

North Dakota State University
Rights and Responsibilities of Community:
A Code of Student Conduct
Updated September 2015

I. Introduction

1.1 General NDSU Values

NDSU students have an opportunity to gain the most from their education when every member of the NDSU community takes responsibility to observe and help maintain a code of personal conduct that contributes to the educational effectiveness of the university. The Code of Student Conduct is derived from three core values that support an educationally purposeful environment:

- Respect for the NDSU Community;
- Respect for the Protection and Rights of Others; and
- Respect for individuals in the Conduct Resolution Process.

The intent of this code is to foster educational development of personal accountability and commitment to the community.

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 responsibility 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. Conduct that inhibits the educational process is of concern, whether it occurs on or off university premises.

Respect for Individuals in the Conduct Resolution Process

All NDSU students have identified rights within the Code of Student Conduct and as afforded by due process. The university will work with students in an educational and fair manner to assist them in reflecting upon and growing from their personal experiences.

1.2 General Complaint Procedures

Students may report concerns, issues and complaints through the Problems and Complaints procedure available at www.ndsu.edu/vpsa/forms_and_guidelines/. The procedure is designed to provide for orderly collection of information, to address students' complaints in a timely manner by appropriate university personnel, and to help students learn effective conflict resolution skills.

Students also may arrange a meeting with a staff member in the Dean of Student Life Office, Memorial Union 250, for advice and direction in resolving the problem. Complaints regarding student conduct covered in this code will be resolved according to procedures described in this document.

1.3 Code Authority

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 conduct. The president also has the responsibility of establishing guidelines for students that set forth conduct 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 conduct responsibilities to the vice president for student affairs. The vice president has assigned the dean of student life to carry out these functions.

A Code of Student Conduct contains statements of university policies relevant to student life. Development and enforcement of these standards of conduct are an educational endeavor designed to foster students' personal, social and ethical development. This document forms the basis for student conduct 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.

The dean of student life 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 NDSU's designated legal advisor.

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 Office of the Vice President for Student Affairs 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.

Conduct described in this code is illustrative rather than exhaustive. In the event there arises some ambiguity, inconsistency or need for clarification of these statements, the 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.

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

II. Community Expectations

2.1 General Student Responsibilities

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, and/or 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 violations committed after they were admitted and before they left the university. Student organizations are held to the same conduct standards that apply to individual students.

2.3 Official University Communication

NDSU will 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). It is the student’s responsibility to maintain the accuracy of all personal data. It is required that students continue to monitor the university provided email account at all times.

2.4 Prohibited Conduct Not on University Property

The university may discipline a student for acts of prohibited conduct committed outside of university property which, in the university’s discretion, may adversely affect the university community and/or the pursuit of its objectives. When NDSU becomes aware of alleged code violations through law enforcement or other third party reports, the university may pursue charges under this code against all NDSU students identified on such reports.

2.5 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 Multiple Accountabilities

Because of the varying roles/relationships/responsibilities students may have within and outside of the university, a student may be held accountable for prohibited conduct under other university, local, state or federal policies/laws/jurisdictions, including relevant jurisdictions when touring and/or studying abroad. Examples of other areas of accountability may include:

- Student athletes under the Student Athletic Code
- Student leaders within student organizations
- Personnel actions with student employees
- Academic actions under academic programs’ professional standards
- Criminal charges or civil suits

Actions under this code are educational (administrative) as are other actions taken under NDSU policies. Because the university’s procedures are educational and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The university may proceed under this code before, during or after the other NDSU administrative processes, or legal proceedings, and does not typically wait for a court finding. Findings under this code may differ from judgments in criminal courts.

2.7 Financial Responsibility

All students must pay in full any debts to NDSU. For the complete text of the NDSU Collection Policy, please consult the Customer Account Services staff or <https://www.ndsu.edu/fileadmin/policy/513.pdf>

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 individual, organization and its leadership. In the event an organization dissolves and is no longer in existence, individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

NDSU will normally take no action on behalf of creditors 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 collection agency for private debts of students.

2.8 Attempts

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

2.9 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. See NDSU Policy 100 for further information.

2.10 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).

2.11 Designees

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

III. Prohibited Conduct

3.1 Violations of Law

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

3.2 Complicity in Prohibited Acts

Complicity is association with and/or participation in an act prohibited by this code. To avoid being complicit to code violations, students are expected 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; or
- 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' conduct and may be sanctioned under this provision as if they had committed the violations themselves.

3.3 Alcohol on NDSU Property

Regardless of a person's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol, and/or possession or display of empty alcohol beverage containers anywhere on NDSU owned or controlled property and/or sponsored or supervised events is prohibited, except as authorized by NDSU Policy 155, Alcohol and Other Drugs: Unlawful and Unauthorized Use By Students and Employees.

3.4 Off Campus Alcohol

Students may face campus charges for alcohol related incidents occurring off campus. Such incidents include, but are not limited to: minor in possession/consumption/under the influence of alcohol, driving under the influence of alcohol, and public consumption of alcohol.

3.5 Drugs Other Than Alcohol

Possession, consumption, being under the influence, or transport of illegal drugs or any other controlled substances is prohibited except pursuant to a physician's, dentist's or other authorized medical personnel's prescriptions. The manufacture, exchange, distribution, purchase or sale of illegal drugs or controlled substances is prohibited. The possession of drug paraphernalia for illegal drug use is prohibited as well.

3.6 Conduct While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code when the person:

- a) Endangers, or may endanger, the safety of others, property or themselves; or
- b) Causes a disturbance.

3.7 Alcohol at Student Organization Events

Recognized NDSU student organizations planning off campus events at a venue where alcohol may be present must complete and submit an Event Risk Management Planning Notification Form and a guest list to the Student Activities Office, Memorial Union 120. Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold and served by a licensed third party vendor.

Student organization or public funds may not be used for the purchase of alcoholic beverages or gift cards to alcohol establishments.

Sale of alcoholic beverages by students and student organizations is prohibited. 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, if available, must be sold and served by licensed third party vendors.

Common sources or a bulk quantity of alcohol, such as cases or kegs, are not permitted at any student organization sponsored event.

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 events is expected to be lawful and responsible.

Alcoholic beverages may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift cards donated by establishments with a liquor license must include the statement, "Not valid for purchase of alcohol."

3.8 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 novelty items, giveaways, and apparel associated with the event. Advertising of establishments that sell alcohol must adhere to the following guidelines.

- 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.
- 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.
- 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.
- 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 Policy 155, Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees, and the Event Risk Management guidelines, available in the Student Activities Office, Memorial Union 120.

3.9 Good Samaritan Responsibilities

All students are expected to protect the well-being of fellow students and others wherever events occur. If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students/student organizations 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 appropriately report will not be subject to the Student Conduct process for charges related to alcohol or drug use, nor will the incident become part of the student's conduct record. However, all students [including the student(s) needing assistance and reporter(s)] may be required to have an educational meeting with university personnel. This protection may not apply if other conduct violations occurred within the same incident. This protection will only apply once in a two year period. Subsequent incidents will not be eligible for protection under this policy.

3.10 Smoking

Smoking, including the use of electronic cigarettes, is prohibited on the North Dakota State University grounds and in university buildings, residence halls, apartments and enclosed structures. (<https://www.ndsu.edu/fileadmin/policy/153.pdf>)

3.11 Animals

With the exception of animals authorized by NDSU Disability Services or those defined as service animals under the Americans with Disability Act (ADA), privately owned animals are prohibited inside campus buildings, with the exception of fish. Animals in outdoor areas 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 outdoor sponsored or supervised events. Questions may be directed to the facilities management director, Thorson Maintenance Center, 701-231-7911. See NDSU Policy Manual 100.2 for further information.

3.12 Intellectual Property Infringement

Infringement of any intellectual property without authorization is prohibited. When reproducing or distributing information, users are responsible for observation of copyrights and other intellectual property rights of others and all state and federal laws, institutional and North Dakota University System (NDUS) policies. Generally, materials owned by others cannot be used without the owner's permission. NDSU assumes no obligation to monitor users for infringing activities, but will, when such activities are called to the appropriate official's attention, investigate to determine if there is likely infringement and take appropriate action. For more information, go to Information Technology Services, <https://www.ndsu.edu/its/intellectual-property-copyright/>, and NDSU Policy 190, Employee Responsibility and Activities: Intellectual Property, <https://www.ndsu.edu/fileadmin/policy/190.pdf>.

3.13 Use of NDSU's Name or Trademarks

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

3.14 Sale of Class Lecture Notes/Materials

Students are prohibited from transferring their class lecture notes or instructor provided materials for commercial purposes unless approved by the course instructor. 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.

3.15 Misuse of Proprietary Information

Unauthorized use or misuse of proprietary information, in whatever form, is prohibited. "Proprietary" means property in which the university or its employees and/or students have a legal interest or responsibility to maintain confidentiality (see NDSU Policy 343, Confidential Proprietary Information).

3.16 Computer Related Conduct

Please see NDSU Policy Manual Section 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/fileadmin/policy/158.pdf and the State Board of Higher Education (SBHE) Policy Manual Section 1901.2, Computing Facilities: <http://www.ndus.edu/makers/procedures/default.asp?PID=301&SID=62>. If additional questions remain, contact the Information Technology Services Help Desk in Quentin Burdick Building or online 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.

- Unauthorized use, sharing, lending or borrowing of an account;
- Using computer services or facilities for purposes other than those for which the account was issued;
- Using university network resources and services to play or store game programs;
- Using the university's computer system for commercial purposes without written authorization of the Information Technology Security Officer;
- Copying, altering or destroying the files or output of another individual without the express permission of that individual;
- Altering system software or hardware configurations, or disrupting or interfering with the delivery or administration of computer resources;
- Misrepresenting oneself as another individual or entity in electronic communication;
- 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;
- Exceeding university bandwidth limits;
- Sharing or distributing copyright protected media;
- Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons;
- 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; and/or
- Any other violation of university or NDUS policies governing electronic communications, as referenced above.

3.17 Deception/Falsification/Misrepresentation

Withholding or providing false information is prohibited. This includes but is not limited to:

- Falsely representing an entity and/or committing or using the resources of an entity without proper authorization;
- Knowingly, intentionally or recklessly making false accusations of prohibited conduct against another individual;
- Providing false information or falsified evidence with the intent of harming another person; and/or
- Attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution.

3.18 Financial Aid Misuse

Misuse of financial aid through fraud or abuse is prohibited.

3.19 Disruption of University Business

Disruption or obstruction of university business, facilities, and grounds, 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.

3.20 Failure to Comply

Failure to comply with the instructions or directions of all university and/or emergency 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, providing misleading or false information during an investigation, resisting or fleeing a police officer, failing to comply with assigned university conduct sanctions, or engaging in verbal and/or physical abuse directed toward any university personnel.

3.21 Identification

Students are expected to carry university identification at all times. Failure to produce a university identification card upon request by any university personnel in the

performance of their duties is prohibited. Guests are expected to carry valid identification.

3.22 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.

Bribing others to fulfill or otherwise attempt to evade academic responsibilities, such as homework, papers, and exams, is prohibited.

3.23 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.

3.24 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 aforementioned also would constitute a violation of this policy.

3.25 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.

3.26 Motor Vehicle Theft

The theft or attempted theft of a motor vehicle is prohibited. This includes, but is not limited to, persons having unlawful access even though the vehicle is later abandoned, such as joyriding.

3.27 Theft of Property

Theft or removal of property belonging to the university or another individual is prohibited. This includes, but is not limited to, furniture, artwork, plants, electronics, books, window screens and signs.

3.28 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 printing services.

3.29 Possession of Stolen Property

Possession of goods that one knows or that any reasonable person would realize were stolen; also, to receive, retain, conceal, or dispose of property knowing that it was stolen. If it can reasonably be demonstrated that the receiver was unknowing, the property should be returned to its owner with no action taken against the receiver.

3.30 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.

3.31 Trespassing

Entering and/or remaining in or on property to which a person does not have a legitimate right or purpose to enter or remain. Such property may include but is not limited to vehicles, apartments, houses, fenced yards, and/or other buildings or portions of buildings, such as roofs. Properties need not be specifically posted with No Trespass signs.

3.32 Unauthorized Sales or Solicitations

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 associate director 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.

3.33 Traffic Safety and Parking Enforcement

University traffic and parking regulations are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, 1801 15th Avenue North, or online at <https://www.ndsu.edu/parking/parkingregulations/>. Following are common violations described in the NDSU Parking Regulations brochure:

- Improper operation of motor vehicles on campus including, but not limited to, driving on sidewalks or grass
- Failure to cooperate with the lawful direction of traffic enforcement personnel in the performance of their duties
- 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 university

regulations

- 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
- 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 authorized to re-sell permits.

3.34 Unauthorized Entry/Use of Facilities

- 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 university facility after closing hours; and unauthorized possession or use of a key/access card to any university facility are prohibited. Unauthorized activities shall include, but are not limited to, entry, use or occupancy to which students are not permitted by virtue 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.
- Duplication, manufacture, possession, or loaning of any key/access card or unlocking device for use on university facilities, locks or other property on university premises without proper authorization are prohibited.

Entrance doors for on-campus housing facilities are locked 24-hours a day. Guests must meet their resident-host at the entrance door to gain entry into the building. A resident must escort non-residents at all times.

3.35 Intimidation

Conduct 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.

3.36 Physical Assault

Physical assault of another person is prohibited and includes, but is not limited to:

- Use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person, and/or endangers the health or safety of another person;
- Unwanted physical touching by one person upon another, with or without use/threatening display of a weapon, and regardless if obvious or aggravated bodily injury is sustained.

3.37 Instigation/Provocation

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

3.38 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.

Students may also be charged with Disorderly Conduct for participating in or hosting noisy or loud parties or other public disturbances on or off campus. Loud parties consist of two or more individuals whose conduct leads to noise complaints.

3.39 Discrimination, Harassment and Retaliation

North Dakota State University is fully committed to equal opportunity in educational programs/activities and employment decisions for all individuals. Any discriminatory (different or unequal treatment) or harassing actions(s) (unwelcome behavior that has the intent or effect of unreasonably interfering with the individual's academic or employment endeavors or creating a hostile, intimidating or offensive environment) taken against another 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 is prohibited. Any attempt to retaliate because of one's participation in a protected act (anyone who, in good faith, alleges discrimination, harassment or sexual harassment or who provides information related to an equal opportunity grievance) is also prohibited. See NDSU Policy 100 Equal Opportunity and Non-Discrimination (<https://www.ndsu.edu/fileadmin/policy/100.pdf>) and NDSU Policy 163 Anti-Harassment (<https://www.ndsu.edu/fileadmin/policy/163.pdf>).

3.40 Sexual Harassment

See NDSU Policy 603 – Sexual Misconduct and Title IX Compliance.

Individuals concerned about equal opportunity violations should request assistance from the university's vice provost for faculty and equity, NDSU's designated legal

advisor, Counseling Center, Disability Services Office, or an appropriate administrator/office. In addition, the university's equal opportunity grievance procedure is available for any person(s) wanting to file a complaint alleging discrimination, harassment, sexual harassment or retaliation.

See related policy, "Consensual Relationships" (https://www.ndsu.edu/fileadmin/policy/162_1.pdf), Section 162.1 of the NDSU Policy Manual. Consensual relationships are defined as those romantic or sexual relationships in which both parties appear to have consented, but where there is a definite power differential within the University between the two parties. The actual or perceived imbalance of power that exists in a relationship when one of the parties in the relationship is an instructor or supervisor (including graduate assistants) and the other is a student or supervisee. Where a power differential exists, the instructor (including graduate students) or supervisor must report the matter, as soon as possible, to his/her immediate supervisor so appropriate steps may be taken. Accordingly, suitable arrangements will be made for the objective evaluation of the student's, employee's, or prospective employee's academic or job performance and for the protection of individual and University interests. A copy of this policy may be requested from the Dean of Student Life Office, Memorial Union 250.

3.41 Other Acts of Harassment

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

3.42 Stalking

Stalking is prohibited. Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct that would cause a reasonable person to feel fear for safety to self or the safety of others; or suffer substantial emotional distress.

3.43 Lewd or Obscene Conduct

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

3.44 Sexual Assault/Sexual Misconduct and Title IX Compliance

North Dakota State University (NDSU) strives to create a campus community free from interpersonal abuse including sexual misconduct. See NDSU Policy 603 – Sexual Misconduct and Title IX Compliance.

Students are encouraged to report incidents or information related to sexual misconduct as soon as possible. Anyone who becomes aware of a Title IX complaint or violation of this policy and has the authority to take action on the complaint or violation, shall report the complaint or violation either to the Title IX Coordinator or a Deputy Title IX Coordinator:

Chief of Staff/Title IX Coordinator
Old Main 102
Phone: 701-231-6409

Assistant Vice President and Dean of Student Life/Deputy Title IX Coordinator
Memorial Union 250
Phone: 701-231-8240

Associate Athletics Director for Compliance/Deputy Title IX Coordinator
Bison Sports Arena 102W
Phone: 701-231-5696

For complete information regarding sexual misconduct and Title IX compliance, please see NDSU Policy 603 at (<https://www.ndsu.edu/fileadmin/policy/603.pdf>)

3.45 Endangerment or Safety of Individuals

- 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.
- 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.
- 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.
- Tampering with elevator controls, elevator shaft access, and/or other elevator equipment by acts including, but not limited to, jumping, elevator surfing, falsely sounding alarms and stopping between floors, is prohibited.
- Willful failure to follow safety standards is prohibited.
- Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to others is prohibited.
- Knowingly focusing, pointing or shining a laser pointer at an aircraft or at a person is prohibited. A laser pointer is any device that creates a visible light used for aiming, targeting or pointing out features.

3.46 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.

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.

3.47 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.

3.48 Weapons/Firearms/Explosives

Unauthorized and/or illegal possession, display or use of firearms, explosives or other weapons is prohibited.

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

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. 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.

IV Student Organizations/Activities

4.1 Responsibilities of Student Organizations and Affiliated University Groups

A student organization or a group affiliated with the university shall be deemed responsible for acts of prohibited conduct committed by individuals when such acts:

- a) Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly; or
- b) Take place in the context of a tradition, custom or past practice of the group or organization; or
- c) Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated university group.

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

4.2 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 conduct includes, but is not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.

4.3 Conduct Resolution and Enforcement Procedures

For information concerning the code resolution procedure(s) to be utilized, refer to Part V. Procedures and Part VI. Conduct Board Procedures.

When a student organization or an affiliated university group is charged with prohibited conduct, 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.

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.

Because conduct records of student organizations are not protected by the Family Educational Rights and Privacy Act (FERPA), any individual is entitled to learn the results of conduct 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.

4.4 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 Conduct; and local, state and federal laws.

Student organization purposes must be compatible with the educational mission and purpose of the university.

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.

4.5 Membership

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. In the case of dual college or tri-college recognized student organizations, membership criteria as defined in the CSO guidelines must be met.

4.6 Registration Requirements

The following information must be electronically filed with the Student Activities Office:

- a. Organization registration form
- b. 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.
- c. Signed agreement by local student organization officer(s) that there will be no participation in any activities that could be considered hazing.
- d. Request to check Eligibility for Participation Form.
- e. Copy of the current constitution.

Students holding elected or appointed leadership positions must meet the following academic and good conduct eligibility standards:

- a. Students in leadership positions must have attained and must maintain during the term of participation a minimal cumulative grade average of 2.0.
- b. Students in leadership positions must be enrolled for and maintain a minimum of nine (9) semester credits during the term of participation and have successfully completed nine (9) credits from the most previous semester.
- c. Students in leadership positions must be in good conduct standing with the Office of the Dean for Student Life.

Additional information regarding eligibility for participation in co-curricular activities can be found on the Student Life webpage at https://www.ndsu.edu/student_life/policies_and_forms/eligibility_for_participation_in_co_curricular_activities/.

4.7 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 in the case of conflicting policies.

4.8 On and Off Campus Activities/Events

All on and off campus activities/events must follow all guidelines and procedures set by the Memorial Union Student Activities Office.

- **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.
- **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. Individuals 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.

4.9 Fraternities and Sororities

- **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.

- **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.

- **Summer Rules**

Fraternity and sorority presidents are to furnish names of the summer house managers to the assistant director of fraternity and sorority life, Memorial Union. Chapter leadership is required to inform summer residents of university and fraternity/sorority life policies.

- **Alcohol and Other Drugs**

Fraternity Houses – No alcoholic beverages 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. If multiple individuals live in one room/suite, all residents must be 21 years of age or older. Illegal drugs are not permitted on chapter property at any time.

Sorority Houses – National Panhellenic Conference policy requires alcohol free facilities for all house chapters. Illegal drugs are not permitted on chapter property at any time.

- **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 chapter residences or at functions or social events sponsored by chapters.

4.10. Commercial Solicitations and Distribution Issues

See NDSU Policy 154: Distribution of Literature <https://www.ndsu.edu/fileadmin/policy/154.pdf>.

V. Procedures

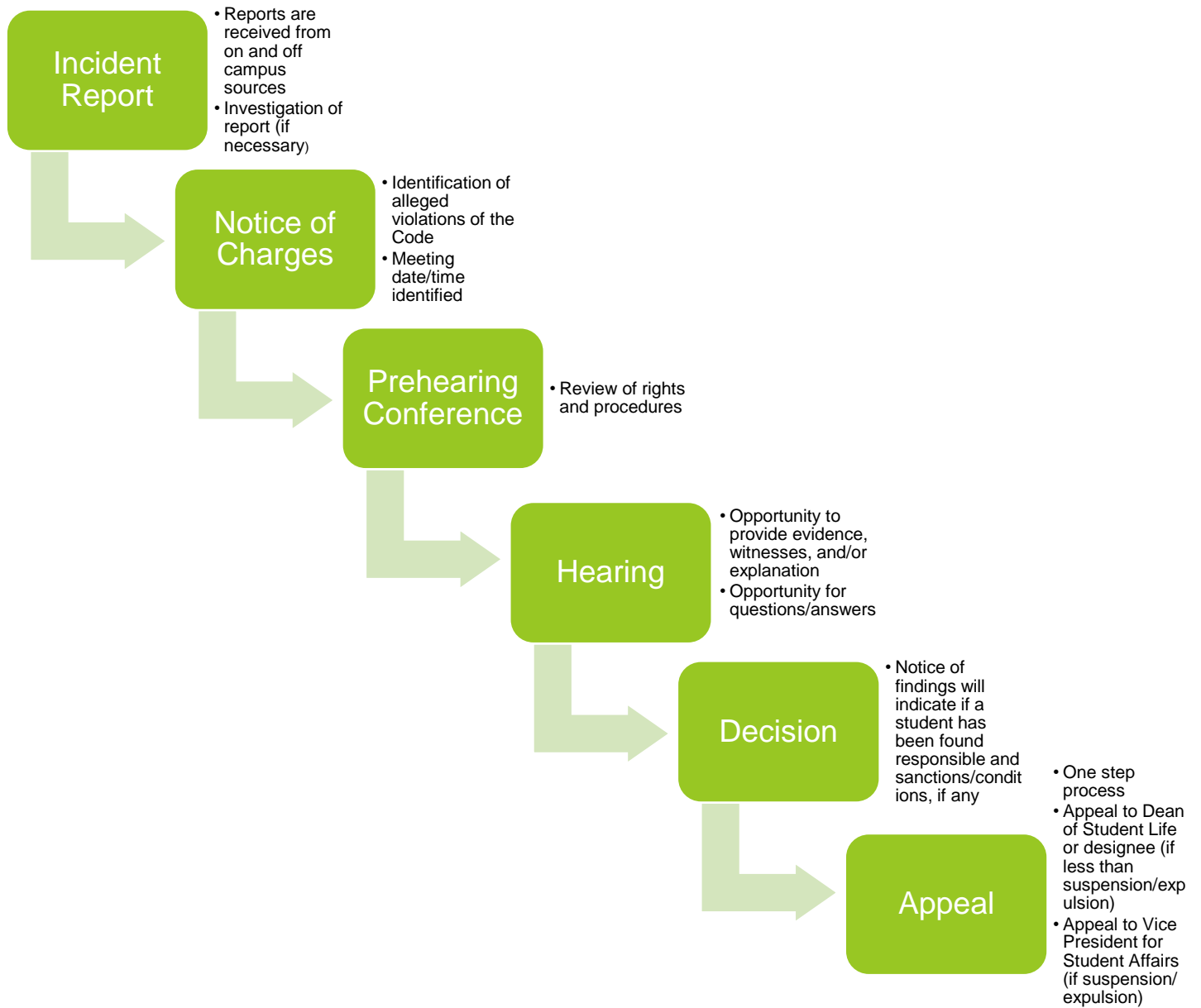
Resolution of Alleged Code Violations

The code 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,
- g) Hearing,
- h) Notification of findings, including sanctions, and terms and conditions, as assigned,
- i) Appeal (if student chooses),
- j) Notification of appeal decision (if applicable).

A detailed description of these steps is provided below. Cases related to Title IX compliance will require some modification of the resolution process, as approved by the NDSU Title IX coordinator.

Resolution of Alleged Code Violations



5.1 Reporting and Investigating Complaints

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. Reports and investigations are used to determine whether a student is responsible for alleged violations of the Code of Student Conduct, 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.

5.2 Reporting Alleged Violations

Alleged violations should be reported as soon as possible following the discovery of alleged prohibited conduct and may be initiated by law enforcement, any member of the NDSU community, or other interested parties.

An alleged violation should be reported to the:

- a) Dean of Student Life Office, 250 Memorial Union, and/or
- b) Department of Residence Life, West Bison Court

5.3 Investigations

Investigation means to gather the facts, details and circumstances associated with a complaint. The investigation may include interviewing witnesses, review of documents or other steps that will assist the dean of student life and/or designee to determine whether charges are warranted. Dismissal of the complaint, an alternative resolution, or charges may result following an investigation. This determination is made at the discretion of the dean of student life and/or designee based on recommendations from investigators.

The University may independently investigate an allegation of student conduct, and may also initiate an investigation at the request of any member of the NDSU community or affected party. Student Life hearing officers and other designated university personnel are authorized to investigate alleged violations of the Code of Student Conduct.

Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with a request to make and keep an appointment relevant to an investigation may result in a conduct hold being placed on a student's registration and records.

5.4 Interim Measures

In the interest of safety and security, interim actions may be implemented by the dean of student life prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

5.5 Searches and Seizures

University policy on the privacy of student rooms stipulates 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 information sought and area to be searched; or;
- d) University officials fear imminent destruction of evidence relevant to a suspected violation of university policies.

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 Security 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: <https://www.ndsu.edu/fileadmin/policy/158.pdf> and State Board of Higher Education (SBHE) Policy 1901.2, Computing Facilities: www.ndus.edu/makers/procedures/default.asp?PID=301&SID=62). If additional questions remain, contact the Information Technology Security Officer (ITSO).

The university requires that university officials notify the dean of student life and/or designee of searches. The university will not intervene between students and searches authorized under law by any law enforcement agencies.

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. Items that pose an imminent danger to health,

safety, life, or property may be taken into temporary custody of residence life staff, university police, or other emergency personnel.

5.6 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 when known:

- Nature of the alleged code violation;
- Date, time and place of the alleged code violation;
- Source of the information;
- Summary of the evidence to be presented;
- Maximum sanction applicable if found in violation of the Code of Student Conduct;
- The student's right to be represented by an attorney or nonattorney advocate, at the student's expense if suspension or expulsion are identified as potential sanctions;
- Notice that a decision may be made in the student's absence based on the information currently available.

The student 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 provide the student oral or written notification of the hearing at least three business days prior to the hearing date. Students may consent to a shorter notice period, if they so choose.

5.7 Prehearing Conference

During the prehearing conference, the hearing officer will discuss the:

- a) Student's rights and responsibilities and
- b) Nature of the complaint and how the Code of Student Conduct may have been violated.

The student may request to proceed with an immediate hearing, except in cases which may result in suspension or expulsion. The hearing officer may refuse to hear the case and refer it to another hearing officer.

5.8 Conduct Hearings

The Code of Student Conduct resolution process is facilitated through an administrative hearing. 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 hearing officer is the NDSU representative assigned to process an alleged violation of university policies. At this hearing, the student has a right to make a written and/or oral statement describing the event(s) that led to the charges.

In all cases involving an allegation of sexual misconduct, the accused student and the alleged victim shall have equal procedural rights as detailed in Policy 603.

When a case has potential to result in suspension or expulsion, the hearing will be recorded and retained as part of the student's file. In some situations, the hearing officer 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 two business days 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.

The hearing officer will provide written notice of the findings to the student stating whether or not the Code of Student Conduct was violated. The written notice will include sanctions and terms and/or conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 business days following the hearing. The dean of student life may grant time extensions, if necessary.

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

5.9 Student Advisory Options

The student has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Hearing advisors who do not comply with hearing procedures or the directives of the hearing officer may be cautioned by the hearing officer and if they persist, may be asked to leave.

If a student chooses to have an attorney present as his or her hearing advisor, NDSU may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing. Attorneys who do not respect this provision may be cautioned by the hearing officer and if they persist, may be asked to leave.

In cases that could result in suspension or expulsion, attorneys or nonattorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine (through the hearing officer) witnesses present during the hearing, and provide the student with support, guidance and advice throughout the

process.

5.10 Default Proceedings and Unresolved Charges

When a student/organization fails to appear for a hearing appointment without advance notice, or leaves the university with unresolved charges, the hearing officer may make a decision in the student/organization's absence, providing the student/organization was issued adequate written notice of the date, time and place of the scheduled hearing via the NDSU email system.

In certain cases, the 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 hearing officer also may place a transcript notation, "may not register for non-academic reasons," after recommendation to and approval from the dean of student life or designee.

5.11 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 (see Section 3.20) and also may be charged with one or more of the original alleged violations of the code arising from the alleged misconduct by the organization.

If the organization requests registration at a later date, the dean of student life or designee 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.

5.12 Conflicts of Interest

Any hearing officer who has a conflicting interest in the particular case may not participate. Each party has the right to challenge the appointment of a hearing officer. Challenges must be submitted in writing to the dean of student life or designee at least two business days prior to the hearing. If a party 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.

5.13 Burden of Proof

The burden of proof will rest upon the hearing officer.

5.14 Standard of Proof

The standard of proof will be "more likely than not." A student is found to have violated this code when the student:

- a) Admits to the violation or
- b) Information available at the time of the hearing supports a finding of responsibility.

5.15 Witnesses/Witness Statements

The accused student and the hearing officer will be given reasonable opportunity to present witnesses and/or witness statements and will be allowed to address questions to any witnesses participating in the hearing. An absolute right of cross examination is not granted under this code. All questions will be addressed through the hearing officer, who will determine if the questions are relevant and reasonable, and if necessary, will exclude questions that are redundant or irrelevant in determining responsibility. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies. All written statements that are to be considered are to be provided at least two business days prior to the hearing. Written statements must also be signed and dated, with the name of the witness printed below to ensure legibility or sent electronically directly by the witness. Deviations to the time restriction may be granted as long as all parties have sufficient time to prepare.

Character witnesses are not permitted. If the accused student is found responsible for violating this code, character statements may be considered during sanctioning. The accused student may submit up to three letters to the hearing officer, at least two business days prior to the hearing. Each letter must be dated and signed, with the name of the individual signing printed below to ensure legibility or sent electronically from the author of the written statement.

5.16 Evidence

The accused student and the hearing officer will be given reasonable opportunity to present any written or oral information that is relevant in determining responsibility. All pertinent information that is to be considered is to be provided at least two business days prior to the hearing. Deviations to the time restriction may be granted as long as all parties have sufficient time to prepare.

Because the hearing is an educational process, formal rules of evidence do not apply. For this reason, hearsay evidence may be permitted. It refers to testimony given by a witness who speaks about information received from others, rather than information given directly by that witness. The value of such evidence rests with the discretion of each hearing officer.

5.17 Self Incrimination

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

5.18 Closed Hearings

All hearings are generally closed except 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 or designee. The dean of student life or designee 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 or designee.

5.19 Appeals

Students sanctioned for violations of any part of this Code of Student Conduct or relevant university policies may appeal. Students are limited to one appeal and that decision is final (see Section VIII Appeal Procedures).

VI. Hearing Procedures for Potential Suspension or Expulsion Cases

6.1 Introduction

With all parties present, the hearing officer will call the meeting to order and will ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings.

The hearing officer will describe the general outline of the hearing and will read the honesty statement. If a student is represented by an attorney or nonattorney advocate, that individual has the ability to fully participate in the hearing as indicated in section 5.9. Hearing advisors (attorney or nonattorney advocates) will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing.

The hearing officer will dismiss witnesses until they are called to speak.

6.2 Complaint and Response

The hearing officer will introduce the case.

The accused student (and/or attorney or nonattorney advocate) will be permitted to respond to the charges and present information that is relevant in determining whether the student violated one or more sections of the code.

6.3 Presentation of Witnesses

The hearing officer and the accused student will be allowed to present witnesses who may be asked questions by the hearing officer, accused student (and/or attorney or nonattorney advocate), and dean of student life or designee. All questions will be directed to the hearing officer who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question and request a response.

6.4 Final Questions

The hearing officer and accused student (and/or attorney or nonattorney advocate) will be permitted to ask questions of each other.

Questions will be permitted by dean of student life or designee, who may question either party.

The hearing officer and accused student (and/or attorney or nonattorney advocate) may be permitted to ask additional questions of each other.

6.5 Closing Statements

The accused student (and/or attorney or nonattorney advocate) will have an opportunity for a closing statement.

6.6 Deliberation and Decision

If the hearing officer believes that suspension or expulsion is warranted, the hearing officer will make this written recommendation to the dean of student life. When the recommendation has been approved by the dean of student life, it will be returned to the hearing officer with the dean of student life's endorsement, and the hearing officer will issue the written decision.

The hearing officer will provide written notice of findings to the student stating whether or not the Code of Student Conduct was violated. The written notice will include sanctions and terms and conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 business days following the hearing. The dean of student life may grant time extensions, if necessary.

VII. Sanctions and Conditions

A sanction is a consequence placed upon any student for violations of specified university policies. Sanctions help define the student's relationship with the university in the context of current and potential future conduct, including a notice that further violations may lead to more severe conduct 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,

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 Conduct. 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.

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. Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

1. Warning,
2. Conduct probation,
3. Supervised conduct probation,
4. Conduct suspension,
5. Expulsion, or
6. Recommendation to the provost to withhold or rescind a degree.

Written decisions are generally rendered within 10 business days from the date of the hearing. In cases of code violations serious enough to warrant suspension or expulsion, the hearing officer will make a recommendation to the dean of student life. When approval of the recommended sanction is received, the hearing officer will issue the written decision. Sanctions of suspension and expulsion are noted on students' academic transcript.

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. Alcohol or other drug programming, evaluation and /or testing,
2. Written assignments,
3. Participation in a specific activity or project,
4. Restricted access,
5. Loss of privileges,
6. No contact orders,
7. Restitution, and/or
8. Confiscation.

In assigning a sanction and/or terms and conditions for inappropriate student conduct, the hearing officer 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) Impact on the victim(s), the educational community and its members,
- e) Previous incidents of prohibited conduct committed by the accused student, and
- f) The ability and/or willingness of the student to accept responsibility.

7.1 Sanctions

Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions.

Conduct Probation

Conduct 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; 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. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

Supervised Conduct Probation

Supervised conduct 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. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

Conduct Suspension

Conduct 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. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the dean of student life may specify a longer period of suspension.

- a) A student may not re-enroll during the period of conduct suspension.
- b) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.
- c) The notice of conduct 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, or online through Bison Connection. 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 conduct 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 further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."
- e) A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the conduct suspension.
- f) In addition to being ineligible for enrollment, a student is also ineligible for employment with NDSU.
- g) 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. Approval is generally granted only to permit a student to conduct business related to the university.
- h) Conduct suspension is a matter of permanent record. A permanent record indicates that student conduct files may be retained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.
- i) Student organizations placed on suspension may have all rights and privileges provided by CSO 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.

Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

The student must leave university residences and cease all use of university owned or controlled buildings, properties and services as designated in the expulsion notice. The expulsion notice will also include any other specific restrictions and a time frame during which these restrictions apply. These may include restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities.

Written requests for exceptions to restrictions may be directed to the dean of student life or designee; however, approval is generally only granted for the purpose of conducting official university business. Requests for readmission will not be approved.

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 9.1 regarding graduation holds for similar reasons.

7.2 Conditions

Alcohol and Other Drug Programming, Evaluation, and/or Testing

A student may be required to participate in alcohol and other drug programming as a result of participating in any incident involving the use or abuse of alcohol and other drugs. 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 conduct endangers or may endanger the safety of themselves, others, or property, and/or
- b) A pattern of conduct has been demonstrated by a student.

Written Assignments

Students may be required to complete written assignments as a means of reflecting and/or learning more about a particular topic.

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 educational class; and/or meeting with a designated university official or other assignment.

Restricted Access

Students may have access to university facilities and grounds restricted for a specified period of time. Restricted access may include but is not limited to entry into university facilities or athletic fields, access to specific university offices, and visiting and/or living in any university housing facility. Students found in violation of restricted access directives may be issued a trespass citation by University Police and may be subject to further conduct action.

Loss of Privileges

A student may be denied various privileges associated with being a student at NDSU. Such privileges may 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;
- c) Receiving or being a guest in residence life facilities;

- d) Access to parts of or all university property, including eligibility to reside in university facilities;
- e) Receiving financial aid;
- f) Being employed by the university;
- g) Representing the university, including travel on behalf of the university;
- h) Sponsoring or hosting organization or campus wide functions;
- i) Using IT services; and
- j) Maintaining recognized student organization status with the CSO.

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 communication, access to university owned or controlled locations, and specified minimum distances.

Restitution

A student may be required to repair, pay the cost for repair or pay for cost of replacement of any university or state 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, taking into consideration the fair market value or cost to repair the damaged item(s). 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.

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. 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, conduct 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.

Confiscation

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

VIII. Appeal Procedures

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

8.1 Deadline for Appeals

An appeal of any conduct process decision must be made 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 conduct 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 that may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student and shall contain the student's name, date of the decision or action, and reason(s) for the appeal.

8.2 Appeal Letters

Appeals must be submitted to the appeal officer 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 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. Those rights believed to be violated must be specified.

8.3 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.

8.4 Appeal Advisory Board

The appeal officer reserves the right to appoint an appeal advisory board to review appeals. In such instances, the appointed advisory board will make a recommendation that the appeal officer may accept or reject. The decision of the appeal officer will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.

8.5 Review

The appeal officer/advisory board will review the written letter of appeal from the student and materials from the original hearing. In reviewing the appropriateness of sanctions, the student's entire conduct file may be considered. After reviewing these materials, the appeal officer/advisory board 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.

8.6 Decision/Sanction

When the accused student makes the appeal, the appeal officer/advisory board may uphold or lessen the original decision/sanction, but not increase the sanctions/actions imposed by the hearing officer. 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.

8.7 Appeals by Accuser

An appeal by the accuser may only be allowed when it is alleged that the accuser was the subject of a Title IX violation, including 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.

8.8 Rehearing Requests for Cases Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original decision, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Vice President for Student Affairs. Information that may be considered may include police reports, transcripts of legal proceedings and the outcome of any civil or criminal proceeding directly related to the appeal.

IX. Special Circumstances and Conditions

9.1 Registration/Graduation Hold

- a) 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.
- b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.

9.2 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, a hearing officer, in consultation with the dean of student life or designee, 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 <https://www.ndsu.edu/fileadmin/policy/607.pdf>.

9.3 Temporary Emergency Suspension

A student may be temporarily suspended by the dean of student life, pending a hearing when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in Conduct Suspension (see Section 7.1) and remains a matter of permanent record. 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 the disruption of, or interference with, the normal operations of the university.

9.4 Conditions Under Which Temporary 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 Conduct Suspension (Section 7.1) and remains a matter of permanent record.

9.5 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 conduct that:

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

Consideration will be given first to use of normal conduct processes of counseling, voluntary withdrawal, use of state commitment laws (NDCC 25.03.1), or use of other alternatives whenever appropriate.

Conduct Violations

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

- a) Lacks the capacity to respond to pending conduct charges, or
- b) Lacks the capacity to know the nature or wrongfulness of the conduct at the time of the offense. Students subject to conduct 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 conduct 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 conduct process.

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, or if a student subject to conduct 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 conduct process or an immediate interim withdrawal.

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 conduct poses an imminent danger.

A student subject to interim withdrawal shall be given written notice and may be assisted throughout this 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 conduct, and
- b) Whether the student's conduct 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.

Involuntary Withdrawal

A student under consideration for involuntary withdrawal will be accorded an informal conference with the dean of student life or designee. The informal conference will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal conference, 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 conference proceedings. An individual of his or her choice may assist the student in the informal conference. The student will remain withdrawn on an interim basis pending completion of the informal conference.
- 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 vice president for student affairs.

9.6 Negotiated Withdrawal

In rare circumstances, a student may be allowed to negotiate a mutually agreed upon withdrawal for a specified period of time. Other conditions may also need to be met prior to application for reenrollment. Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.

This action generally results in no notation on the student's academic transcript; however, in instances involving interpersonal violence or felony level criminal conduct, charged or uncharged, a transcript notation may be applied at the discretion of the dean of student life or designee, "may not register for nonacademic reasons." The dean of student life or designee will determine whether this notation will remain on the transcript, should the student later be readmitted. .

A student requesting readmission will be required to meet with the dean of student life or designee prior to approval of the student's petition for readmission. The student must be academically eligible for readmission to NDSU and may be required to pass a criminal background check at the student's expense prior to readmission.

9.7 Interim Actions

In the interest of safety and security, interim actions may be implemented by the dean of student life prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

9.8 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 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.

9.9 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 victim 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). Individuals in receipt of this information may assume personal civil liability for releasing this information to others.

9.10 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 or designee may determine that an administrative hearing be held rather than a Conduct Board hearing.

X. Conduct Records

10.1 Disclosure

All conduct 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 conduct record shall be separate from the student's academic record, but shall be considered a part of the student's educational record. All conduct 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 conduct actions reflected on the official academic transcript of the student (see section 7.1). 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 ..."

10.2 Retention and Destruction

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 conduct history will be retained for seven years from the date of the student's last conduct violation. Student conduct records may be retained indefinitely at the discretion of the dean of student life.

Suspension or Expulsion

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

Student Organization Records

Records of conduct violations involving student organizations will be retained for seven years following the date of the incident. Student organization conduct records may be retained indefinitely at the discretion of the dean of student life.

FINAL NOTE Occasionally there may be a need to update certain details such as changes to staff titles, office locations, etc. that are 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

Effective 9/18/2015

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 contents of these policies and may be held accountable under A Code of Student Conduct for any violations of these policies. For assistance accessing any of these policies, please contact the Dean of Student Life Office.

Related University Policy Statements	Website
1. Academic dishonesty-Code of Academic Responsibility and Conduct	www.ndsu.edu/fileadmin/policy/335.pdf
2. Academics freedom (ND State Board of Higher Education Policy #401.1)	www.ndsu.edu/makers/procedures/sbhe/default.asp?PID=77&SID=5
3. Bank and investment accounts for student organization, NDSU Policy Manual	www.ndsu.edu/accounting/bi_accounts/stdntorgs/
4. Bison Card terms and conditions, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/703.pdf
5. Conflict of interest, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/151.pdf
6. Consensual relationships, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/162_1.pdf
7. Due process requirements	www.ndsu.edu/makers/procedures/sbhe/?SID=6
8. Eligibility for participation in co-curricular activities	www.ndsu.edu/student_life/policies_and_forms/eligibility_for_participation_in_co_curricular_activities/
9. Employment, section 1 of the NDSU Policy Manual	www.ndsu.edu/policy
10. Equal opportunity grievance procedures	www.ndsu.edu/fileadmin/policy/156.pdf
11. Fitness for duty, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/161.pdf
12. General conditions of license contract for university apartments and general conditions of license contract for residence halls	www.ndsu.edu/fileadmin/reslife/Apartment_Handbook_2013-2014.pdf
13. Grade appeals board	www.ndsu.edu/fileadmin/policy/337.pdf
14. Graduate school policies	http://bulletin.ndsu.edu/graduate/graduate-school-policies/
15. Health related policies a. Measles/mumps/rubella (ND State Board of Higher Education Policy #506.1) b. Alcohol and other drugs - unlawful use by students, faculty and staff	www.ndsu.edu/makers/procedures/sbhe/default.asp?PID=74&SID=6 www.ndsu.edu/fileadmin/policy/155.pdf
16. NDUS procedures 1901.2 - Computer and network usage	www.ndsu.edu/makers/procedures/sbhe/default.asp?PID=126&SID=11
17. Parental notification policy	www.ndsu.edu/student_life/policies_and_forms/parental_notification_policy
18. Political activities (ND State Board of Higher Education Policy #401.2)	www.ndsu.edu/makers/procedures/sbhe/default.asp?PID=78&SID=5

Related University Policy Statements	Website
19. Public/open records, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/718.pdf
20. Purchasing policies for student organizations, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/400.pdf
21. Resident Life Contract	www.ndsu.edu/reslife/forms/
22. Resident tuition law and guidelines (ND State Board of Higher Education Policy #504)	www.ndsu.edu/makers/procedures/sbhe/default.asp?PID=72&SID=6
23. Sale or distribution of racially and sexually offensive material	www.ndsu.edu/fileadmin/policy/154_1.pdf
24. Sexual misconduct and Title IX compliance	www.ndsu.edu/fileadmin/policy/603.pdf
25. Smoke-free facilities, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/153.pdf
26. Student Affairs related policies, section 6 of the NDSU Policy Manual	www.ndsu.edu/policy/section_6_student_affairs/
27. Student records: Notification of rights under FERPA	www.ndsu.edu/bisonconnection/ferpa/
28. Teaching policies, section 3 of the NDSU Policy Manual	www.ndsu.edu/policy/section_3_non_banded_staff_employment_faculty_and_other/
29. Traffic and safety/university police. NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/706.pdf
30. Transportation and motor pool. NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/709.pdf
31. Tri-college/dual-college organization recognition guidelines and procedures	www.ndsu.edu/fileadmin/mu.ndsu.edu/09SAO/Tri-College_Dual-College_Organization_Recognition.doc
32. University policy on anti-harassment	www.ndsu.edu/fileadmin/policy/163.pdf
33. University policy on equal opportunity	www.ndsu.edu/fileadmin/policy/100.pdf
34. University policy on sexual harassment	www.ndsu.edu/fileadmin/policy/162.pdf
35. Use of university name	www.ndsu.edu/fileadmin/policy/700_1.pdf
36. Webpage development policies, NDSU Policy Manual	www.ndsu.edu/fileadmin/policy/710_1.pdf