University of Nebraska

Student Code of Conduct ("Code")

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 Section V - Interim Measures 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

- 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.

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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 federa

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 word "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 or Individuals." The words "which means" come next, followed by a definition and four 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 four situations.

Nothing in the Standards of Responsible Conduct may be construed to apply to conduct or words that are protected by the First Amendment

- 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 or an entity prepared and submitting it as one's own.
- j. Taking all or a substantial part of a previously submitted assignment submitted for one course and submitting it in the same course or 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 or entity 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. Distribution, electronically or otherwise, of an instructor's course materials without the express permission of the instructor.
- 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.
 - c. Failing to follow academic integrity policies outlined in a course syllabus.

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 universityapproved 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 Individuals 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 hitti

- iii) in response, either in whole or in part, to an expression of interest by the student or other individual in becoming a member of the organization; or
- iv) during the course of student organization activities when a power differential exists.
- b. Hazing is a violation regardless of whether it occurs on or off campus.
- c. Permission or approval of the student or other individual 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, activities that unreasonably interfere with academic pursuits, leaving the student in a remote location without a means of return, subjecting the student engage in criminal conduct, engage in humiliating conduct, perform prolonged calisthenics, consume items 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. [link; update name and link as necessary]
- 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 legitimate directives 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.

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 of Conduct.

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

- (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 wrongful conduct occurring in the future. Other examples include not engaging in specified recruitment practices, holding specified events

- (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.

h. **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.

i. 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.

j. 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 4. 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 organization's explanations for the conduct, the 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 dead

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.

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 sixty (60) University

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. the president of the organization, unless another officer is designated by the student organization, at the president'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 for an informal meeting are set out below in subsection E. The contents of the notice of hearing are set out below in subsection G.

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 Subsection 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 any 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 University suspension or University 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 prae1nt and 31t Officer prequest for an administrat the 3.0n/ 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.

All allegations of sexual misconduct, including sexual assa

which the Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.

- ix. A statement that if the student or student organization intends to present evidence, including witnesses, that information must be provided to the Conduct Officer at least two (2) University days in advance of the hearing.
- b. 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.
- c. The Respondent may request to postpone the hearing for reasonable cause, which may be granted at the discretion of the University. A request for a postponement must be made in writing, sent via e-mail to the Conduct Officer responsible for the matter within two (2) University days from the date of the hearing notice, and include a rationale for the request. A request to postpone the hearing submitted at any other time may be considered at the discretion of the University.

2. <u>Disqualification</u>

- a. 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.
- b. 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.
- c. 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.

- d. 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.
- e. 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.
- f. 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.
- g. If the Hearing Officer withdraws from the proceedings, 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.

3. <u>Pre-hearing Conference</u>

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

4. <u>Recording & Conducting the Hearing</u>

a. The electronic or printed items that

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.

- v. 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.
- e. The Hearing Officer or Chair has the discretion to:
 - i. allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
 - ii. allow witnesses to testify by videoconferencing technology;
 - iii. require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
 - iv. schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.
- f. 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.
- g. The University has the burden of gathering evidence sufficient to allow the Conduct Board to reach a determination regarding responsibility. A Respondent is presumed to be not responsible for the alleged misconduct until proven otherwise by the greater weight of the evidence. The greater weight of the evidence means evidence sufficient to make the alleged violation(s) more aring. TheCely275 0 TDa0ow0ca8.3439 Ttrui5Iha5II th5ges have

h. The Conduct Officer will present evidence first, followed by the

relevant to the issue of the appropriate response(s) may be presented during the second stage.

- b. At the conclusion of the hearing, the Hearing Officer or Conduct Board must go into closed session to deliberate and make its decision. The decision must be made by a majority vote.
- c. 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.

6. <u>Notice of Decision</u>

- a. 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.
- b. 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.
- c. 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:
 - i. arson;
 - ii. assault offenses;
 - iii. burglary;
 - iv. criminal homicide manslaughter by negligence;
 - v. criminal homicide-murder and nonnegligent manslaughter;
 - vi. destruction, damage or vandalism of property;
 - vii. kidnapping; and

viii. robbery.

7. Effective Date of Response & Request to Suspend Response

- a. The effective date of the response will be set forth in the letter of decision. 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 (5) 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.
- b. The Vice Chancellor or their designee should promptly review the letter and

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.

Interim Measures are actions that may be imposed prior to a finding of responsibility to protect the health and safety of members of the University community or in circumstances in which a student or student organization is alleged to have engaged in conduct that poses a substantial risk to the operation of the University or the health or safety of students, faculty, staff, or visitors.

A. Provisions for Student Interim Measures

1. The Vice Chancellor responsible for student conduct or their designee may take interim measures, including the temporary suspension of a student, if there is credible information that the student's conduct presents a clear threat to the physical safety of individuals, or is so disruptive that temporary suspensi

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significant risk, or is so disruptive th

who has been temporarily suspended, proceedings must be instituted within five (5) University days of the effective date of the temporary suspension. The temporarily suspended student must be offered an administrative resolution or provided with a notice of hearing within twenty (20) University da of the student organization and the student organization's advisor. The Vice Chancellor's or their designee's decision on the Request is final and not subject to appeal.

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

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