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## University of Nebraska Board of Regents Student Code of Conduct, Effective August 14, 2020

University of Nebraska

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# Student Code of Conduct

Effective August 14, 2020

## Previous Student Code of Conduct

Students at the University of Nebraska are members of an academic community in which academic integrity and responsible conduct are essential for the community to function. To ensure that students know what is expected of them, the University has adopted the Standards of Academic Integrity and Responsible Conduct (“Standards”).

- [Section I - Persons & Organizations Subject to the Standards](#)
- [Section II: Standards of Academic Integrity and Responsible Conduct](#)
- [Section III: University Responses to a Violation of the Standards](#)
- [Section IV: Enforcement of Standards](#)
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- [Section VI: Miscellaneous Procedural Matters](#)

All allegations of sexual misconduct, including sexual harassment under Title IX of the Education Amendments of 1972 (Title IX), sexual assault, sexual harassment, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in Executive Memorandum No. 38.

## SECTION I: Persons & Organizations Subject to the Standards

### A. Students

1. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals.

2. All students are subject to the Standards of Academic Integrity and Responsible Conduct as set forth in this Code while they are enrolled as an undergraduate student or a graduate student.
3. For purposes of the Standards, a student is considered to be enrolled starting one (1) week before the first day of classes of the first semester or session for which the student has registered for classes, or when the student engages in University sponsored activities whichever occurs first. A student's enrollment ends when the student graduates, withdraws from the University, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University.
4. As a general rule, the Standards do not apply to graduate students when the graduate students are fulfilling their employment responsibilities, – but the Standards of Academic Integrity apply to conduct that is related to the courses in which graduate students are enrolled. Further, as a general rule, the Standards apply to graduate students with assistantships, but they do not apply to conduct that is related to teaching responsibilities. Therefore, the Standards do not affect graduate student academic freedom.
  - a. The Standards of Responsible Conduct apply to students enrolled at the College of Law, but students at the College of Law are subject to the Law College Honor Code and not the Standards of Academic Integrity set forth in this Code.
  - b. The Standards of Responsible Conduct do not apply to post-doctoral fellows and medical/health profession residents not enrolled in credit courses.
5. Students who are accused of committing a violation of the Standards while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.

## B. Organizations

The Standards apply to recognized student organizations, which are organizations that have been authorized by the University to use University facilities. Any student organization that is registered with

the University, including student clubs, student organizations operating online, and fraternities and sororities, or similar programs, is a recognized student organization for purposes of the Code.

### C. Effect on Academic Sanctions

The University may address academic misconduct through proceedings under the Code as well as through proceedings implemented by an instructor or academic department. Specifically, imposition of academic sanctions on a student by an instructor or academic program does not prevent the University from instituting proceedings against the student under the Code.

In addition, the Code does not prevent an academic program from imposing academic sanctions on students who engage in unprofessional conduct as defined by program specific policies or professional licensure requirements.

### D. Locations in which the Standards Apply

1. The term “on-campus” includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems. The term “off-campus” means any location that is not on-campus.
2. The Standards of Academic Integrity apply regardless of where the conduct occurs.
3. The Student Code of Conduct applies to conduct that occurs on-campus and, in the situations set out below, to conduct that occurs off-campus.
  - a. Pursuant to Regents By-Law 5.5, the Student Code of Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law.
  - b. The Student Code of Conduct applies to conduct that occurs off-campus in the following situations:
    - i. The Code states that it applies to conduct that occurs off-campus.

- ii. The conduct occurs in or on the grounds of a university-approved housing unit.
- iii. The conduct occurs at events or during travel authorized, funded, or sponsored by the University.
- iv. The conduct occurs at events or during travel funded or sponsored by a student organization.
- v. The conduct poses a risk to the health and safety of individuals and application of the Code is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future.
- vi. The conduct poses a serious risk to the health or safety of individuals and is of the type that the student could easily engage in on-campus.
- vii. The conduct was intentional and caused, or attempted to cause, physical injury to a university employee or another student.
- viii. The conduct could, or was intended to, cause harm on-campus.
- ix. A conduct officer:
  1. determines that the conduct in a particular matter distinctly and clearly implicates the University's interests,
  2. prepares a written explanation of the interests and how the conduct implicates them, and
  3. provides the written explanation to the student or student organization.

## **SECTION II: Standards of Academic Integrity and Responsible Conduct**

The Standards are all structured in the same way. They contain a general category of conduct that violates the Code, followed by a list of specific

types of conduct. The list is not exhaustive and does not reflect all conduct that may be in violation of the Code. The word “include(s)” before a list should be read as saying that the types of conduct in the list are examples of conduct that is covered by the general category rather than an exclusive list. For example, the first violation that appears below is “Cheating.” The words “which includes” come next, followed by ten (10) examples. If a student engages in conduct that is similar to those examples and that people would normally think of as cheating, then that student has engaged in cheating in violation of the Code.

The words “means” before a list should be read as saying that the general category covers only the types of conduct in the list. In other words, the list is exclusive. For example, one of the general categories is “Hazing Students.” The words “which means” come next, followed by a definition and three situations in which hazing may occur. A student may be found responsible for Hazing under the Code only if the conduct occurs in one of those three situations.

Nothing in the Standards of Responsible Conduct may be construed to apply to conduct or words that are protected by the First Amendment to the United States Constitution or by Article I of the Nebraska Constitution. Likewise, nothing in the Standards of Responsible Conduct may be construed in a manner that is inconsistent with the Board of Regents Policy, [Commitment to Free Expression; Guide for Facilities Use; and Education](#).

#### A. Standards of Academic Integrity

Students are expected to approach and complete their academic work with integrity. They are expected to do their own work, to be honest in the statements they make, to refrain from harming others, to refrain from improperly helping others, and to follow the rules. Students must read instructions and syllabi carefully so that they know what their instructors expect in terms of academic integrity.

Students who are unsure whether or not particular conduct is appropriate should ask their instructors or university administrators. Failing to act with integrity is a violation of the Code. A student fails to act with integrity when they engage in or attempt to engage in any of the following conduct.

1. Cheating, which includes, but is not limited to:
  - a. Copying from another student's exam, assignment, or project.
  - b. Using materials during an exam or for an assignment that are not authorized by the instructor.
  - c. Using devices during an exam that are not authorized by the instructor.
  - d. Taking any materials out of the exam room (for example, the exam itself or scratch paper) that the exam instructions prohibit students from taking.
  - e. Making an electronic copy of part or all of an exam, unless the instructions authorize making a copy.
  - f. Possessing a copy of an exam or assignment that the student knows or should have known that they are not authorized to have.
  - g. Working on an exam or assignment with someone else, unless group work has been authorized by the instructor.
  - h. Taking an exam for another student, or allowing their exam to be taken by someone else.
  - i. Taking all or part of work that someone else prepared and submitting it as one's own.
  - j. Taking all or a substantial part of an assignment submitted for one course and submitting it in another course, without the authorization of the instructor for that course.
2. Dishonesty, Falsification, and Fabrication, which includes, but is not limited to:
  - a. Making false statements to avoid taking an exam or submitting an assignment at the scheduled time.
  - b. Making false statements to avoid a penalty for failing to take an exam or submit an assignment at the scheduled time.
  - c. Making up or purposefully misstating information or sources in any assignment or research project.

- d. Engaging in plagiarism by presenting the words or ideas of another person as one's own.
  - e. Making changes to a graded exam or assignment and then representing that the changes were part of the original exam or assignment.
3. Harmful Academic Action Towards Others, which includes, but is not limited to:
    - a. Interfering with another person's research or academic work.
    - b. Knowingly making false charges that another student violated these Standards.
  4. Improperly Helping Others, which includes, but is not limited to:
    - a. Helping another student on an exam or an assignment when the student is not authorized to receive help.
    - b. Knowingly helping another student violate these Standards, including, but not limited to, sharing an instructor's teaching materials without permission.
    - c. Unauthorized distribution, electronically or otherwise, of an instructor's course materials.
  5. Failing to Follow the Rules, which includes, but is not limited to:
    - a. Failing to follow the instructions of an exam proctor.
    - b. Failing to follow testing center rules.

## B. Standards of Responsible Conduct

Students are expected to conduct themselves responsibly. Students must remember that they are members not only of the University community but also of the community in which the University is located. This means that students are expected to make responsible decisions about the use of drugs and alcohol, to behave appropriately as a member of the academic community, and to refrain from conduct that threatens the safety of the community.

Failing to act responsibly is a violation of this Code. Engaging in any of the following conduct is considered a failure to act responsibly:



1. Using, Possessing, Manufacturing, Selling, or Distributing Illegal Drugs, Narcotics or Controlled Substances, except as expressly permitted by law.
2. Using, Possessing, Selling, or Distributing Prescription Drugs when not legally permitted or authorized.
3. Using, Possessing, or Distributing Drug Paraphernalia.
4. Being in the physical presence of unauthorized alcohol or in the physical presence of illegal drugs, which includes, but is not limited to:
  - a. Being in a residential room of a University residence hall or university-approved housing in which illegal drugs or unauthorized alcohol are present.
  - b. Being on campus in a vehicle in which illegal drugs or alcohol are being used.
  - c. Being off campus on University approved activities, or otherwise representing the University, in which illegal drugs or unauthorized alcohol are present.
  - d. Being in the presence of illegal drugs or unauthorized alcohol in these locations may not be a violation if the student establishes they were unaware of the presence of illegal drugs or unauthorized alcohol.
5. Misuse of Alcoholic Beverages, which includes, but is not limited to:
  - a. Using, possessing, or providing alcoholic beverages on campus without University authorization.
  - b. Being intoxicated to the point of becoming incapacitated or posing a danger to oneself or others.
  - c. Driving while under the influence of alcoholic beverages or drugs in violation of law.
  - d. Possessing or consuming alcoholic beverages while under the age of twenty-one (21), except when expressly permitted by law.
6. Providing Alcoholic Beverages to Underage Students at Off-Campus Parties and Events, which includes, but is not limited to:

- a. Providing alcoholic beverages to underage individuals.
  - b. Making alcoholic beverages available on premises that the students control when they know that underage individuals are likely to be present, the beverages are left in a place easily accessible to underage individuals, and some or all of the beverages are consumed by underage individuals.
    - i. A student will be considered to have control of premises if they were on the premises at the time alcoholic beverages were furnished to underage individuals and
      1. they are the lessee or owner of the premises;
      2. they obtained authorization from the lessee or owner to use the premises; or
      3. they have legal access to the premises.
    - ii. A student will be considered the lessee if they lease the premises for any purpose, regardless of the length of the lease.
  - c. Purchasing or delivering alcoholic beverages for an event where some or all of the beverages are consumed by underage individuals when the student knew that underage individuals would likely be present and that the alcoholic beverages would likely be easily accessible to them.
  - d. Putting out alcoholic beverages at an event where some or all of the beverages are consumed by underage individuals when the student knew that underage individuals would likely be present and that the alcoholic beverages would likely be easily accessible to them.
7. Engaging in, or attempting to engage in, behavior that may cause harm to an individual or property, which includes, but is not limited to:
- a. Physical abuse or unwelcome contact, such as hitting, pushing, kicking, choking, biting, or spitting.
  - b. Threatening to commit an act of violence for the purpose of terrorizing another person or persons.

- c. Threatening another person with imminent physical harm.
  - d. Restraining another person, without legal authority to do so unless it can be shown that there was a reasonable basis to believe that restraining the person was necessary to protect the restrained person, self or others from physical harm.
  - e. Harassing another person, by intentionally engaging in a course of conduct that serves no legitimate purpose and that would seriously terrify, threaten, or intimidate a reasonable person.
  - f. Harassing another person due to their status as a member of a protected class in a manner that is so severe, persistent, or pervasive as to limit or deny a reasonable person's ability to participate or benefit from the University's programs, activities, or employment.
  - g. Taking pictures or making recordings of another person without the person's consent in any place where a person would have a reasonable expectation of privacy, including, but not limited to: the person's bedroom; in the person's living quarters in a residence hall; in a locker room; or in a restroom.
  - h. Taking without permission, destroying, damaging, or vandalizing property that belongs to the University, to University employees, to a student organization, or to others.
  - i. Taking money without permission that belongs to others.
  - j. Accessing, transferring, altering, or destroying without authorization electronic files or devices that belong to the University, or other persons.
  - k. Taking, duplicating, or using the identification card, keys, or credentials of another without authorization.
  - l. Failing to comply with the campus tobacco policy.
8. Engaging in Conduct that Disrupts Classes, University Operations, Activities, or Order, which includes, but is not limited to:

- a. Interfering with an instructor's ability to conduct class by failing to follow the instructor's rules or instructions regarding behavior.
  - b. Being present in a location on campus without proper authorization.
  - c. Obstructing, impeding, or blocking entrances to or hallways in University buildings, roads, sidewalks or windows on campus, or entrances to campus.
  - d. Yelling, screaming, or making loud noises with bullhorns or other such devices.
  - e. Engaging in protests, sit-ins, or demonstrations at times or in locations where those kinds of activities are not permitted.
9. Failing to Comply with University Housing Policies, which means:
- a. Violating any student housing unit policy or regulation whether as a resident or visitor. Visit [housing.unl.edu](https://housing.unl.edu) for applicable policies and regulations.
10. Hazing Students which means:
- a. Any action taken or situation created that intentionally or recklessly endangers the physical or mental health or safety of a student when that activity is performed:
    - i. in the course of a student organization member considering the student for membership, continued membership, or affiliation with the organization;
    - ii. in the course of a student organization considering the student for membership, continued membership, or affiliation with the organization; or
    - iii. in response, either in whole or in part, to an expression of interest by the student in becoming a member of the organization.
  - b. Hazing is a violation regardless of whether it occurs on or off campus.
  - c. Permission or approval of the student being hazed is not a defense to hazing.

- d. Examples of hazing activity include, but are not limited to, paddling, beating, or branding a student, depriving a student of sleep for a prolonged period, sexually penetrating a student or touching the student in a lewd manner, subjecting the student to prolonged exposure to the elements, depriving the student of food or water, leaving the student in a remote location without a means of return, subjecting the student to conduct designed to shock the student, or having the student engage in criminal conduct, engage in humiliating conduct, perform prolonged calisthenics, consume items that are not normally consumed by people, consume items in quantities that are not normally consumed by people, or consume alcohol.
11. Doing Private Acts in Public, which includes, but is not limited to:
    - a. Engaging in sexual acts such as intercourse or masturbation in public, exposing one's private body parts in public, or urinating or defecating in public.
  12. Misusing University Computer and Network Systems, which includes, but is not limited to:
    - a. Engaging in conduct prohibited by Sections 5 and 6 of the Policy for Responsible Use of University Computers and Information Systems. (Executive Memorandum 16).
  13. Falsification, which includes, but is not limited to:
    - a. Knowingly providing false information to the University for the purpose of obtaining something of value, such as admission to the University or a University program, an award, a scholarship, an identification card, membership on an athletic team, or the use of University facilities.
      - i. This Standard applies from the time of application for admission to the University, regardless of when the student actually enrolls.
  14. Engaging in Conduct that Creates a Threat to Community Safety, which includes, but is not limited to:

- a. Possessing weapons in violation of Campus Weapons Policies.
- b. Using weapons to cause physical harm to others.
- c. Possessing or using fireworks.
- d. Making, possessing, or using false forms of identification such as driver licenses and University identification cards.
- e. Tampering with fire or safety equipment.
- f. Intentionally making false reports of fires, bombs, or other emergencies.
- g. Failing to comply with requests for identification or other lawful commands from emergency personnel, police officers, or University employees that are reasonably related to the employee's job responsibilities.

15. Failing to Comply with any University or Campus Policy, Rule or Regulation, which means the violation of any University policy, rule, or regulation published in hard copy or available electronically on any University website. Electronic copy published on any University website shall supersede hard copy.

16. Violation of Law, which means:

- a. Engaging in conduct that is sufficient to constitute a violation of federal, state, or local law that causes, or could cause, harm to the campus community to the extent the University's interests are distinctly and clearly involved.

17. Abuse of University Disciplinary Proceedings, which includes but is not limited to:

- a. Failing to comply with the notice from a Conduct Board or University official to appear for a meeting or hearing as part of the Disciplinary Proceedings.
- b. Knowingly falsifying, distorting, or misrepresenting information before a Conduct Board.
- c. Disrupting or interfering with the orderly conduct of a Conduct Board proceeding.
- d. Filing a frivolous or knowingly false report(s).

- e. Attempting to intimidate or coerce an individual from reporting potential violations of the Code, participating in an investigation or disciplinary proceeding, or otherwise making use of the Disciplinary Procedures.
  - f. Attempting to influence the impartiality of a member of a Conduct Board prior to, and/or during the course of, the Conduct Board proceeding.
  - g. Attempting to harass (verbal or physical) and/or intimidate a member of a Conduct Board prior to, during, and/or after a disciplinary proceeding for purposes of disruption of the conduct process.
  - h. Failing to comply with the University response(s) imposed under the Student Code.
18. Sexual misconduct or any other unwelcome sexual, sex based, or gender-based conduct which includes but is not limited to:
- a. Sexual assault;
  - b. Sexual harassment;
  - c. Dating violence;
  - d. Domestic violence;
  - e. Stalking or;
  - f. Sexual exploitation
  - g. Sexual harassment under Title IX.

The definitions of terms in 18(a-g) appear in Board of Regent Policy 2.1.8. and Executive Memorandum No. 38. All allegations of sexual misconduct, including sexual assault, sexual harassment, sexual violence, dating violence, domestic violence, stalking and sexual exploitation are investigated and addressed following the procedures set forth in the University of Nebraska Response to Allegations of Student Sexual Misconduct, adopted pursuant to Executive Memorandum No. 38.

### C. Exception for Seeking Emergency Help

Students should seek emergency help for themselves or other individuals if they have been drinking alcohol or using illegal drugs and suffer a physical injury or have problems functioning.

Those problems include difficulty walking, talking, breathing, or staying conscious. They also include being mentally confused, having a seizure, or being cold or pale. Students have died from alcohol poisoning and drug overdoses. Students should seek emergency assistance by contacting 911.

The University will not take disciplinary action against students for using or possessing alcohol, if the use or possession was part of the incident for which they received emergency help or sought emergency help for another person, or if they were involved in the care of that person. The University will not take disciplinary action against students for using or possessing illegal drugs or unauthorized prescription drugs if the use or possession was part of the incident for which they received emergency help or sought emergency help for another person, or they were in the immediate vicinity of that person.

The Conduct Officer will determine if the student is eligible for this exception after meeting with the student. Students may still be charged by law enforcement officials for violations of federal, state, or local laws. Additionally, the policy is not a means to excuse students from other violations of the Student Code.

As a condition of not taking action against them, however, the University may require students to meet with a Conduct Officer and to participate in an alcohol or drug educational program that is designed to help increase their awareness of their alcohol or drug-related behavior.

#### D. Responsibility of Student Organizations

1. A student organization is responsible for conduct that the organization engaged in, facilitated, or authorized, whether expressly or impliedly. Whether an organization engaged in, facilitated, or authorized conduct is a factual question that requires an evaluation of the totality of the circumstances to determine whether it is fair and reasonable to hold the



organization itself responsible. The relevant circumstances include, but are not limited to, the following:

- a. Whether the conduct was planned, approved, or engaged in by one or more officers or authorized representatives of the organization who were acting in their capacities as officers or authorized representatives.
- b. Whether the conduct was the result of a policy or practice of the organization.
- c. Whether a significant number of members were involved or engaged in the conduct.
- d. Whether the conduct occurred at or in connection with an activity or event funded, sponsored, publicized, or advertised by the organization.
- e. Whether the conduct occurred at a location over which the organization had control at the time of the conduct.
- f. Whether the conduct occurred at an event that reasonable people would associate with the organization.
- g. Whether the officers or authorized representatives of the organization could have reasonably foreseen that the conduct could occur and, if so, whether they failed to take reasonable steps to prevent the conduct.
- h. Whether the conduct is attributable to the organization under the organization's own policies, including local or national risk management guidelines.

## **SECTION III: University Responses to Violations of the Standards**

If a student or student organization is found to be responsible for a violation of the Standards, the University's response may involve requirements designed to educate the student about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University's response may also involve sanctions to the student or the student organization for engaging in the conduct and

to deter the student or student organization from engaging in the conduct in the future.

#### A. University's Response

1. The University's response may include one (1) or more of the following:
  - a. Written Warning
    - i. This is a warning by a Hearing Officer or the University Conduct Board that the student receiving the warning committed a violation of the Standards and that future violations may result in a harsher response.
    - ii. The warning may also include advice on steps that the student may take to avoid future violations.
  - b. Probation for a specified period of time
    - i. Probation may include conditions that must be satisfied.
    - ii. The conditions must be reasonably related to the violation or the reasons for the violation.
      1. Examples of conditions for students include the completion of educational programs and behavioral evaluations.
      2. Examples of conditions for student organizations include completing educational programs and adopting policies and procedures to minimize the risk of the wrongful conduct occurring in the future. Other examples include not engaging in specified recruitment practices holding specified events, or participating in specified events.
    - iii. The failure to satisfy a condition of probation may be treated as an independent violation of the Standards of Responsible Conduct.
    - iv. A violation of the Standards while a student or student organization is on probation may result in a

more severe response to the new violation than if the new violation was considered in isolation.

c. Expulsion from University Housing

- i. The student is permanently barred from living in or being present on the premises of any University residence hall or housing unit.

d. Suspension from University Housing

- i. The student may not live in or be present on the premises of any University residence hall or housing unit for a specified period of time.
- ii. Conditions may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.

e. Mandatory Relocation

- i. The student is required to move to a different room, University residence hall, or housing unit.

f. Loss of Privileges for a Specified Period of Time

- i. Loss of a privilege to engage in any activity or experience not required to satisfy graduation requirements, including but not limited to:
  1. Prohibition or limitation on the use of University electronic resources such as, internet access, email access, computers, or tablets.
  2. Prohibition or limitation on the use of University media resources, such as communal televisions, projectors, etc.
  3. Prohibition or limitation on the use of University wellness/recreation center equipment.
  4. Prohibition or limitation on on-campus dining.

5. Prohibition or limitation on use of on-campus transportation.
  6. Prohibition or limitation on use of University purchasing cards or accounts.
  7. Prohibition or limitation on use of University keys and/or card access.
  8. Prohibition or limitation on the use of personal media devices.
  9. Restriction on access to campus.
- g. Restitution
- i. Requiring the student to return to the owner money or property that the student wrongfully took.
  - ii. Requiring the student to pay the owner for property destroyed or damaged.
- h. Performance of Service to the University Community
- i. The service must be reasonable in type and duration.
  - ii. When possible, the service should be designed to make amends for the violation, to educate the student about the harmful consequences of the violation, or to allow the student to develop their academic or professional skills.
- i. Completion of Educational Programs, Assignments, or Behavioral Evaluations that are reasonably related to the violation
- i. These may include, but are not limited to, academic integrity programs, anger management programs, completing presentations or written assignments, substance abuse evaluations, and other such programs and evaluations that are designed to help the student identify and address factors that may have contributed to the violation. Students may be responsible for the costs or fees associated with any such programs or evaluations.
- j. Employment Restrictions

- i. Prohibition or limitation on University student employment.
- k. Revocation of Admission and/or Degree
  - i. Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of the Standards in obtaining the degree, or for other serious violations committed by a student prior to graduation that may have resulted in suspension or expulsion.
- l. Withholding Degree
  - i. The University may permanently withhold awarding of a degree or withhold the award of a degree pending the completion of Disciplinary Procedures, including the completion of all University responses imposed.
- m. No Contact
  - i. A No Contact order may prohibit, but is not limited to, the following:
    - 1. Approaching one (1) or more specified individuals at any time.
    - 2. Calling one (1) or more specified individuals at any time.
    - 3. Sending via email or by any other means, any communication to one (1) or more specified individuals at any time.
    - 4. Contacting or communicating with one (1) or more specified individuals through a third-party.
  - ii. If the student subject to the No Contact order believes contact with one (1) or more of the specified individuals is necessary, any such contact must be made through the Student Conduct Office or with the expressed permission of a Conduct Officer.
- n. Loss of Status as a Recognized Student Organization

- i. Loss of Status as a Recognized Student Organization
  - ii. Conditions may be imposed on the organization for regaining its status at the end of the specified period, including the condition that the members comply with the Code of Conduct during the specified period.
- o. Suspension for a Specified Period
  - i. Suspension is a temporary separation from the University of Nebraska.
  - ii. During the suspension period the student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. The University response may be enforced with a trespass action as necessary.
  - iii. A notation will be made on the student's transcript but will be removed after the suspension period ends.
  - iv. Conditions, including the reapplication for admission, may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.
- p. Expulsion
  - i. Expulsion is a permanent separation from the University of Nebraska.
  - ii. An expelled student is precluded from registration, class attendance or participation, and residence on campus.
  - iii. An expelled student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. This University response may be enforced with a trespass action as necessary.

- iv. A notation will be made on the student's transcript.
2. If there is a dispute about whether a student or a student organization complied with any of the conditions imposed as part of the response to a violation, the dispute must be resolved at a hearing before a Hearing Officer.
3. The factors relevant to the determination of the appropriate response(s) include, among others, the nature and seriousness of the conduct, the harm that the conduct caused or might have caused, the student's academic progress or experience, the student or student organization's acceptance of responsibility for the conduct, the student or student organization's efforts to conceal or avoid responsibility for the conduct, the student or student organization's explanations for the conduct, the student or student organization's prior record of violations, the interests of the University, and the imposition of any sanctions pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by civil authorities).

## SECTION IV: Enforcement of the Standards

### A. Definitions

1. University Day. This section contains various deadlines that are stated in days. The term "University Day" means a weekday on which the campus offices are open. Check the [academic calendar](#) on the campus website to determine the days on which the campus offices are closed.
2. E-Mail Address of Record. This section also contains references to the "e-mail address of record." That term means the student's University assigned e-mail address. Because important notices may be sent to students by e-mail, it is extremely important that students make sure they check that email regularly.

### B. The Persons Involved in Enforcement of the Standards

1. Conduct Officer. A Conduct Officer is responsible for investigating alleged violations of the Standards, for presenting the University's information and position in hearings, and for

exercising the discretion that the Code specifically grants to Conduct Officers. The Conduct Officer may propose administrative resolutions.

2. **Hearing Officer.** A Hearing Officer has the authority to hear and resolve allegations that a student or student organization violated the Standards and if the Officer determines that a violation occurred, for determining the University's response. Unless otherwise agreed upon through an administrative resolution, a Hearing Officer may not designate suspension or expulsion as a response to a violation by a student or loss of status as a response to a violation by a student organization. Only the University Conduct Board may do so.
3. **University Conduct Board.** The University Conduct Board has the authority to hear and resolve charges that a student or a student organization violated the Standards and if the Board determines that a violation occurred, for determining the University's response. The procedures for selecting the members of the Board and the requirements for a quorum are set out in Section VI.
4. **Appeals Officer or Board.** An Appeals Officer or Appeals Board may hear appeals authorized by this Code. The procedures for selecting members of the Appeals Board and the requirements for a quorum are set out in Section VI. An appeal heard by the Appeals Board must be heard before an appeals panel of no fewer than three (3) members of the Appeals Board. The appeals panel shall select its own Chair. All members of the appeals panel possess voting privileges.
5. **Appointments.** Conduct Officers, Hearing Officers, and Appeals Officers are appointed by the Vice Chancellor responsible for student conduct or by their designee. A person may be appointed as a Hearing Officer, Conduct Officer, or Appeals Officer regardless of whether the person is an employee of the University. The person may be appointed for all types of cases or may be appointed for a particular case or type of case. Although a person may be appointed as a Hearing Officer, a Conduct Officer, and an Appeals Officer, the person may only serve as one of those in the same case.

### C. Investigating Potential Violations



1. When the University receives information about a potential violation of the Standards, a Conduct Officer may conduct an investigation to determine if there is a reasonable basis to believe that a student or a student organization has engaged in conduct that violates the Standards.
2. In the course of the investigation, the Conduct Officer may contact the student or the officers of the student organization that is the subject of the investigation. Before discussing the alleged violation(s) with the student or officers, the Conduct Officer must state in writing:
  - a. that the Conduct Officer is investigating an alleged violation of the Standards;
  - b. what the alleged violation is;
  - c. that the student or officer is not required to discuss the alleged violation with the Conduct Officer;
  - d. that the student or officer has the right to be accompanied by an advisor when the student meets with the Conduct Officer; and
  - e. that the student or the organization may choose as the advisor anyone, including an attorney, but that the student or the organization is responsible for any fees that the advisor may charge. The student's advisor may provide guidance to the student, but may not otherwise directly participate in the conduct process.
3. The Conduct Officer must complete the investigation within thirty (30) University days after written notice about a possible violation was first received by the Conduct Officer. The Vice Chancellor responsible for student conduct or their designee may grant the Conduct Officer extensions of no more than an additional sixty (60) University days if the Conduct Officer applies in writing for an extension within the initial thirty (30) day period and shows that exceptional circumstances exist that warrant an extension of time. More than one (1) extension may be granted.
4. If the Conduct Officer determines that there is not a reasonable basis to believe that the student or student organization violated

the Standards, the Conduct Officer should not take any further action in the matter.

5. If the Conduct Officer determines that there is a reasonable basis to believe that student or the student organization engaged in conduct that violates the Standards, the Conduct Officer has the discretion:
  - a. to take no further action in the matter;
  - b. to seek an administrative resolution of the matter; or
  - c. to set the matter for hearing.

In exercising discretion, the Conduct Officer should consider all the relevant circumstances, including the nature and seriousness of the alleged violation, any sanctions that may have been imposed pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by the civil authorities), the past conduct of the student or student organization, the ease or difficulty of proving the alleged violation, the interests of fairness, the interests of those harmed by the alleged violation, and the interests of the University.

6. If the Conduct Officer determines that suspension or expulsion may be an appropriate University response, and unless an administrative resolution is agreed upon, the Conduct Officer must set the matter for hearing before the University Conduct Board. If suspension or expulsion is not a potential University response, the matter will be set before a Hearing Officer unless either the Conduct Officer or the student requests the matter be set before a University Conduct Board.
  - a. During the week preceding final examinations and the week(s) of final examinations, University breaks, and summer sessions a University Conduct Board may not be available. Accordingly, a Respondent may waive their right to a hearing before a University Conduct Board.
7. A matter that is set for hearing before a University Conduct Board must consist of no fewer than three (3) members of the Conduct Board, at least one (1) of whom must be a faculty member and at least one (1) of whom must be a student. The Chair of the Conduct Board is responsible for conducting the

hearing and resolving any procedural and evidentiary issues that may arise. The Conduct Board shall select its own Chair. All members of Conduct Board possess voting privileges.

#### D. Instituting Proceedings

1. A Conduct Officer institutes a proceeding under this Code by sending a request for an informal meeting, an administrative resolution, or a notice of hearing to a student or student organization. The student or student organization against whom a Code violation has been alleged is referred to as the “Respondent.”
2. The request or notice of hearing must be in writing and sent by e-mail to the Respondent's e-mail address of record. If the Respondent is a student organization, the request or notice of hearing must be sent by e-mail to:
  - a. one of the officers of the organization at the officer's e-mail address of record, and
  - b. the organization’s faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter’s advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life.
3. The contents of the request are set out below in subsection E. The contents of the notice are set out below in subsection F.

#### E. Informal Meeting

1. An informal meeting is an opportunity for the Respondent to discuss the alleged misconduct with a Conduct Officer. During an informal meeting, the Conduct Officer may proceed with administrative resolution of a complaint pursuant to Section F(1) if the Conduct Officer determines administrative resolution is appropriate and is accepted by the Respondent.
2. A written request for an informal meeting must inform the Respondent:
  - a. that the Conduct Officer intends to address an alleged violation(s) of the Standards;
  - b. what the alleged violation(s) is;

- c. that the student or officer is not required to discuss the alleged violation(s) with the Conduct Officer;
- d. that the student or officer has the right to be accompanied by an advisor when the student meets with the Conduct Officer; and
- e. that the student or the organization may choose as the advisor anyone, including an attorney, but that the student or the organization is responsible for any fees that the advisor may charge. The student's advisor may provide guidance to the student, but may not otherwise directly participate in the conduct process. The process shall not be unduly delayed based on the availability of the Respondent's advisor.

#### F. Administrative Resolutions

1. An administrative resolution is an agreement between the University, through the Conduct Officer, and the Respondent in which:
  - a. the Respondent admits the violation and agrees to the response(s) stated in the agreement, or
  - b. the Respondent does not admit the violation but agrees to the responses stated in the agreement. If the parties reach an agreement, the agreement must be in writing and signed by the parties. An electronic signature is sufficient.
2. A written request for an administrative resolution must contain:
  - a. an explanation of what an administrative resolution is;
  - b. a statement of the charge(s) against the Respondent, including the time and place of the alleged violation(s); and
  - c. a statement of the response(s) proposed by the Conduct Officer. The request must also explain what the Respondent must do to accept or reject the proposal and inform the Respondent that the matter may be set for hearing if the Respondent rejects the proposal. If the parties fail to reach an administrative resolution, the Conduct Officer has the discretion to take no further action in the matter or to set the matter for hearing.

3. If the Respondent does not respond to the written request for an administrative resolution within five (5) University days, and unless the University's proposed response is suspension or expulsion, the proposed administrative resolution will be deemed accepted by the Respondent. The Conduct Officer may grant the Respondent an extension of time to respond to the Administrative Resolution, upon the request of the Respondent and at the sole discretion of the Conduct Officer.
4. The Conduct Officer may propose an administrative resolution at any time prior to the beginning of a hearing before a Hearing Officer or the University Conduct Board. A proposal for an administrative resolution that is made after a notice of hearing is sent may be made orally or in writing.

#### G. Hearings

A hearing is an opportunity for the parties to be heard before a Hearing Officer or the University Conduct Board. A University Conduct Board will hear matters that may result in suspension or expulsion. All other matters will be heard by a single Hearing Officer, unless a University Conduct Board is requested by the Conduct Officer or the Respondent. If a matter is set for a hearing, a written notice of hearing must be sent regardless of whether a written request for an administrative resolution was previously sent.

#### **Notice of Hearing**

1. The notice of hearing for a student must contain the following information:
  - a. Source of the misconduct complaint(s).
  - b. Statement of alleged facts constituting misconduct under the Code or other policy.
  - c. Citation of the specific provision(s) of the Code or other policy alleged to have been violated.
  - d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented.
  - e. Date, time and place of the hearing before the Hearing Officer or Conduct Board. Each hearing shall be

scheduled at least five (5) University days after the date the notice has been sent.

- f. A statement that the student or student organization accused of misconduct may be accompanied by legal counsel or other advisor at the hearing before the Conduct Board, to be provided at the expense of the student or student organization, and that such legal counsel or advisor may advise the student or student organization, but may not directly participate in the hearing.
  - g. That the student or student organization accused of misconduct is under no obligation to make any statement at the hearing relevant to the alleged misconduct, and that refusal to make a statement will not be considered as an indication of responsibility.
  - h. That the student or student organization accused of misconduct has the right to inspect any pertinent information the Conduct Officer intends to present at the hearing, no fewer than five (5) University days prior to the hearing, in the Office of Student Conduct and Community Standards and that the student or student organization will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.
  - i. A statement that if the student or student organization intends to present evidence, including witnesses, that information must be provided to the Conduct Officer no fewer than two (2) University days in advance of the hearing.
2. The notice of hearing must be sent at least five (5) University days before the hearing date. The hearing must be held no later than thirty (30) University days after the notice of hearing was sent. The time limits in this paragraph may be lengthened or shortened if the parties agree to do so. The time limits may also be lengthened if one of the parties makes a written request to the Vice Chancellor responsible for student conduct and the Vice Chancellor or their designee determines that there is a good reason for doing so. Under no circumstances may the

hearing be held more than sixty (60) University days after the notice of hearing is sent.

### **Disqualification**

3. The notice of hearing must be provided to the Hearing Officer or to the members of the hearing panel at least three (3) University days before the hearing so that the officer or members can decide whether they need to disqualify themselves.
4. Hearing Officers or panel members must disqualify themselves if they believe that they cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officers or members as being unable to decide the matter fairly and impartially.
5. The name of the Hearing Officer or a list of the names of the members of the hearing panel must be provided to the Respondent at least three (3) University days before the hearing so that the Respondent can decide whether to challenge the Hearing Officer or any member of the hearing panel on grounds of lack of fairness or impartiality. The list of names of the members of the hearing panel must identify the Conduct Board Chair (“the Chair”) and must also state the member’s status (faculty, staff, or student). The e-mail address of the Hearing Officer or the Chair must also be provided to the Respondent.
6. The Respondent may make a challenge by sending an e-mail to the Conduct Officer and to the Hearing Officer or the Chair in which the Respondent states the factual basis for challenging the impartiality or fairness of the officer or member. The e-mail must be sent no later than two (2) University days before the hearing. The failure to make a timely challenge to the officer or member waives the challenge unless the Respondent shows, as determined by the Vice Chancellor responsible for student conduct or their designee, that there are extraordinary circumstances that excuse the Respondent’s failure.
7. If the Respondent challenges the Hearing Officer, the officer must withdraw from the proceeding if the officer believes that the officer cannot decide the matter fairly and impartially or if

there is a reasonable basis why others may perceive the officer as being unable to decide the matter fairly and impartially.

8. If the Respondent challenges a member of the hearing panel, the Chair must promptly forward the Respondent's e-mail to the members of the panel. The member who is the subject of the challenge must withdraw from the proceeding if the member believes that the member cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the member as being unable to decide the matter fairly and impartially. If the member does not withdraw from the proceeding, the other members of the hearing panel may disqualify the member if they conclude by a majority vote that the standard for disqualification has been met.
9. If the Hearing Officer withdraws from the proceeding, the hearing must be conducted by a different Hearing Officer and the name of that officer must be promptly provided to the Respondent. If a Conduct Board member withdraws or is disqualified from the proceeding, the member must be replaced by a new Conduct Board member and the name of the new Conduct Board member must be promptly provided to the Respondent.

### **Pre-hearing Conference**

10. Prior to a hearing a pre-hearing conference may be held to answer procedural questions and settle those matters which may be agreeably concluded.

### **Recording & Conducting the Hearing**

11. The electronic or printed items that the Conduct Officer plans to use at the hearing may be made available to the Hearing Officer or Conduct Board for review before the hearing. The Respondent, however, must be given the opportunity to review the items before they are made available to the Hearing Officer or Conduct Board no fewer than five (5) University days in advance of the hearing. Any items that are made available to the Hearing Officer or Conduct Board must be presented as evidence at the hearing. If the Respondent intends to present evidence, including witnesses, that information must be



provided to the Conduct Officer no fewer than two (2) University days in advance of the hearing. Any evidence not disclosed within the deadlines set forth in this paragraph will only be considered at the sole discretion of the Hearing Officer or Chair of the Conduct Board. Regents By-Law 5.4(f) provides that the “decision of the [conduct] board must be based solely upon evidence introduced at the hearing.”

12. The Conduct Board shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University. The Vice Chancellor responsible for student conduct or their designee has the authority to decide which recording means will be used.
13. At the beginning of the hearing, the Hearing Officer or Chair should state for the record:
  - a. the date, time, and place; and
  - b. their name and role as the Chair or Hearing Officer.
14. If the hearing is before a hearing panel, the Chair should:
  - a. have the other members of the Conduct Board identify themselves, and
  - b. state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.
15. The Hearing Officer or Chair should then identify the other persons present, ask the Conduct Officer to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).
16. The Hearing Officer or Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by both the Conduct Officer and the Respondent. Both the Conduct Officer and the Respondent have the right to call witnesses and present their respective cases. The Hearing Officer or Chair has the discretion to allow the use of a question-and-answer format or allow a witness to make an oral statement about what the

witness knows about the matter. The Hearing Officer or the members of the hearing panel may then ask questions to clarify what the witness said or to elicit more detailed information.

17. The Hearing Officer or Chair has the discretion to allow the parties to question the witnesses directly or to require the parties to submit suggested questions for the Hearing Officer or Chair to ask. In exercising this discretion, the Hearing Officer or Chair should consider all the relevant circumstances, including whether there is animosity between the Respondent and the witness, whether the charges involve violence, threats, or harassment of the witness by the Respondent, and whether direct questioning would be more efficient or would better enable the Respondent to present their information.
18. The Hearing Officer or Chair has the discretion to:
  - a. allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
  - b. allow witnesses to testify by videoconferencing technology;
  - c. require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
  - d. schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.
19. The Respondent has the right to be present for the hearing. If the Respondent is a student organization, then one of its officers has the right to be present for the hearing. The hearing is closed to the public.
20. The Conduct Officer has the burden of demonstrating the alleged violation(s) by the greater weight of the evidence. The greater weight of the evidence means evidence sufficient to make the alleged violation(s) more likely true than not true. If the evidence is evenly balanced, or if it weighs in favor of the Respondent, then the Respondent is not responsible for the alleged violation(s).

21. The Conduct Officer will present evidence first, followed by the Respondent. Courtroom rules of evidence do not apply.

Evidence may be presented if:

- a. it is relevant to the charges, the University response, or the credibility of the witnesses; and
- b. it is sufficiently reliable that a reasonable person would take it into account in making an important decision. Evidence may be excluded if it merely repeats evidence that has already been presented. The Hearing Officer or Chair will be solely responsible for the determination of the admissibility of evidence.

22. The Respondent's advisor may not speak on behalf of the Respondent during the hearing and may not directly participate in any aspect of the hearing. The Respondent, however, may consult with the Respondent's advisor during the hearing. The Hearing Officer or Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

### **Hearing Stages**

23. If the Respondent is present and contests the charge(s), a hearing must be conducted in two (2) stages. At the end of each stage a Conduct Board must go into closed session to deliberate and make its decisions by majority vote. If the Respondent is contesting only the appropriate response, the hearing will move immediately to the second stage.

- a. The first stage is to decide whether the Respondent is responsible for the violation. If the Respondent is a student organization, the Hearing Officer or Conduct Board must also conclude that it is more likely than not that the student organization engaged in, facilitated, or authorized the wrongful conduct, either expressly or impliedly.
  - i. The first stage is to decide whether the Respondent is responsible for the violation. If the Respondent is a student organization, the Hearing Officer or

Conduct Board must also conclude that it is more likely than not that the student organization engaged in, facilitated, or authorized the wrongful conduct, either expressly or impliedly.

- b. The second stage is to decide the appropriate response(s). The hearing will move to the second stage only if the Hearing Officer or Conduct Board determines that the Respondent is responsible or if the Respondent admits the charges. The second stage shall be conducted immediately after the Conduct Board decides the Respondent is responsible. Only evidence that is relevant to the issue of the appropriate response(s) may be presented during the second stage.
24. At the conclusion of the hearing, the Conduct Board must go into closed session to deliberate and make its decision. The decision must be made by a majority vote.
  25. If the Respondent fails to appear at the hearing, the Hearing Officer or Conduct Board shall proceed with the hearing if the Hearing Officer or a quorum of the hearing panel members are present.

### **Notice of Decision**

26. No later than seven (7) University days after the hearing, the Respondent must be notified by letter of the decision(s) and response(s), if any. The letter must inform the Respondent of the right to appeal and include a copy of subsection G. The letter must also inform the Respondent of the name and e-mail address of the person to whom the documents required to appeal must be sent. The person must be the Vice Chancellor responsible for student conduct or their designee.
27. The letter must be sent to the Respondent's e-mail address of record. If the Respondent is a student organization, then the letter must be sent to one of the officers at the officer's e-mail address of record and to the organization's faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter's advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life.

28. In the case of a crime of violence, the University shall provide to the victim the final results of any institutional disciplinary proceeding against the alleged perpetrator. Crimes of violence include:
- a. arson;
  - b. assault offenses;
  - c. burglary;
  - d. criminal homicide – manslaughter by negligence;
  - e. criminal homicide-murder and nonnegligent manslaughter;
  - f. destruction, damage or vandalism of property;
  - g. kidnapping; and
  - h. robbery.

### **Effective Date of Response & Request to Suspend Response**

29. The response to a violation takes effect on the day when the letter of decision is sent. The Respondent may request that the response be suspended while the appeal is pending by e-mailing or hand delivering a letter to the Vice Chancellor responsible for student conduct or their designee no later than five University days after the letter of decision was sent. In the letter, the Respondent should state that they are appealing the decision, explain how the Respondent will be harmed if the response is not suspended, and also explain why suspending the response will not adversely affect the University or other persons. The Respondent should also attach a copy of the letter of decision.
30. The Vice Chancellor or their designee should promptly review the letter and decide whether to grant or deny the request. In making the decision, the Vice Chancellor or their designee should consider whether the harm that the Respondent may suffer if the response is not suspended outweighs the harm that the University and other persons may suffer if the response is suspended. Before making the decision,

the Vice Chancellor or their designee may request that the Conduct Officer explain why they believe that the request should be granted or denied.

31. If the request is granted but the Respondent waives their right of appeal, the response will be immediately reinstated. Waiver of the right of appeal is discussed below in subsection H.

#### H. Appeals

1. The Respondent may appeal the decision of the Hearing Officer or University Conduct Board to the Appeals Officer unless the Respondent requests the appeal be heard by an Appeals Board. An appeal by the Respondent is limited to the following grounds:
  - a. the evidence presented at the hearing was insufficient to allow a reasonable person to conclude that the charges were more likely true than not;
  - b. the response was clearly excessive in light of all the circumstances; or
  - c. the Hearing Officer or University Conduct Board failed to follow the procedures and as a result of the failure, there is a substantial likelihood that the decision is wrong.
2. Evidence that was not presented at the hearing may not be considered on appeal. Newly discovered evidence may be grounds for a rehearing. Newly discovered evidence is discussed below in subsection J.
3. In order to appeal, a Respondent must send an e-mail to the person identified in the letter of decision and attach a letter that explains in detail the reasons why the decision should be overturned within ten (10) University days of the date of the letter of decision. A Respondent who does not comply with this section waives the right of appeal.
4. Upon receipt of an appeal the Appeals Officer or Chair of the Appeals Board will correspond with the parties regarding the Respondent's appeal. The Conduct Officer may send an e-mail to both the Respondent and to the Appeals Officer or Chair and attach a letter that explains in detail the reasons why the decision should or should not be affirmed. The e-mail must be

sent by the date specified by the Appeals Officer or Chair in their correspondence.

5. The Appeals Officer or Chair has the discretion to request the Respondent and the Conduct Officer to make an oral presentation. The presentation may be made to the Appeals Officer or the Appeals Board in person, by telephone, or by videoconferencing technology. The Appeals Officer or the Chair should inform the parties beforehand of any time limitations on their presentations and also inform them that the Appeals Officer or any member of the Appeals Board may ask the parties questions during or after their presentations, and that the Respondent's advisor, if any, may not make a presentation. If there is a presentation, the University will record the presentation and any subsequent questions.
  6. The Appeals Officer or Appeals Board must decide the appeal within twenty (20) University days after the receipt of the notice of appeal. Upon notice to the parties, the Appeals Officer or Chair may extend the deadline for the date of the decision letter by up to twenty (20) University days. The decision may affirm the decision being appealed, overturn the decision being appealed and specify that the charges be dismissed or that a new hearing be held, or modify any University response that was clearly excessive. The decision of the Appeals Officer or Appeals Board is final.
  7. The Respondent and the Conduct Officer must be notified of the decision by an e-mail sent to the Conduct Officer and the Respondent at their e-mail addresses of record. If the Respondent is a student organization, then the email must be sent to one of the officers at the officer's e-mail address of record and to the organization's advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter's advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life. The letter must inform the Conduct Officer and Respondent that the decision is final.
- I. Effect on Graduation or Transcript Request

The University may withhold a degree or transcript until conduct proceedings (including appeals) have ended. The University should confer the degree or release the transcript after all investigations and

proceedings have ended unless the response to the violation affects the student's eligibility for the degree (for example, the student is expelled or must complete an educational program prior to receiving the degree).

#### J. New Evidence

1. The Respondent or Conduct Officer may seek a rehearing if the Respondent or Conduct Officer discovers new evidence after the hearing. To obtain a rehearing, the Respondent or Conduct Officer must meet three requirements:
  - a. the evidence is in fact new;
  - b. the evidence could not have been discovered with reasonable diligence before the hearing; and
  - c. there is a reasonable basis to believe that the new evidence would have changed the decision(s) and/or response(s).
2. there is a reasonable basis to believe that the new evidence would have changed the decision(s) and/or response(s).
3. If the Vice Chancellor or their designee determines that the requirements have not been met, then the request must be denied.
4. If the Vice Chancellor or their designee determines that the requirements have been met, then a new hearing must be held before a Hearing Officer or Conduct Board. If suspension or expulsion was sought in the original hearing, however, the new hearing must be held before a Conduct Board.
5. The new hearing may be held before the same Hearing Officer or Conduct Board that originally heard the matter or before a different Hearing Officer or Conduct Board. The decision in the new hearing must be based on the recording of the original hearing and the new evidence presented at the new hearing.
6. After the expiration of the sixty-day (60) period, a student who was expelled may seek a rehearing by sending a letter by certified mail to the Vice Chancellor or their designee. In that letter, the student must explain why the three (3) requirements listed above are satisfied and also explain why it would be manifestly unjust not to grant the student a new hearing. The



letter must be sent no later than one year after the letter of decision was sent to the student.

7. If the Chancellor or their designee determines that the requirements have not been met, then the request must be denied. The decision of the Chancellor or their designee is final. If the Chancellor determines that the requirements have been satisfied, then a new hearing must be held before a Conduct Board.

## **SECTION V: Temporary Suspensions**

### **A. Grounds**

1. The Vice Chancellor responsible for student conduct or their designee may temporarily suspend a student if there is credible information that the student's conduct or presence on campus presents a clear threat to the physical safety of individuals, or is so disruptive that temporary suspension is necessary to preserve the rights of other students to pursue an education. A student may be temporarily suspended for the reasons stated in this paragraph even though the student's conduct may not violate the Student Code of Conduct or Appendix A to the Code (Response to Allegations of Student Sexual Misconduct).
2. In determining whether to suspend a student temporarily, the Vice Chancellor or their designee should consider whether measures other than suspension would be adequate to address the threat to physical safety or the right of individuals to pursue an education. Those measures include, among others:
  - a. requiring the student to leave University Housing or to move to a different room or residence hall;
  - b. preventing the student from attending class;
  - c. limiting the areas on campus in which the student may be present; and
  - d. prohibiting the student from having contact with one or more specified individuals.

3. If one or more of those measures would be adequate, then the Vice Chancellor or their designee should require that they be implemented instead of suspending the student temporarily. A student may request at any time to meet with the Vice Chancellor or their designee to contest the implementation or continued implementation of the measures.
4. If a student is temporarily suspended, the Vice Chancellor or their designee must provide the student with a Notice of Temporary Suspension. The notice must be sent to the student's e-mail address of record and must:
  - a. state the factual basis for the student's temporary suspension and explain why the student's conduct or presence on campus presents a clear threat, significant risk, or is so disruptive that temporary suspension is necessary; merely reciting the language of the Code is insufficient;
  - b. state that the student has a right to a meeting with the Vice Chancellor or their designee within three (3) University days after the temporary suspension becomes effective to present information to show that the requirements for a temporary suspension have not been satisfied and that the temporary suspension should therefore be lifted;
  - c. state the time, date, and place of the meeting with the Vice Chancellor or their designee and state that the student may be accompanied by an adult advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge;
  - d. state that after the expiration of the three (3) -day period, a student may seek to have the temporary suspension lifted by making a Request for Reinstatement; and
  - e. include a copy of Section V of the Code.

After the expiration of the three (3) -day period, a student who has been temporarily suspended may seek reinstatement by making a Request for Reinstatement ("the Request") on the ground that:

- f. the requirements for a temporary suspension were not met when the student was temporarily suspended and are not currently met, or
  - g. circumstances have changed such that the requirements for a temporary suspension are no longer met.
5. The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request must be sent to the Vice Chancellor responsible for student conduct or their designee by e-mail or certified mail or may be hand-delivered to the Vice Chancellor's office.
6. The Vice Chancellor or their designee must make a decision on the Request as soon as reasonably practicable. Before making a decision, the Vice Chancellor or their designee has the discretion to seek additional information, to ask a Conduct Officer to review and comment on the Request, or to schedule a meeting with the student and their advisor.
7. If the temporary suspension was based on alleged conduct that constitutes a violation of the Code and formal proceedings have not been instituted against a student who has been temporarily suspended, proceedings must be instituted within five (5) University days of the effective date of the temporary suspension. The conduct process must be resolved within twenty (20) University days of the effective date of the temporary suspension. The Vice Chancellor or their designee may extend the time limit for the hearing for up to an additional fifteen (15) University days if the parties agree to an extension or if either party establishes that extraordinary circumstances exist that warrant an extension. The Vice Chancellor or their designee may extend the time limit for the hearing for a longer period if the student consents.
8. The fact that a student was temporarily suspended should not be taken into account by the Hearing Officer or Conduct Board in determining whether the student violated the Code.

## **SECTION VI: Miscellaneous Procedural Matters**

### A. Inter-Institutional Authority

1. If University students or student organizations engage in conduct that violates the Standards on any University campus or in a course offered by another University campus, the University campuses may enter into an agreement whereby:
  - a. the University campuses agree which campus will conduct an investigation in whole or in part, institute formal proceedings, and conduct those proceedings; and
  - b. if the proceedings result in the issuance of a University response, which campus will enforce the University response.

### B. University Conduct Board Membership and Quorum

1. The Vice Chancellor responsible for student conduct of each University institution will specify the number, qualifications, term, and selection process for members of the University Conduct Board.
2. The Vice Chancellor responsible for student conduct at each University institution must determine whether the institution will have an Appeals Officer, an Appeals Board, or both. If the Vice Chancellor determines that the institution will have an Appeals Board, then the Vice Chancellor for each institution will specify the number, qualifications, term, and selection process for the members of the Board.
3. The Vice Chancellor responsible for student conduct must specify the number of members that a Conduct Board or Appeals Board must have and, if the number is more than three (3), the number that will constitute a quorum.

### C. Interpretations of the Code

1. Words in this Code should be given their ordinary meaning unless the context indicates that a different meaning was intended.
2. Any question of interpretation or application of the Code shall be referred to the Vice Chancellor responsible for student conduct or their designee.

### D. Amendments

1. The Board of Regents may amend this Code at any time, in whole or in part. There may be times when unexpected issues arise that require prompt action or that involve errors or omissions in the Code. Examples include a change in federal, state, or local law, the adoption of a new Campus or University policy, the repeal of an existing Campus or University policy, the discovery of a drafting error, or the failure to anticipate a particular situation or type of conduct.
2. If an unexpected issue arises, the Code may be amended pursuant to the following procedure:
  - a. First, the Provost of the University of Nebraska must approve the amendment.
  - b. Second, the General Counsel of the University of Nebraska must approve the amendment.
  - c. Third, the amendment must be reported to the Board of Regents at the next regularly scheduled meeting of the Board.
3. The Provost and the General Counsel may approve an amendment only if each of them separately determines that:
  - a. the content of the amendment is appropriate and reasonably necessary, and
  - b. the subject matter of the amendment either requires prompt action or involves minor changes that correct errors or omissions in a manner consistent with the purpose and scope of the Code. An amendment takes effect when both the Provost and the General Counsel have approved the amendment. The Board has the authority to rescind any such amendment when the amendment is reported to the Board.

#### E. Effective Date

The provisions of this Code apply to cases in which formal charges are brought after the date on which this Code was approved by the Board of Regents. Amendments to this Code apply to cases in which formal charges are brought after the date that the amendment takes effect.

#### F. Periodic Review

The University of Nebraska Student Code Conduct will be reviewed at least every four (4) years.

Available at <https://studentconduct.unl.edu/student-code-conduct>, viewed August 28, 2020.