brochure:

Traffic Regulations, as Governed by NDSU Police:

4.17.1 Improper operation of motor vehicles on cam-
pus including, but not limited to, driving on sidewalks
or grass, is prohibited.

4.17.2 Failure to cooperate with the lawful direction
of traffic enforcement personnel in the performance
of their duties is prohibited.

4.17.3 Failure to report an accident that occurs on the
NDSU campus, or involves an NDSU official vehicle, in
the manner and time limit required by law or by uni-
versity regulations, is prohibited.

4.17.4 Failure of persons in motorized vehicles or on
bicycles, skateboards, roller blades and/or scooters to
yield the right of way to pedestrians or abide by any
traffic laws is prohibited.

Parking Regulations, as Governed by the Parking
Enforcement Office:

4.17.5 Falsifying registration information, reproducing,
defacing, forging, altering, obscuring or transferring
a permit is prohibited. Retaining and using a found
permit also is prohibited. Parking permit theft may be
processed under this code in place of or in addition
to filing of criminal charges for theft of services. Upon
completion of investigations by university police and
the NDSU Parking Office, sanctions and/or fines may
be administered. Only the NDSU Parking Office is au-
thorized to re-sell permits.

4.18 Unauthorized Entry/Use of Facilities

4.18.1 Unauthorized entry onto the property of the
university or into a university facility or any portion
thereof that has been reserved, restricted in use or
placed off limits; unauthorized presence in any uni-
versity facility after closing hours; and unauthorized
possession or use of a key/access card to any uni-
versity facility are prohibited. Unauthorized activities
shall include, but are not limited to, entry, use or oc-
cupancy to which students are not permitted by vir-
tue of enrollment, employment, class schedule, and/
or gender in facilities restricted by gender. University
areas that are restricted include, but are not limited to,
all building roofs, fire escapes, steam tunnels, elevator
shafts, equipment and mechanical storage rooms and
construction sites. The use of fire escapes is strictly
limited to emergency purposes.

4.18.2 Reproduction, duplication, manufacture or
possession of any key or unlocking device for use on
university facilities, locks or other property on university
premises without proper authorization are prohibited.
4.18.3 Procuring, altering, damaging, removing, manufacturing or using any university key card, lock, password or other security device without proper authorization are prohibited.

4.18.4 Refusal to vacate a university facility when directed to do so by an authorized official of the university is prohibited.

4.18.5 Use of any university facility, equipment, materials or services, except for their authorized purposes, including, but not limited to, telephone, mail and computer systems, is prohibited. Only currently enrolled NDSU students and currently employed NDSU faculty and staff are authorized users.

5. Respect for the Protection and Rights of Others

The purpose of this section is to communicate the value the university places on respect for the protection and rights of others.

5.1 Intimidation

Behavior in any form that involves an expressed or implied threat to interfere or that has the purpose or reasonably foreseeable effect of interfering with an individual’s personal safety, safety of property, academic efforts, employment or participation in university sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur, is prohibited.

5.2 Physical Abuse

Physical abuse, including the use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person, is prohibited.

5.3 Assault

Assault, an unwanted physical touching by one person upon another which does not involve the display or use of a weapon, and does not result in obvious or aggravated physical injury, is prohibited.

5.4 Aggravated Assault

Aggravated assault, an unwanted touching by one person upon another in which the offender uses a form of weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury, is prohibited.

5.5 “Fighting Words”

The face-to-face use of “fighting words” is prohibited. Fighting words are personally abusive epithets that, when addressed to any person, are inherently likely to provoke immediate violent reaction whether or not the reaction occurs.

5.6 Unauthorized Surveillance

Making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy including, but not limited to, shower/locker rooms, residence hall rooms, bedrooms and restrooms, is prohibited.

5.6.1 Storing, sharing and/or other distribution of such unauthorized video and photographic images, by any means, is prohibited.

5.7 Harassment and Discrimination

5.7.1 Harassment

NDSU is committed to providing a climate that fosters respect for students, staff and faculty as well as others who participate in programs and activities at the university. As part of that commitment, NDSU prohibits harassment based on gender, race, color, religion, national origin, age, disability, sexual orientation, or protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws. Harassment (based on an individual’s membership in one or more of the groups identified above) is defined, for purposes of this policy, as any unwelcome behavior that has the intent or effect of unreasonably interfering with the individual’s employment or academic endeavors or creating a hostile, intimidating or offensive environment.

5.7.2 Sexual Harassment

As part of its commitment to equal opportunity, NDSU prohibits sexual harassment of its employees and students, including student-to-student and other peer sexual harassment. This policy is in compliance with federal regulations implementing Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Sexual harassment is defined as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic achievement;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive environment.”


Individuals concerned about violations of this policy should request assistance from the university’s vice president for equity, diversity and global outreach, university’s general counsel, Counseling Center, Disability Services Office, or an appropriate administrator. When administrators or supervisors become aware of occurrences of sexual harassment in their areas, they are responsible for stopping the behavior or reporting it to the executive director and chief diversity officer. In addition, the university’s equal opportunity grievance procedure shall be available for any person who wants to file a complaint alleging a violation of this policy.

See related policy, “Consensual Relationships,” (www.ndsu.edu/policy/1621.htm) Section 162.1 of the NDSU Policy Manual. A copy of this policy may be requested from the Dean of Student Life Office, Memorial Union 250.

5.7.4 Other Prohibited Acts

Any action or any series of actions that interferes with individuals’ academic efforts, employment, personal safety or participation in university sponsored co-curricular activities is prohibited.

5.8 Disorderly Conduct

Disorderly conduct is behavior that intentionally or recklessly creates a risk of public inconvenience, annoyance or alarm without proper authority. These behaviors are prohibited and include, but are not limited
to, fighting, engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

5.9 Lewd or Obscene Behavior
Lewd or obscene behavior that flagrantly flouts community standards with respect to sexuality is prohibited. Lewd behavior includes, but is not limited to, sexual acts in public places, public urination, and exposing genitalia.

5.10 Sexual Misconduct/Sexual Acts
A goal of North Dakota State University (NDSU) is to create a campus community free from interpersonal abuse including sexual assault. NDSU commits its resources to the following threefold process: 1) to provide crisis intervention for victims, 2) to provide a disciplinary response for alleged offenders, and 3) to educate and promote discussion on interpersonal abuse and violence.

5.11 Sexual Assault and Sexual Misconduct
a) Sexual assault or sexual misconduct, in any form, is prohibited.
   b) Non-contact sexual misconduct, in any form is prohibited.
   c) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others.

Note: Sexual harassment is addressed by Policy #162, NDSU Policy Manual.

For purpose of this policy, the following definitions apply:
1. Sexual Assault is any sexual act between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:
   • Compelling a person to submit to sexual acts or contacts by force, threat of force, or intimidation;
   • Use of intoxicants to substantially impair the person’s power to give consent;
   • Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact—this includes, but is not limited to, situations when an individual is intoxicated, “high,” scared, physically or psychologically pressured or forced, passed out, unconscious, intimidated, coerced, mentally or physically impaired, beaten, isolated, or confined;
   • When the victim is under fifteen (15) years of age.

2. Sexual Misconduct occurs when a sexual act is committed without intent to harm another and when by failing to correctly assess the circumstances, a person believes unreasonably that consent was given without having met his/her responsibility to gain effective consent. Situations involving physical force, violence, threat or intimidation fall under the definition of Sexual Assault, not Sexual Misconduct, and will be treated as such under these procedures.

3. Sexual Act includes, but is not limited to:
   • Sexual intercourse
   • Sodomy (oral and/or anal)
   • Sexual penetration with any object
   • Touching of a person’s intimate parts (genitalia, groin, breast, buttocks, or clothing covering them), or
   • Compelling a person to touch his or her own or an other person’s intimate parts without consent.

4. Non-contact Sexual Misconduct violations include, but are not limited to:
   • Peeping,
   • Indecent exposure, or
   • Recording or photographing individuals within premises where there is a reasonable expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants subject to such recordings.

5. Consent means words or actions that show a voluntary agreement to engage in mutually agreed upon sexual activity. Consent is an affirmative decision given by clear actions or words. It is important to obtain explicit consent from any sexual partner, and not to make assumptions. If confusion or ambiguity on the issue of consent arises any time during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual act does not imply consent to other forms of sexual activity.

5.11 Endangerment of Individuals or Safety of Individuals
5.11.1 Initiating or circulating a report or warning concerning an impending bombing, a fire, or other emergency or catastrophe knowing that the report is false, or knowingly transmitting such a false report to an official or an official agency, is prohibited.

5.11.2 Willful failure to comply with orders issued by any emergency personnel during any real or perceived emergency condition is prohibited. Examples include, but are not limited to, tornado, fire, fire drill, bomb threat or situations requiring shelter in place.

5.11.3 Tampering with any fire protection sign or device or any other emergency equipment, including, but not limited to, fire extinguishers, fire hoses, smoke/heat detectors, sprinkler systems and other alarm systems, for reasons other than an actual or perceived emergency, is prohibited.

5.11.4 Tampering with elevator controls, elevator shaft access, and/or other elevator equipment by acts including, but not limited to, jumping, elevator surfacing, falsely sounding alarms and stopping between floors, is prohibited.

5.11.5 Willful failure to follow safety standards is prohibited.

5.11.6 Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to others is prohibited.

5.11.7 Sporting Activity Restrictions
Riding skateboards or scooters and using in-line skates, roller skates, and bicycles are prohibited inside all university facilities. Use of water guns, water balloons and throwing of flying discs, balls or other objects also are prohibited indoors, except when authorized. Use of projectile launchers is prohibited on campus without documented permission by an appropriate university official. Launchers may include those intended for water balloons, potatoes, pumpkins and other items. For guidance, contact the director of University Police and Safety Office.
5.12 Firearms/Explosives/Other Weapons
Unauthorized possession, display or use of firearms, explosives or other weapons on university owned or controlled property, including in personal vehicles, is prohibited, unless permission for possession and/or use has been granted by an appropriate university official.

5.12.1 Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun gun or similar device designed to deliver an electric shock, daggers, knives, sabers, swords, and bows and arrows.

5.12.2 Explosives include, but are not limited to, bombs, explosives, fireworks and other incendiary devices. Incendiary devices are defined as any flammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

5.12.3 Other weapons include, but are not limited to, martial arts implements, dangerous fuels and chemicals, such as mace or pepper spray. Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.

5.12.4 Projectiles
Throwing or casting any object into, upon or against any building, structure, motor vehicle or at any person is prohibited.

This policy shall not prohibit persons or student organizations from possessing, storing or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or a student group recognized by the university. For authorization, contact the director of the University Police and Safety Office.

5.12.5. The University Police and Safety Office provides limited, temporary storage space for on-campus residents to store ammunition and sporting arms, such as those used for hunting and other shooting sports, on a first-come, first-served basis. Individuals requesting to use the space will be required to pass a background check and provide photo identification. Weapons must be cased, unloaded and transported out of plain sight by vehicle for check-in/check-out at the Auxiliary Enterprises building. Carrying of the cased weapon, with the exception of to and from the vehicle parked next to the Auxiliary Enterprises building in the AE lot, is prohibited. Weapons are not to be transported on campus. Weapons should be checked in immediately upon arrival to NDSU and checked-out immediately prior to leaving the campus. An officer must be present for check-in/check-out. The University Police and Safety Office is open and available for check-in/check-out on a 24/7 basis. Additional requirements are outlined on the On-Campus Resident Student Temporary Weapon/Ammunition Storage Procedure Signature Form at www.ndsu.edu/police_safety/universitypolice/ Index.shtml.

5.13 Hazing
Hazing is prohibited regardless of location, intent or consent of participants. Hazing is defined as any action or situation that intentionally or unintentionally endangers a student for admission into or affiliation with a student organization or group. Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games or stunts; and harassment, ridicule or other activities prohibited by law or university policy.

5.13.1 It is the responsibility of the organization and its leadership in conjunction with the (inter)national organization, if any, to protect potential members, members or other persons associated with the organization from any hazing activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni or other associates.

5.13.2 The university or individuals may file a complaint of hazing with the Dean of Student Life Office. Individuals and/or groups may also be subject to criminal and/or civil liability beyond the jurisdiction of the university.

5.14 Stalking
Stalking is prohibited. As used in this code, “stalk” means to engage in an intentional course of behavior directed at a specific person that frightens, intimidates or harasses that person, and that serves no legitimate purpose. The course of behavior, involving two or more acts, may be directed toward that person or a member of that person’s immediate family. “Immediate family” means a spouse, parent, child or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months resided in the household.

Stalking generally causes a reasonable person to experience fear, intimidation, harassment or to be the object of unwanted attention. Stalking behaviors may include, but are not limited to:

a) Approaching, following, loitering, pursuing or restraining behaviors;

b) Repeated unwanted electronic communications using email, telephone calls, social media and text messages;

c) Sending unwanted gifts;

d) Trespassing and

e) Vandalism.

5.14.1 No Notice/No Intent
In any proceeding under this section, it is not a defense that no actual notice was given that the person did not want to be contacted or followed; nor is it a defense that there was no intention to frighten, intimidate or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is evidence of intention to stalk the person.

5.14.2 Legal Exclusions
a) Excluded are constitutionally protected behaviors. If a person claims to have been engaged in a constitutionally protected activity, the hearing officer or body shall determine the validity of the claim and, if found valid, shall exclude evidence of the activity.

b) In any proceeding under this code, it is a defense that a licensed private investigator or a peace officer licensed under law was acting within his/her scope of employment.

5.15 On-Campus Housing Security Efforts
All students will be held accountable for their behaviors in residence halls and university apartments. Off-campus students will be referred to the Dean of Student Life Office for action. All students and their
guests need to cooperate with efforts to establish a secure campus by complying with policies and cooperating with residence life staff.

5.15.1 Keys/Access
5.15.1.1 Keys/Access Cards
Students are not permitted to duplicate keys/access cards. Students also are not allowed to loan keys/access cards to other individuals. Students are expected to be responsible for their keys/access cards and security of their rooms and apartments. Students who repeatedly find themselves locked out of their rooms or apartments are subject to sanctions under this code.

5.15.1.2 Escorting of Guests
Entrance doors for the residence halls and university apartment buildings are locked 24 hours a day. Guests must meet their resident-host at an entrance door to gain entry into the building. A resident must escort non-residents at all times.

Students are not allowed to prop open doors or allow unauthorized persons into on-campus housing facilities.

5.15.2 Guests and Visitation
Residents are responsible for knowing the identity of their guests and are responsible for guest behaviors. Residents are held liable for loss or damages to property caused by their guests.

5.15.3 Overnight Guests
Guests of the same sex are permitted to stay overnight with approval from residence life staff. Residents must register their overnight guests prior to the stay. Guests may not stay more than three consecutive nights. Overnight guests of the opposite sex are not permitted.

5.15.4 Quiet Hours/Noise
Residents and guests must respect quiet hours in each of the on-campus housing facilities. Specific quiet hours are posted. Courtesy hours are in effect 24 hours a day to allow students to pursue their academic studies and promote a comfortable living environment.

5.15.5 Candles and Incense
Candles and incense are not allowed in on-campus housing facilities. Open flames also are prohibited.

6. Respect for Community and Protection of the Rights of Others by Student Organizations and Affiliated University Groups
This section communicates the importance of conducting organizational business and activities in a manner that does not negatively affect the educational mission of the university and the welfare of others, or infringe upon the rights of others. Student organizations are recognized by the Student Government Executive Commission of the Congress of Student Organizations and are independent of NDSU. Because of their relationship with the university, organizations are expected to uphold and comply with university policies and the Code of Student Behavior.

6.1 Responsibilities of Student Organizations and Affiliated University Groups
6.1.1 A student organization or a group affiliated with the university shall be deemed responsible for acts of inappropriate behavior committed by individuals where such acts:
   a) Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly; and/or
   b) Take place in the context of a tradition, custom or past practice of the group or organization; and/or
   c) Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated university group.

6.1.2 Students residing in properties owned by organizations or groups affiliated with the university will be held responsible for their behavior, behavior of their guests and controlling access to their premises.

6.2 Student Organizations and Affiliated University Group Compliance with University Policy
Student organizations and affiliated university groups must be in compliance with university policies, procedures and regulations. Prohibited behaviors include, but are not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.

6.3 Conflict Resolution and Enforcement Procedures for Conflicts by Student Organizations and Affiliated University Groups
For information concerning the conflict resolution procedure(s) to be utilized, refer to Section 15, Code of Student Behavior Complaint Resolution Procedures.

6.3.1 When a student organization or an affiliated university group is charged with inappropriate behavior, the presiding officer or individuals affiliated with the group shall be required to participate as representatives of the group in proceedings conducted under this code.

6.3.2 In some cases, organizational officers or members also may be charged with individual violations related to the original incident involving the organization, in separate proceedings.

6.3.3 Because behavioral records of student organizations are not protected by the Family Educational Rights and Privacy Act (FERPA), complainants are entitled to learn the results of behavioral actions taken against student organizations as long as those disclosures do not compromise the privacy of any individual student’s education record. In such situations, federally protected individual names will be removed.

7. Student Organizations/Fraternities and Sororities/Activities
Recognition requirements and procedures (for guidance, consult with staff in the Memorial Union Student Activities Office): 7.1 Membership 7.1.1 Membership in Student Organizations with NDSU Recognition Membership must be limited to current students, faculty and staff of NDSU. Students who transfer to another Tri-College institution who want to retain membership in an NDSU registered student organization may be eligible for on-going membership, contingent upon approval from the dean of student life.
The following information must be electronically filed.

1. **Membership in Student Organizations with Tri-College/Dual-College Recognition**
   - Organizations that want to recruit and maintain membership of students from other Tri-College institutions must obtain Tri-College or Dual-College recognition. Membership in Tri-College organizations is open to full-time or part-time currently enrolled NDSU and Minnesota State University Moorhead (MSUM) students, full-time Concordia College students, and faculty/staff from Concordia College, MSUM or NDSU. Membership in Dual-College organizations must be consistent with membership guidelines at the respective institutions (see Tri-College/Dual-College Organization Recognition Guidelines and Procedures. www.ndsu.edu/memorial_union/thundarbolts/).

2. **Membership in Social Fraternities and Sororities**
   - Social fraternities and sororities are chartered with a single institution and therefore are ineligible for Tri-College/Dual-College recognition; membership is limited to students enrolled at NDSU.

3. **Officers**
   - Students holding elected or appointed leadership positions in recognized student organizations must meet the academic and conduct eligibility standards identified in Eligibility/Participation in Co-Curricular Activities Policy.

4. **Recognition**
   - Recognition of student organizations is granted by the Student Government Executive Commission of the Congress of Student Organizations and registered in the Student Activities Office in the Memorial Union. Although student organizations are independent organizations from NDSU, they are expected to uphold and comply with university policies, the Code of Student Behavior, and local, state and federal laws.

5. **Membership in Social Fraternities and Sororities**
   - Student organization purposes must be compatible with the educational mission and purpose of the university.

6. **Students and Student Organizations are free to examine and express opinions publicly and privately.**
   - They are free to support causes by orderly means that do not disrupt regular and essential operations of the university. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

7. **Registration Requirements**
   - The following information must be electronically filed with the Student Activities Office.
     1. Registration form with the following:
        a) Name of the organization;
        b) List of officers and their signatures;
        c) Name and signature of an adviser, selected from the faculty or staff, or another designee as approved by the Student Activities Office staff; and
        d) Tri-College/Dual-College Organization Registration Form (applies only to groups that want to obtain or maintain Tri-College/Dual-College recognition).
     2. Signed agreement by local student organization officers that there will be no illegal discrimination on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation or status as a U.S. veteran, or any form of discrimination in the selection of members or officers on a local level.
     3. Signed agreement by local student organization officer(s) that there will be no participation in any activities that could be considered hazing.
     4. Request to check Eligibility for Participation Form.
     5. Copy of the constitution. Constitutions shall be submitted for record every three years, even if no changes are made.

7.4.1 **Registration information will be renewed annually and a list of officers must be submitted to the Student Activities Office at the time of election or appointment of officers.**

7.4.2 **Membership, policies and actions of recognized student organizations will be determined by currently enrolled student group members.**

7.5 **National/International Affiliated Organizations**
   - National/international affiliated organizations must uphold the policies and procedures of their national/international organizations in addition to university policies and procedures. University policies will supersede the case of conflicting policies.

7.6 **On and Off Campus Activities/Events**
   - Responsibilities of officers of the organization include:
     1. Reserve facilities for organization meetings and functions;
     2. Prepare and file with the Memorial Union Student Activities Office an Event Risk Management Planning Notification Form, no later than two weeks prior to an off-campus event;
     3. Take initiative to ensure compliance with policies;
     4. Seek assistance from staff in the Memorial Union Student Activities Office, as necessary;
     5. Communicate policies to the organization’s membership;
     6. Encourage the organizational adviser(s) to be present; and
     7. Take responsibility for group functions. Refer to section 4.3.6 for off-campus events at which alcohol may be available.

7.7 **Fraternities and Sororities**

7.7.1 **Membership**
   - Social fraternities and sororities are chartered with a single institution and therefore are ineligible for Tri-College/Dual-College recognition; membership is limited to students enrolled at NDSU.

7.7.2 **Residents of Greek Chapter Houses**
   - Only initiated member(s) of that chapter currently enrolled at NDSU, or a house employee, may reside in the house during the fall and spring semesters without authorization from the dean of student life and by chapter leadership.

7.7.3 **Summer Rules**
   - Fraternity and sorority presidents are to furnish names of the summer house managers to the coordinator for Greek life, Memorial Union. Chapter leadership is required to inform summer residents of university and Greek life policies.

7.7.4 **Alcohol and Other Drugs**
   - Fraternity Houses – No alcoholic beverages or drugs are permitted in common areas of chapter property at any time. Members who are 21 years of age may consume alcohol in the privacy of their rooms/suites with
no more than three non-room/suite residents who are also 21 years of age or older. Illegal drugs are not permitted on chapter property at any time. Sorority Houses - National Pan-Hellenic Conference rules prohibit alcohol and illegal drugs on chapter property at any time.

7.7.5 Code Violations
As is the case with all university student organizations, fraternities and sororities will be held responsible for any conflicts with university policies occurring in Greek residences or at functions or social events sponsored by chapters.

8. Commercial Solicitations and Distribution Issues
NDSU reserves the right to control the time, manner, and place of commercial solicitation, distribution of literature and demonstrations occurring in public on the NDSU campus. Advance registration of such activities and events is required.

Failure to register an activity or event or failure to comply with NDSU time, manner and place restrictions may result in administrative, civil and/or criminal proceedings for any participants engaging in disruptive activities. Such activities may result in university conflict resolution proceedings, issuing a no trespass warning and removal from campus, and/or arrest by law enforcement personnel.

8.1 Commercial and Fundraising Activities

8.1.1 Recognized Student Organizations
Recognized student organizations must register fundraising activities with the associate director of Memorial Union/Student Activities Office at least two (2) weeks prior to advertising or initiating fundraising efforts. In some instances, the Event Risk Management Notification Form may be required. Activities or items associated with fundraisers must be consistent with university policies and local, state, and federal laws.

Student organizations may use university facilities for sponsoring events at which admission is charged or donations are solicited, provided the group has worked with appropriate departments in reserving facilities and coordinating activities. Facility rental fees may be assessed for events at which admission is charged.

8.1.2 Organizations Not Affiliated with NDSU and Individuals
Organizations not affiliated with NDSU and individuals (regardless of affiliation with NDSU) may not advertise, sell, conduct a business, or raise funds on campus or in a university residence without first registering and receiving written permission from the following: In university apartments, from the assistant director for residence life apartments. Commercial activities in public areas of university apartments will not be allowed. In residence halls, from the senior associate director of residence life. Commercial activities in public areas of residence halls will not be allowed. In fraternity or sorority houses, from the president of the individual fraternity or sorority; permission will be limited to allowing commercial activities in public areas, not including bedrooms, corridors or suites. In the Memorial Union, from the Memorial Union director. Approval requires a confirmed reservation of space in the Memorial Union. Rental fees (if applicable) will be assessed for space utilized for these purposes. In the Wallman Wellness Center, from the director of the center. In all other areas, including exterior spaces, consult the Dean of Student Life Office for referral to the appropriate university official.

8.1.3 Parking Areas (Leaflets)
Placing flyers or other leaflets on vehicles on the NDSU campus, including those in NDSU parking lots, is prohibited. Information left on vehicles will be removed and destroyed. If litter results from such activities, the sponsoring individual/group may be required to pick up discarded flyers or may be billed by the university for providing that service.

8.1.4 Raffles or Lotteries
Raffles or lotteries require a permit obtained from the City Auditor’s Office. The associate director of the Memorial Union-Student Activities also must sign the permit.

8.2 Solicitations/Distribution of Literature
8.2.1 All individuals or organizations responsible for distribution of literature on campus must be identified on the literature.

8.2.2 All individuals or organizations distributing literature will be responsible for cleaning up all litter resulting from its distribution. Clean-up costs will be assessed to any such person or group that does not clean up all such litter within a reasonable time.

8.2.3 Distribution by means involving shouting, pursuing, hawking, or accosting individuals is prohibited, as is any interference with normal university functions or interruption of free flow of traffic, inside or outside any building.

8.2.4 Commercial literature may not be sold or distributed on campus unless rules governing advertising in the section “Commercial and Fundraising Activities” have been followed (see Section 8.1).

8.2.5 Any person or groups of persons who want to distribute literature to the public in the Memorial Union may use the following methods:

a) Literature racks located on the main level;

b) Contact tables in the main concourse area, available for reservation for up to two-week periods (a rental fee will be charged for off-campus entities that want to utilize the contact tables);

c) Exterior locations as designated by the university. Exterior location distributions are limited to one location for no more than two consecutive weeks per group, with at least five class days between multiple registrations. In times when a large number of requests have been received, the Memorial Union director reserves the right to reduce the two-week time limit to accommodate as many users as possible. Distributor(s) must register in advance in the Memorial Union Administrative Office, at which time the following information will be required:

1. Name of the organization represented, if any; and
2. Type, location, date(s) and time of distribution;
3. Copy of the literature;
4. Name, address and signature of the person or a group representative.
8.2.6 Literature may not be distributed in classrooms except by permission of the instructor or by regis-
tered student organizations at their scheduled meet-
ings or events.

8.2.7 Posters may be distributed on campus in des-
ignated locations only. A list of all on campus posting
locations is available in the Student Activities Office,
Memorial Union 120. It is prohibited to place post-
ers, signs, or handbills on areas not provided for that
purpose by the university. To place flyers on bulletin
boards in campus buildings, permission must first be
obtained by contacting the appropriate administrative
representative as designated on the distribution
list (for additional information, see NDSU Policy 154:
www.ndsu.edu/policy/154.htm).

8.2.8 Literature to be distributed within the residence
halls or university apartments must be approved by
the senior associate director of residence life.

8.3 Demonstrations/Parades

8.3.1 The university community is one of inquiry and
persuasion. An individual or group may protest, rally
or demonstrate provided such protest or demonstra-
tion does not disrupt university operations or obstruct
physical movement to, from or within any place on
campus, including university property located off the
main campus. While the campus must be open to the
free exchange of ideas, the university may limit the
time, place and manner of demonstrations. All
members of the community are expected to conduct
dialogs with civility. Organizers and participants must
allow other community members freedom of move-
ment on campus and freedom to engage in perfor-
mance of their duties or pursuit of their educational
and co-curricular activities.

8.3.2 A protest, rally or demonstration must not in-
terfere with the missions, processes, procedures or
functions of the university. Therefore, organizers and
participants must recognize and allow staff and faculty
of the university to engage in performance of their du-
ties, and for students to pursue their educational and
co-curricular activities. Impeding or restricting these
activities by making excessive noise; blocking en-
trances or exits from university facilities; or using coer-
cion, intimidation, threats or violence is unacceptable.

8.3.3 Organizers and participants are expected and
required to vacate an area or university facility when
directed to do so by an authorized official of the uni-
versity or law enforcement personnel.

8.3.4 Any on-campus protest, rally, or demonstration
must be registered with the director of the Memorial
Union and University Police and, whenever possible,
for at least 24 hours prior to the event. The registration
process will enable university officials to:
a) Outline and discuss with organizers the guidelines
necessary to keep the demonstration non-violent and
non-disruptive,
b) Plan for the control of possible counter-
demonstrations that would infringe upon the
rights of participants or result in violent or abusive
action,
c) If demonstration/parade will involve a public street,
applicants also must obtain a City of Fargo special
event permit. Parades through campus buildings
are not permitted.

8.4 Chalking

Individuals who want to chalk on sidewalks near the
Memorial Union should seek permission from the
director of the Memorial Union. Contact the director of
facilities management to seek permission to chalk
in any other area. Chalking on any other surfaces is
prohibited. The content of messages is limited to the
promotion of a specific event.

8.5 Posters, Signs, Leaflets

Placing posters, signs or leaflets, except on one’s own
personal property or in areas authorized and provided
for that purpose by the university, is prohibited. In-
dividuals should seek permission from those persons
who have administrative control of that location. For
guidance when this person is unknown, contact the
Dean of Student Life Office.

9. Reporting, Investigating
and Resolving Complaints

Complaint resolution procedures are used to deter-
mine whether a student is responsible for alleged vi-
lations of the Code of Student Behavior, and include
the following purposes:
a) To provide for the education of students;
b) To promote the health, safety and well-being of
university community members;
c) To provide for fair inquiries concerning alleged
violations of university policies;
d) To determine whether or not any individual student
has violated a university policy;
e) To allow for consideration of extenuating or
mitigating factors when a violation has been found
to exist;
f) To determine a resolution that will be appropriate;
and
g) To help the student make a constructive response
toward self-discipline.

9.1 Reporting Alleged Violations

Complaints should be reported as soon as possible
following the discovery of alleged inappropriate be-

tavior and may be initiated by law enforcement or any
member of the NDSU community, including students,
faculty, staff members and guests of the campus.
An alleged violation should be reported to the:
a) Dean of Student Life Office, 250 Memorial Union,
and/or
d) Department of Residence Life, West Bison Court,
and/or
c) Memorial Union Administrative Office, 246
Memorial Union.

9.2 Investigating Reports of Alleged Violations

No form of harassment may be used by insti-
tutional representatives to coerce admissions of guilt
or information about one’s behavior or that of other
suspected persons.

9.2.2 Search and Seizure

University policy on the privacy of student rooms stip-
ulates that entry and search of university residences
by university officials will be permitted only in one or
more of the following instances:
a) The student consents to the search;
b) The officials responsible fear an imminent danger
to health, safety, life or property;
c) The vice president for student affairs or designee
provides a written administrative authorization
specifying reasons for the search, objects of infor-
mation sought and area to be searched; or;
d) University officials fear imminent destruction of
evidence relevant to a suspected violation of uni-
versity regulations.
When students are suspected of violating NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Services Officer (ITSO) to collect and preserve evidence of possible violations of local, state or federal laws (see NDSU Policy 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/policy/115.htm and State Board of Higher Education (SBHE) Policy 1901.2, Computing Facilities: www.ndsu.edu/policies/ndus-policies/research.asp?ref=2551). If additional questions remain, contact the Information Technology Services Officer (ITSO).

The university requires that university officials notify the dean of student life of searches. The university will not intervene between students and searches authorized under law by any law enforcement agencies. At the conclusion of those actions, and when provided information by law enforcement agencies, the university reserves the right to initiate action under this code when alleged violations of the code are believed to have occurred.

The right to inspect residence hall rooms and university apartments without notice is reserved by the university for purposes of maintenance, cleaning, fire, personal safety and administering provisions of the license contract. The university will provide reasonable notice, when possible. Such entry by the university shall not be regarded as a search, but is separately agreed to and authorized by the student through provisions in the residence life license contract.

9.3 Resolution of Conflicts
The conflict resolution process generally includes the following steps:

a) Receipt of an incident report,

b) Creation of a conduct file,

c) Implementation of interim actions, if necessary

d) Investigation of incident, if necessary

e) Notice of alleged violations,

f) Prehearing conference,

h) Notification of findings, including sanctions, and terms and conditions, as assigned,

i) Appeal (if student chooses),

d) To ensure the disruption of, or interference with, the normal operations of the university.

9.4.1 Registration/Graduation Hold
- If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code, or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student’s eligibility to register or the student’s current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the university’s withdrawal policy.

9.4.2 Returning and/or New Students
If a student commits an act that violates this code during a period of nonenrollment, a registration hold may be placed to prevent the student’s registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, an administrative hearing officer, in consultation with the dean of student life, may place a registration hold to deny a student the eligibility to register. Reasons may include, but are not limited to, the student’s arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the university community, and/or as otherwise provided by NDSU Policy 607-Admission & Re-enrollment Safety Risk; Background Checks www.ndsu.edu/policy/607.htm.

9.4.4 Administrative Withdrawal for Psychiatric Reasons
A student may be subject to administrative withdrawal, if it is determined by clear and convincing evidence, that the student suffers from a mental disorder as defined by the current American Psychiatric Association Diagnostic Manual and as a result of such a disorder engages, or threatens to engage in behavior that:

- Poses a significant danger of causing imminent harm to the student or others, or
- Directly and substantially impedes the lawful activities of other members of the community.

These standards do not preclude North Dakota laws. Consideration will be given first to use of normal disciplinary processes of counseling, voluntary withdrawal, use of state commitment laws (NDCC 25.03.1), or use of other alternatives whenever appropriate.

9.4.4.1 Disciplinary Violations
A student accused of violating this code may not be subject to the disciplinary process if the student, as a result of a mental disorder:

- Lacks the capacity to respond to pending disciplinary charges, or
- Lacks the capacity to know the nature or wrongfulness of the conduct at the time of the offense. Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the dean of student life in writing at least two business days prior to any disciplinary hearing. The dean of student life may
elect to appoint a designee to act in administering this policy. If the dean of student life determines that the evidence may have merit, the case will then be resolved in accordance with these standards and procedures. If it is determined the student does not meet the criteria mentioned above, the case will be returned to the disciplinary process.

9.4.4.2 Evaluation Referral
The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.4.4, or if a student subject to disciplinary charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing by NDSU email and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student’s expense. If a student fails to complete an independent evaluation, he or she may be subject to the disciplinary process or an immediate interim withdrawal.

9.4.4.3 Interim Withdrawal
As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the dean of student life determines a student may be suffering from a mental disorder, and the student’s behavior poses an imminent danger.

A student subject to interim withdrawal shall be given written notice and may be assisted throughout a process by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the dean of student life within 72 hours of the effective date of the interim withdrawal to review:

a) Reliability of the information concerning the student’s behavior, and
b) Whether the student’s behavior poses an imminent danger.

During an interim withdrawal, the dean of student life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.

9.4.4.4 Involuntary Withdrawal
A student under consideration for involuntary withdrawal will be accorded an informal hearing with the dean of student life. The informal hearing will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal hearing, the dean of student life and the student will have an opportunity to review independently the psychological or psychiatric evaluation.

a) The dean of student life conducts informal hearing proceedings. An individual of his or her choice may assist the student in the informal hearing. The student will remain withdrawn on an interim basis pending completion of the informal hearing.

b) A written decision shall be rendered by the dean of student life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the decision to the president.

9.5 Interim Actions
In the interest of safety and security, interim actions may include the issuance of a No Contact Order and/or loss of privileges as defined in Section 10.2.6.

9.6 Crimes of Violence
The term “crime of violence” means:

a) An offense that has an element of use, attempted use, or threatened use of physical violence against the person or property of another, or
b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Examples include, but are not limited to, arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism, and forcible and nonforcible sexual offenses.

In cases of crimes of violence, the dean of student life may increase, but not decrease, timelines stated in the code and may determine by whom the case is heard.

9.6.1 Notification of Hearing Outcomes for Crimes of Violence
Individuals who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the dean of student life. If the complainant is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Notification shall be limited to the responsible student(s), part(s) of the code violated, and assigned sanction(s). Complainants in receipt of this information may assume personal civil liability for releasing this information to others.

9.7 Conditions Under Which Emergency Suspension May Be Imposed:

a) To ensure the health, safety or well-being of members of the university community,
b) To preserve university property;
c) To ensure the suspended student’s own physical and emotional safety and well-being, or
d) To ensure against disruption of, or interference with, normal operations of the university.

No hearing will be required before emergency suspension is imposed; however, one will normally be convened within five business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the dean of student life. If the suspension is upheld following the hearing, the suspension remains subject to the rules outlined in Behavioral Suspension (Section 10.1.4) and remains a matter of permanent record (see Section 171.2 for a definition of permanent record).

9.8 Incarcerated Students
In cases involving incarceration, a hearing will be held when the student is available for a hearing. Under these circumstances, the dean of student life may determine that an administrative hearing be held rather than a Code of Student Behavior Complaint Resolution Board hearing.
9.9 Default Proceedings for Current Students
A student who fails to appear for a hearing appointment will be considered in default. The case may be decided based on information available at that time. Default decisions may be reexamined only when the student shows the absence was for reasonable cause.

9.10 Student/Organization Leaves the University with Unresolved Charges
When a student/organization leaves the university with unresolved charges, the administrative hearing officer or a complaint resolution board may make a decision in the student/organization's absence, providing the student/organization was issued an advance written notice of the date, time and place of the scheduled hearing.

In certain cases, the administrative hearing officer reserves the option to place a registration hold on the student's records and archive the case until such time the student requests re-registration or a resolution of the pending matter. The administrative hearing officer also may place a notation, "may not register for non-academic reasons," after recommendation to and approval from the dean of student life.

9.11 Student Organizations in Default
In the event a student organization becomes inactive rather than appear for a hearing, the default decision will typically be withdrawal of recognition granted by the Congress of Student Organizations. In addition, officers of the organization at the time of the incident may face conduct proceedings individually for failure to comply with the code. Therefore, this action results in no notation on the student's academic transcript.

If the organization requests registration at a later date, the dean of student life will assign a hearing officer to meet with the student organization leadership to determine responsibility for the original charges, determine or recommend the appropriate sanction, and if that sanction is less than suspension or expulsion, will assess the need for any current remedial actions.

10. Code of Student Behavior Sanctions, Terms and Conditions
A sanction is a consequence placed upon any student for conflicts with specified university policies. Sanctions help define the student's relationship with the university in the context of current and potential future behavior, including a notice that further conflicts may lead to more severe behavioral sanctions.

If a student is found not responsible for the alleged code violation(s), no action will be taken against the accused student; however, having been through the Code process, the student is considered knowledgeable regarding the Code's provisions and expectations, and that knowledge may be taken into consideration in the event of future Code actions.

In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

1. Warning,
2. Behavioral probation,
3. Supervised behavioral probation,
4. Behavioral suspension,
5. Voluntary withdrawal,
6. Expulsion or
7. Recommendation to the provost to withhold or rescind a degree.

When certain mitigating circumstances exist, such as an extended period of time between the incident and reenrollment, a finding of responsibility may result in no sanctions required.

With each sanction, terms and conditions and/or restorative actions may be assigned. In addition, notification may be given to other university officials as necessary. Terms and conditions include, but are not limited to:

1. Restitution,
2. Confiscation.
3. Restricted access to university facilities and grounds,
4. Loss of privileges,
5. Participation in a specific activity or project,
6. Alcohol or other drug testing and/or evaluation and/or
7. No contact orders.

In assigning a sanction and/or terms and conditions for inappropriate student behavior, the hearing officer or board will consider:

a) Facts of the case as presented from all relevant sources, including the accused student,
b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,
c) Type and severity of the offense,
d) Previous incidents of inappropriate behavior committed by the accused student and/e) The ability and/or willingness of the student to accept responsibility.

10.1 Sanctions
10.1.1 Written Warning
A warning is a written notification that subsequent code violations will normally result in more severe sanctions. This action results in no notation on the student's academic transcript.

10.1.2 Behavioral Probation
Behavioral probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies and local, state and federal laws, and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Behavioral probation may be supervised or unsupervised. Further inappropriate behavior may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion. This action results in no notation on the student's academic transcript.

10.1.3 Supervised Behavioral Probation
Supervised behavioral probation generally requires meetings with a member of the Division of Student Affairs at regularly established intervals to monitor progress in behavioral, academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.
10.1.4 Behavioral Suspension
Behavioral suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not to exceed two academic years.

a) A student may not re-enroll during the period of behavioral suspension.
b) A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the behavioral suspension.
c) The notice of behavioral suspension will include the conditions for readmission that must be met prior to application for readmission. Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, also online at www.ndsu.edu/fileadmin/registrar/forms/reactivate.pdf. An interview with a member of the dean of student life staff also will be required prior to acceptance of the student’s application for readmission.
d) While a student is under behavioral suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution at any time. The student’s transcript will carry a notation “may not register for nonacademic reasons” without readmit, the original notation will remain on the permanent record.
e) The student’s eligibility for any refund of tuition/fees will be subject to the university’s normal withdrawal policy.
f) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from a member of the dean of student life staff before being on any portion of the NDSU campus during the period of suspension.

Usually a student with restricted access to the campus will be allowed on campus to conduct business related to the university, but only through prior written approval by a member of the dean of student life staff.
g) Behavioral suspension is a matter of permanent record. A permanent record indicates that student behavior files may be retained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.
h) Student organizations placed on suspension may have all rights and privileges provided by CSO recognized student organizations revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and terms and conditions.

10.1.5 Voluntary Withdrawal
In rare circumstances, based on mutual agreement, the student may be allowed to withdraw on a voluntary basis. Conditions may be imposed concerning the period of time after which the student may petition for reenrollment and/or for other conditions to be met prior to application for reenrollment. A meeting will be required with a member of the dean of student life staff prior to approval of the student’s petition for readmission. This action results in no notation on the student’s academic transcript.

10.1.6 Expulsion
Expulsion is a written notification that the student is permanently ineligible to return to the university. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services within the time frame established in the written notice of the expulsion. Requests for readmission will not be approved. The expulsion will be recorded on the student’s transcript as “may not register for nonacademic reasons” and is a matter of permanent record.

10.1.7 Degree Rescission
If a person has been awarded an NDSU degree and it is subsequently discovered that the person committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree. See section 9.4.1 regarding graduation holds for similar reasons.

10.2 Conditions Associated with Behavioral Sanctions

10.2.1 Restitution
A student may be required to repair, pay the cost for repair or pay for cost of replacement of any property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer or board, taking into consideration the fair market value or cost to repair the damaged item(s).

When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student’s actions.

Failure to make timely arrangements for restitution may result in the cancellation of the student’s registration, prevention of the student’s re-registration, or more severe sanctions including, but not limited to, behavioral suspension or expulsion. When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

10.2.2 Confiscation
In addition to items already seized as evidence, goods used or possessed in violation of university policies and/or local, state or federal laws including, but not limited to, falsified information or identification may be confiscated and not be returned to the student.

10.2.3 Loss of Privileges
A student may be denied various privileges customarily associated with being a student at NDSU. Such privileges include, but are not limited to, one or more of the following:

a) Participating in or attending events sponsored by the university or by students.
b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations, including eligibility to reside in university facilities, receiving financial aid, being employed by the university.
c) Access to parts of or all university property.

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a) Participating in or attending events sponsored by the university or by students.
b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations, including eligibility to reside in university facilities, receiving financial aid, being employed by the university.
c) Access to parts of or all university property.
h) Sponsoring or hosting organization or campus-wide functions,
  i) Using IT services and
  j) Maintaining recognized status with the CSO.

10.2.4 Participation in a Specific Activity or Project
A student may be required to participate in a specific activity or project, such as public service, an alcohol and/or other drug education program, an educational class, meeting with a designated university official or other assignment.

10.2.5 Alcohol or Other Drug Testing and/or Evaluation
The university reserves the right to require alcohol/drug testing and/or evaluation as a condition of enrollment or continued enrollment when:
  a) A student’s behavior endangers or may endanger the safety of others, property or themselves while under the influence of alcohol/drugs, or
  b) When the student has had three or more separate violations involving alcohol/drugs. All such testing and/or evaluation shall be at the student’s expense. The student will be expected to sign appropriate releases to demonstrate to the university that the student is complying with any recommendations resulting from such testing and/or evaluation.

10.2.6 No Contact Order
Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited to, any and all forms of communications, access to university owned or controlled locations and specified minimum distances.

11. Student Rights Guaranteed in the Complaint Resolution Procedures

11.1 Burden of Proof
The burden of proof will rest upon the complainant. The complainant is usually a university staff member who is presenting the complaint on behalf of the university.

11.2 Standard of Proof
A student is found to have violated this code when the student:
  a) Admits to the violation or
  b) The evidence available at the time of the hearing supports a finding of responsibility under this code.
  The standard of proof will be that it is “more likely than not” that the Code of Student Behavior has been violated.

11.3 Notice of Charges
Within a reasonable number of business days (generally 15) of receipt of the complaint, a written notice will be sent, usually via authorized university email, to the accused student to arrange a prehearing conference. The notice of charges will include:
  a) Nature of the alleged inappropriate behavior;
  b) Date, time and place of the alleged inappropriate behavior;
  c) Source of the complaint;
  d) Summary of the evidence to be presented;
  e) Maximum sanction applicable if found in violation of the Code of Student Behavior;
  f) Notice that a decision may be made in the student’s absence, if the student chooses not to appear at the hearing and that the failure to appear will be considered in reaching a decision whether or not the behavior code has been violated and
  h) URL directing the student to the online copy of the code or a printed copy of the code.
The student and the complainant must be given notice in writing of a summary of the charges and evidence to be presented in sufficient time to ensure an adequate opportunity to prepare for the hearing. The university will do all it reasonably can to provide the student and complainant oral or written notification of the hearing 48 hours prior to the hearing date.

11.3.1 Verbal Notice
In some cases a verbal request for a pre-hearing conference may be made (followed by a written request if the student so chooses), particularly in minor cases or cases in which an expedited hearing is appropriate. Examples include, but are not limited to, the two weeks prior to any university break of more than one week or when the student has indicated a decision not to return the following semester.

11.4 Prehearing Conference
During the prehearing conference, the administrative hearing officer will discuss the:
  a) Student’s rights and responsibilities and
  b) Nature of the complaint and how the Code of Student Behavior may have been violated.
The student has a right to make a written and/or oral statement describing the event(s) that led to the charges.
The student may also request to proceed with an immediate hearing with the administrative hearing officer. The administrative hearing officer may refuse to hear the case and refer it to another administrative hearing officer or complaint resolution board.

11.5 Administrative Hearing and Complaint Resolution Board
The Code of Student Behavior complaint resolutions procedures at NDSU include:
  a) An administrative hearing officer designated by the dean of student life or
  b) A complaint resolution board.

11.6 Conflicts of Interest
Any administrative hearing officer or board member who has a conflicting interest in the particular case may not sit in judgment during that proceeding. Each party has the right to challenge the appointment of an administrative hearing officer or board member. Challenges must be submitted in writing to the dean of student life at least two business days prior to the hearing. If an accused student or a complainant fails to raise a perceived conflict by objecting to that person two business days in advance, any objection is deemed to be waived. An individual may not be disqualified solely on the basis of his or her position in the university community.

11.7 Witnesses and Evidence
The accused student and the complainant shall be given reasonable opportunity to present their cases, including presentation of other evidence beyond written and verbal testimony by themselves and their witnesses. Witnesses will remain only for the duration of their own testimonies.
All testimony and other evidence upon which the decision will be based must be introduced into evidence at the hearing. Determination as to whether the accused student is or is not responsible for the alleged code violations will be based on the information provided prior to or during the hearing. Hearing officials have the discretion to verify accuracy of information and are required to notify the accused prior to issuing a decision if discrepancies are noted. Evidence acquired in violation of university rules concerning investigation of student behavior shall not be admissible (see Section 9). Formal rules of evidence shall not be applicable. Deviations from prescribed procedures shall not invalidate a decision or proceeding unless significant prejudice to a student or the university may result.

If both parties agree, the hearing may be limited to a consideration of written statements. If the accused student is going before a complaint resolution board, the written statements must be presented to the chair of the complaint resolution board two business days prior to the hearing for distribution to the board members. For administrative hearings, the written statements may be provided ahead of time or at the hearing.

11.8 Hearsay Evidence
Hearsay evidence is permitted and will be given any consideration deemed appropriate by individual decision makers. Hearsay evidence is a term applied to testimony given by a witness who speaks about information received from others, rather than information directly given by that witness. The value of such evidence rests with the discretion of hearing officials and their individual judgment of the witnesses’ credibility.

11.9 General Character Witnesses
Character witnesses are not permitted to appear before the hearing officer/board, but the accused student may submit up to three written documents to the hearing officer/board of the board two business days prior to the hearing. Each statement must be dated and signed, with the name of the individual signing printed below to ensure legibility. If the accused student is found responsible for violating this code, the hearing officer/board may consider these statements during sanctioning.

11.10 Questioning Witnesses
The student and the complainant have the right to address questions through the hearing officer/board to other witnesses at the hearing. If both parties agree, however, the hearing may be limited to a consideration of written statements. A witness may testify in the absence of the accused student with prior approval of the administrative hearing officer or the complaint resolution board chair.

An absolute right of cross-examination is not granted under this code. All questions will be addressed to the administrative hearing officer or complaint resolution board chair. The administrative hearing officer or complaint resolution board chair will then rephrase relevant and reasonable questions, if necessary, and will retain the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude to respond fully to questions.

11.11 Hearing Adviser
The student and complainant each have the right to have a person present who may act in an advisory capacity. This person is not an advocate for the accused and cannot address the Code of Student Behavior code or complaint resolution board, the hearing officer or ask questions of witnesses.

11.12 Attorneys
If the student chooses to have an attorney present as his or her hearing adviser, the NDSU general counsel may be present to observe the proceedings. The complainant, if not a university staff member, also may choose to have an attorney present during his/her presentation. The role of the attorneys shall not be to participate in the hearing other than to advise their own clients. Attorneys who do not respect this provision may be cautioned by the hearing officer/chair of the board and if they persist, may be asked to leave.

11.13 Self Incrimination
Accused students and witnesses shall not be compelled to incriminate themselves by being obligated to testify that they engaged in behavior constituting a violation of this code and/or local, state or federal law.

11.14 Closed Hearings
All hearings are normally open only to those persons who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the dean of student life. Witness(es) will remain only for the duration of his/her own testimony. The dean of student life may permit a limited number of NDSU personnel to be present as observers for the purpose of training. Other exceptions may also be made as deemed necessary by the dean of student life.

11.15 Appeals
Students sanctioned for violations of any part of this Code of Student Behavior or related university policies may appeal. Students are limited to one appeal and that decision is final (see Section 16).

12. Hearings
Cases are normally heard through administrative hearings. In certain situations, a student may request a complaint resolution board hearing (see Section 14, Complaint Resolution Board Jurisdiction). The university also reserves the right to submit the case to a complaint resolution board either initially or at any point in an administrative hearing if:

a) It becomes apparent the case may warrant suspension or expulsion or
b) The hearing officer is unable to hear the case due to a conflict of interest or any other reason.

University administrators who have direct responsibility for Greek life and student organizations will process judicial cases related to fraternities, sororities and student organizations. Individual organizational boards will address only violations of those organizational standards, not violations of this code.

The student’s rights remain the same whether or not the student receives an administrative hearing or a complaint resolution board hearing.
12.1 Evidence
Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all pertinent information to be presented for consideration during the hearing (see section 11.7 Witness and Evidence).

12.2 Written Documents and Other Items
Parties planning to bring items to a hearing must generally provide copies of those items to the hearing officer or board chair 2 business days prior to the hearing to allow for a review of the items and development of any pertinent questions. The hearing officer or board chair may permit deviations to this time restriction as long as all parties have sufficient time to prepare for the hearing. Either party or their witnesses will be permitted to elaborate on written documents previously submitted.

12.3 Standard of Proof
In reaching a decision, only information produced at the hearing will be considered and evaluated using the “more likely than not” standard of proof.

12.4 Recommendation and Approval of Sanctions
In cases of code violations serious enough to warrant suspension or expulsion, the hearing officer or board chair will make a recommendation to the vice president of student affairs. When approval of the recommended sanction is received, the hearing officer or board chair will issue the written decision.

12.5 Decisions
Written decisions are generally rendered within 10 business days from the date of the hearing.

13. Administrative Hearings
(In addition to the information provided in Section 12, the following statements specifically apply to administrative hearings.) An administrative hearing can result in a more timely resolution of the conflict and the involvement of fewer individuals.

13.1 An administrative hearing involves the accused student, hearing officer and any other individuals necessary to determine whether or not there has been a violation of university policies. The administrative hearing officer is the NDSU representative assigned to process an alleged violation of university policies.

13.2 Sanctions imposed following an administrative hearing may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion, and the student voluntarily waived the right to a hearing by a complaint resolution board.

14. Complaint Resolution Board Hearings
(In addition to information provided in Section 12, the following statements specifically apply to board hearings.)

14.1 Jurisdiction
A student shall be granted a hearing before a complaint resolution board to determine whether or not a specific behavior has violated the Code of Student Behavior or related policies identified in the code, if the: a) Sanction normally administered for such behavior might include suspension or expulsion from NDSU, or b) Student’s prior behavior record, plus a finding of responsibility for the current alleged violation, might result in a recommendation for suspension or expulsion from NDSU.

14.2 Pool Composition and Board Selection
The pool of potential members of a complaint resolution board may include students, faculty and staff. The dean of student life may draw upon this pool to constitute a board of at least three members.

The dean of student life may draw from the hearing pool to make substitutions as needed to avoid the delay of a hearing.

14.3 Board Chair
The dean of student life will appoint a complaint resolution board chair. The chair’s role is to conduct the hearing in an orderly fashion, determine whether evidence presented or questions asked are relevant to the proceeding, and assign appropriate sanctions if the accused student is found responsible for violating the code. Normally the chair does not ask questions during the hearing; however, if the chair believes that questions have not been asked that would help the board determine whether the accused student is responsible for violating the code, the chair may ask those questions.

14.4 Recording of Proceedings
All hearings of a complaint resolution board will be recorded up to the point of the board’s deliberations necessary to render a decision, and will be retained as part of the student’s file. In some situations, the chair of the board may recommend to the dean of student life that a video recording may be more appropriate than an audio recording. Notice will be provided to the student no less than 48 hours before the hearing. Access to the recording will be made available for the purpose of preparing an appeal. Requests for access should be directed to the Dean of Student Life Office.

14.5 Board Decisions
The board will determine, by a majority vote, whether or not the student violated one or more sections of this code. Following a finding of responsibility, the chair of the complaint resolution board may choose to meet with the student to request additional information so that an appropriate sanction can be determined. The chair of the board will take into consideration any prior code violations when determining or recommending an appropriate sanction.

15. Complaint Resolution Board Procedures

15.1 With all parties present, the chair will call the meeting to order and will introduce members of the complaint resolution board and their function within the university. (The chair also will ask all other parties participating in the hearing to introduce themselves and identify their role in the proceedings.)

15.2 The chair will describe the general outline of the hearing to the board and will read the following honesty statement:

The university expects that all information presented in this hearing will be true and correct to the best of each person’s knowledge. If students willfully provide false information, they will be in violation of NDSU’s Code of Student Behavior. As a result, they also may
be subject to additional disciplinary action. Dishonest behavior by any faculty or staff members will be reported to supervisors for any necessary disciplinary action.

15.3 The chair will dismiss witnesses until they are called to speak before the board.

15.4 The chair will introduce the complainant who will present the case on behalf of the university, making additional comments necessary to ensure the complaint has been presented accurately and clearly. The complainant is an NDSU representative appointed by the dean of student life.

15.5 The chair will introduce the accused student who will be permitted to present information to the board that is relevant in determining whether the student violated one or more sections of the code.

15.6 At the chair’s discretion, questions may be placed directly between parties. Permission to address parties directly may be withdrawn at any time.

15.7 The complainant will be allowed to present witnesses who may be asked questions by the complainant, accused student, members of the board and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question and request a response.

15.8 The accused student will be allowed to present witnesses who may be asked questions by the accused student, complainant, members of the board and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question and request a response.

15.9 The complainant and accused student will be permitted to ask questions of each other.

15.10 Questions will be permitted by board members and dean of student life, who may question either party.

15.11 At the discretion of the board chair, the complainant and accused student may be permitted to ask additional questions of each other.

15.12 Both parties will have an opportunity for closing statements. The complainant will present first, followed by the accused student.

15.13 All parties will be dismissed for deliberations by the board. Only board members and the chair may be present during deliberation and recording will stop at this point. The board chair may request consultation with the dean of student life for interpretation of the code.

15.14 A complaint resolution board may suggest one or more sanctions and related terms and conditions from those listed in the code. Suggested sanctions are not binding upon the chair of the complaint resolution board who issues the final decision for the board and selects appropriate sanctions.

15.15 If the chair believes that suspension or expulsion is warranted, the chair will make this recommendation to the vice president of student affairs. When approval of the recommendation is received, the board chair will issue the written decision as outlined in section 14.5.

15.16 The chair of the complaint resolution board will send written notice of the board’s findings to the student stating whether or not the Code of Student Behavior was violated. The written notice will include sanctions, if necessary, issued by the chair of a complaint resolution board. The notice will generally be sent within 10 business days following the hearing. The dean of student life may grant time extensions.

16. Appeal Procedures
Students sanctioned for violations of this code may make one appeal. Cases resulting in suspension or expulsion are appealed to the president of NDSU. All other appeals are addressed to the dean of student life, or an administrator of residence life, depending upon who served as the complainant.

16.1 Deadline for Appeals
The student must make an appeal of any decision in writing within five business days following the date the sanction notice is sent to the student via the NDSU email account. When necessary to utilize U.S. mail, students will be afforded 10 business days from the date of letter to submit an appeal. If hand-delivered, a notation of that date will be made in the student’s behavioral file. In extraordinary circumstances, the dean of student life may grant time extensions. The university reserves the right, however, to reduce the time allowed for a student appeal in cases which may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the letter of disciplinary sanction along with the rationale for allowing reduced time for an appeal. An appeal shall be written and contain the student’s name, date of the decision or action, and reason(s) for the appeal.

16.2 Appeal letters
Appeals must be submitted to the person specified in the decision letter and must specify in detail one or more of the following bases of appeal:
   a) The severity of the sanction was not consistent with the severity of the offense,
   b) The decision for nonaction/action/sanction was made in an arbitrary or capricious manner,
   c) The finding of the code having been violated was not substantiated by the evidence and/or
   d) The student’s rights were violated (specify those rights believed to have been violated).

16.3 Emergency Provisions
Normally a properly filed notice of appeal suspends the imposition of sanctions until the appeal is decided; however, some emergency provisions may be sustained throughout the appeal to protect persons and/or property. Such provisions will be explained in the original letter to the student outlining the decision, along with the rationale for maintaining those emergency provisions throughout the appeal.

16.4 Appeal Advisory Board
The president and the dean of student life reserve the right to appoint an appeal advisory board to review appeals. In such instances, the appointed advisory board will make a recommendation that the president and dean of student life may accept or reject.
The decision of the administrator will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.

16.5 Review
The appeals person/body will review the written letter of appeal from the student and materials from the original hearing. After reviewing these materials, the appeals person/body may decide to do one of the following:

a) Issue a decision based solely on the written materials,
b) Issue a decision based on a review of written materials and discussion with the involved principals,
c) Recall one or more witnesses,
d) Return the case to the body conducting the original hearing for presentation of new evidence and reconsideration of the decision and/or sanctions.

16.6 Decision/Sanction
When the accused student makes the appeal, the appeals person/body may uphold or lessen the original decision/sanction, but not increase the sanctions/actions imposed by other persons or bodies. The decision on the appeal will generally be made within 10 business days of receipt of the appeal, but may take longer during university recesses or in the event of complex cases, or when an advisory board has been appointed to make an appeal recommendation.

16.7 Appeals by Accuser
Appeals by the accuser may only be allowed when it is alleged that the accuser was the subject of a crime of violence, including forcible and non-forcible sexual assaults, as defined in this code. In some cases, an accuser’s appeal could result in a different decision and/or stronger sanctions than originally imposed.

16.8 Rehearings
Rehearings will only be granted if there is substantial:

a) Evidence to determine that the student was not afforded appropriate due process or
b) New evidence that has been discovered about the alleged violation that was not available at the time of the earlier hearing.

17. Behavior Conflict Records
All behavior conflict records are confidential and may not be disclosed in whole or in part except as provided under law, including but not limited to, the Family Education Rights and Privacy Act (FERPA), the USA Patriot Act and lawful court orders.

The disciplinary record shall be separate from the student’s academic record, but shall be considered a part of the student’s educational record. All disciplinary records shall be retained in the Dean of Student Life Office or other offices as authorized by the dean.

As provided under FERPA, information concerning code violations for alcohol and/or drugs may be shared with parents in accordance with the Parental Notification Policy. In addition, code violations may also be shared with some academic departments upon request and as necessary to fulfill their professional obligations. A memorandum of understanding exists that provides for full exchange of information concerning code violations by student athletes with the pertinent coaches and the athletic director.

Suspension and expulsion are the only completed behavior actions reflected on the official academic transcript of the student (see section 10.1.4 & 10.1.6). At the direction of the dean of student life, the registrar shall place on the student’s permanent academic record the words “may not register for nonacademic reasons.” When the student is determined eligible to return to NDSU following a suspension, the original transcript notation will remain and a new transcript notation will be added: “eligible for registration effective …”

17.1 Behavior Conflict Records Retention and Destruction
17.1.1 Sanctions Less than Suspension or Expulsion
In cases in which students are found in violation and receive a sanction less than Suspension or Expulsion, with or without additional terms and conditions, all records related to that students’ cumulative behavioral history will be retained for seven years from the date of the student’s last behavioral incident. Student disciplinary records may be retained indefinitely at the discretion of the dean of student life.

17.1.2 Suspension or Expulsion
In cases in which students are found in violation and receive a sanction of suspension or expulsion, disciplinary records will be retained on a permanent basis.

17.1.3 Student Organization Records
Records of behavioral conflicts involving student organizations will be retained for seven years following the date of the incident. Student organization disciplinary records may be retained indefinitely at the discretion of the dean of student life.

FINAL NOTE Occasionally there are changes of staff titles mentioned in this document. The vice president for student affairs may make editorial changes relating to this document as long as the substance of the document is not affected.

Dean L. Bresciani, President
8/22/2011 effective date
North Dakota State University
Part A: Complaint Resolution Procedures
Rights and Responsibilities of Community:
A Code of Student Behavior

1. If the sanction recommended includes suspension or expulsion, approval must be received from the Vice President for Student Affairs or the Vice President’s designee before the final sanction letter is issued.
There are a number of additional university policies that pertain to student life and are too numerous to include within the text of this code. Students are urged to read these documents that may be found at the locations listed below. NDSU students are responsible for knowing the content of these policies and may be held accountable under A Code of Student Behavior for any violations of these policies.

### Part B: Related University Policy Statements

<table>
<thead>
<tr>
<th>Related University Policy Statements</th>
<th>Available at</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Eligibility for participation in co-curricular activities</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/student_life/policies_and_forms/eligibility_for_participation_in_co_curricular_activities">www.ndsu.edu/student_life/policies_and_forms/eligibility_for_participation_in_co_curricular_activities</a></td>
</tr>
<tr>
<td>8. Equal opportunity grievance procedures</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy/156.htm">www.ndsu.edu/policy/156.htm</a></td>
</tr>
<tr>
<td>11. The grade appeals board</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy/337.htm">www.ndsu.edu/policy/337.htm</a></td>
</tr>
<tr>
<td>a. The Greek life initiatives and action plan</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/mu/programs/greek_life/chapter_resources/initiatives_and_action_plan">www.ndsu.edu/mu/programs/greek_life/chapter_resources/initiatives_and_action_plan</a></td>
</tr>
<tr>
<td>b. The Greek alcohol policy</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/mu/programs/greek_life/chapter_resources/initiatives_and_action_plan">www.ndsu.edu/mu/programs/greek_life/chapter_resources/initiatives_and_action_plan</a></td>
</tr>
<tr>
<td>a. Measles/mumps/rubella (ND State Board of Higher Education Policy #5061)</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy/155.htm">www.ndsu.edu/policy/155.htm</a></td>
</tr>
<tr>
<td>b. Alcohol and other drugs—unlawful use by students, faculty and staff</td>
<td>X</td>
<td><a href="http://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=126&amp;SID=11">www.ndus.edu/makers/procedures/sbhe/default.asp?PID=126&amp;SID=11</a></td>
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<td>15. Parental notification policy</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/student_life/policies_and_forms/parental_notification_policy">www.ndsu.edu/student_life/policies_and_forms/parental_notification_policy</a></td>
</tr>
<tr>
<td>20. Sale or distribution of racially and sexually offensive material</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy/1541.htm">www.ndsu.edu/policy/1541.htm</a></td>
</tr>
<tr>
<td>23. Student Affairs related policies, chapter 6 of the NDSU Policy Manual</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy">www.ndsu.edu/policy</a></td>
</tr>
<tr>
<td>25. Student records: Notification of rights under FERPA</td>
<td>X</td>
<td><a href="http://bisonconnection.ndsu.edu/ferpa">http://bisonconnection.ndsu.edu/ferpa</a></td>
</tr>
<tr>
<td>29. Tri-college/dual-college organization recognition guidelines and procedures</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy/162.htm">www.ndsu.edu/policy/162.htm</a></td>
</tr>
<tr>
<td>30. University policy on equal opportunity</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy/163.htm">www.ndsu.edu/policy/163.htm</a></td>
</tr>
<tr>
<td>32. University policy on anti harassment</td>
<td>X</td>
<td><a href="http://www.ndsu.edu/policy/7001.htm">www.ndsu.edu/policy/7001.htm</a></td>
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