| Policy title | Category |
| --- | --- |
| Code of Student Conduct | Student Life |
| **Owner** | **Approved by** |
| Student Life | Board of Governors |

# Purpose of this policy

Nebraska Wesleyan University (NWU) is a community of scholars committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct process is committed to the educational and developmental growth that balances the interests of individual students with the expectations of the University community.

# Application of this policy

Jurisdiction is addressed in section 2 of the Code of Student Conduct.

# Policy statement

### Preface

A community exists on the basis of shared values and principles. At Nebraska Wesleyan University, student members of the community are expected to uphold and abide by standards of conduct that form the basis of the *Code of Student Conduct*. These standards are embodied within a set of behavioral expectations, referred to as the Prairie Wolf Promise.

#### Prairie Wolf Promise

**Integrity**
Students exemplify honesty, honor and a respect for the truth in all of their dealings.

**Community**
Students build and enhance their community.

**Social Justice**
Students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.

**Respect**
Students show positive regard for each other and for the community.

**Responsibility**
Students are given and accept a high level of responsibility to self, to others and to the community.

Nebraska Wesleyan students are responsible for knowing the information, policies and procedures outlined in this Code. The information provided and the regulations and policies outlined in this Code are not intended to be all-inclusive and do not constitute a contract. The University reserves the right to amend, supplement, interpret, rescind, or deviate from this policy from time to time as it deems

appropriate based on the facts and circumstances surrounding each situation, in its sole and absolute discretion.

**Students are encouraged to check online - https://www.nebrwesleyan.edu/about-nwu/policies/code-student-conduct - for the most current version of the Code of Student Conduct.**

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# SECTION 1: PHILOSOPHY

Nebraska Wesleyan University (NWU) is a community of scholars committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct process is committed to the educational and developmental growth that balances the interests of individual students with the expectations of the University community.

Each member of the NWU community is responsible for their conduct and for assuming reasonable responsibility for the behavior of others. When members of the community fail to exemplify the five standards of the Prairie Wolf Promise by engaging in the misconduct outlined below, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

The student conduct process at NWU is not intended to punish students; rather, it exists to protect the interests and rights of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community standards. When a student chooses not to act in a manner consistent with our community standards, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from legal proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of a Nebraska Wesleyan University policy without information showing that it is more likely than not that a policy violation occurred, and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

# SECTION 2: JURISDICTION: TO WHOM THIS CODE APPLIES

The *Code of Student Conduct* and the student conduct process apply to the conduct of

1. **Students:** individual students, both undergraduate and graduate.

   For the purposes of student conduct, the University considers an individual to be a student when they are enrolled in courses and thereafter as long as the student remains enrolled at the University.

   The *Code of Student Conduct* continues to apply when students choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and, should the former student be found responsible, the University may revoke that student's degree or impose other disciplinary sanctions.

2. **Groups:** University-recognized student organizations or University-sponsored teams. A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):
    - Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
    - Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
    - Were known or should have been known to the membership or its officers.

    There is no minimum number of group members who must be involved in an incident before disciplinary action may be taken against the entire group. In some instances, the conduct of a single member may provide sufficient grounds for action against the entire group. An appropriate test to determine whether a group may be held accountable for the conduct of individuals is to ask whether it is likely that the individuals would have been involved in the incident if they were not members of the group or, if, by group action, the incident was encouraged, fostered, or might have been prevented.
3. **Guests:** Guests of community members, whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of the University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of the University community.

The *Code of Student Conduct* applies primarily to behaviors that take place on the campus and at University-sponsored events.

The Code of Student Conduct may also apply to behaviors that take place off-campus, online, or via other electronic medium, when the Vice President for Student Life, or designee, determines that the off-campus conduct affects a substantial University interest. A substantial University interest includes, but is not limited to:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of the student or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others
- Any situation that significantly breaches the peace and/or causes social disorder; and/or
- Any situation that disrupts or is detrimental to the educational mission and/or interests of the University.

Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. In the absence of a substantial University interest, most online speech by students will be considered free expression and not subject to this Code.

## SECTION 3: STUDENT RIGHTS

All students involved in the Student Conduct System are entitled to the following:

1. To be informed of the complaint and the possible misconduct on which the complaint is based.
2. To receive an expeditious hearing of the case.
3. To participate in the structured student conduct process including a formal Student Conduct Board hearing.
4. To request reasonable accommodations, including but not limited to language translation or interpretation services, in order to allow for participation in the process.
5. To have reasonable time to prepare and present their own case. Respondents are not required to make any statement to a Student Conduct Officer or to the Student Conduct Board.
6. To speak on their behalf throughout the conduct process. However, complainants or respondents are not required to make any statement to a Student Conduct Officer or to the Student Conduct Board.
7. To bring persons having pertinent information into the conduct process as witnesses, as long as those persons fit the University's definition of a witness.
8. To be assisted by a support person of their choosing, at their own expense. During the student conduct process, the support person may speak only to the individual being advised, and may not speak directly to the Student Conduct Officer or Hearing Board. The Student Conduct System Administrator must be notified of the identity of the support person a minimum of two days prior to a hearing.
9. To be assured of confidentiality in accordance with the terms of the Federal Educational Rights and Privacy Act.
10. To request that any member of the Student Conduct Board be removed from the student conduct process because of personal bias, provided, however, that except in extraordinary circumstances, such as the discovery of new information, this request is made prior to the beginning of the Review Committee or hearing.

11. To a presumption that they have not engaged in misconduct, until the Student Conduct Board or a Student Conduct Officer determines that it is more likely than not that misconduct has occurred.
12. The Complainant and Respondent involved in the student conduct process will be advised of the outcome of the conduct resolution process.
13. To appeal the decision of the student conduct system if there are grounds for an appeal (see Section 11: Appeals).

## SECTION 4: VIOLATIONS OF LAW

Potential violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

Nebraska Wesleyan adjudicates off-campus violations that impact the health and safety of students and the surrounding community or affect a substantial University interest as defined in Section 2: Jurisdiction. The primary types of off-campus violations adjudicated include but are not limited to:

a. Felony charges;
b. Act of harm charges, including, but not limited to, assault, harassment, or threats;
c. Repeated or high risk alcohol offenses;
d. Repeated Driving Under the Influence offenses;
e. Repeated or high risk drug misdemeanor charges

Nebraska Wesleyan enforces this policy 1) to prevent and reduce behavior that undermines student academic success and that impacts the educational mission of the University, 2) to improve the health and safety among students and community members, 3) to provide timely support and resources for those who may be struggling with substance abuse/addiction, and 4) to prevent violence in and around Nebraska Wesleyan's campus.

If a student has not previously violated the Code of Conduct on campus or received off-campus charges, they may not be referred to the Student Conduct System for a first offense low level alcohol or other drug misdemeanor charge. Instead, they will meet with the Student Conduct System Administrator or designee. The purpose of this meeting is to communicate that Nebraska Wesleyan cares about the health and safety of our students and the community; to provide substance abuse prevention resources; and to educate about the University's authority and jurisdiction in addressing off campus violations. Future off-campus charges by the same student, however, will result in the filing of a student conduct complaint.

Students accused of crimes may request to withdraw from the University for the remainder of the semester while the criminal charges are pending. In such situations, the student is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed by the University; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

Nebraska Wesleyan's disciplinary process is not a criminal process. In other words, its process is separate from, and does not involve, legal proceedings. Consequently, holding students accountable for off-campus violations of the Code of Student Conduct is not considered double jeopardy.

## SECTION 5: DEFINITIONS

**Complainant:** An individual who files a disciplinary complaint. The University may also serve as a complainant.

**Day:** University working day, not including Saturday, Sunday, or University holidays. Time deadlines may be extended during breaks and University holidays.

**Educational Conference:** Meeting with a Student Conduct Officer authorized to adjudicate a lower level complaint.

**Evidentiary Standard:** In order for a student to be found responsible, the information must support a determination that it is more likely than not that a violation of the Student Code of Conduct occurred. Hearsay evidence may be considered but will be weighed accordingly.

**Faculty Member:** Any person employed by the University to conduct teaching activities or who is otherwise considered by the University to be a member of its faculty.

**FERPA (Family Educational Rights and Privacy Act):** A federal law originally passed in 1974 that defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records.

**Investigative Conference:** Meeting with a Student Conduct Officer to gather information regarding a higher level complaint for the use of the Student Conduct Board Review Committee and/or the Student Conduct Board in their adjudication of that complaint.

**Member of the University Community:** Any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation will be determined by the Vice President for Student Life.

**Parental/Guardian Notification:** FERPA permits educational institutions to notify parents/guardians of students under the age of 21 or students who are dependents of their parents/guardians when a student has been found responsible for an alcohol- or drug-related violation. Students are generally notified when parents/guardians will be contacted and are given the opportunity to contact the parents/guardians first.

**Policy:** The written regulations of the University as found in, but not limited to, the Code of Student Conduct, the official Nebraska Wesleyan webpage and University catalogs.

**Respondent:** The student or student organization whose conduct is the subject of a conduct proceeding under this Code.

**Sanction:** A fair and consistent consequence to a policy violation that a student is given to encourage behavior modification. Sanctions may be educational and/or punitive, depending upon the situation and the individual. Sanctions can range from a verbal warning to suspension or expulsion.

**Student:** Any person enrolled in courses at Nebraska Wesleyan University, both full-time and part-time, including study abroad and auditing courses, and pursuing undergraduate or graduate studies. The Code of Student Conduct continues to apply when students choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation.

**Student Conduct Appellate Panel:** Persons authorized by the President of Nebraska Wesleyan University to consider an appeal from a complainant or respondent in any Student Conduct proceeding.

**Student Conduct Officer:** University administrative employee authorized to conduct an Educational Conference for the purpose of adjudicating lower level conduct complaints (e.g. Residential Education Coordinator, Director of Residential Education, Director of Student Integrity and Campus Community) or an Investigative Conference for the purpose of adjudicating a higher level conduct complaint.

**Student Conduct Board Review Committee:** Three members of the Student Conduct Board, including at least one faculty member or administrative staff member and at least one student who review the results of the preliminary investigation by the Student Conduct Officer, to determine whether or not the offense falls within the Student Conduct Hearing Board's jurisdiction, and to recommend whether or not a hearing is warranted. The Student Conduct Hearing Board Review Committee may determine that a hearing is not warranted and may make decisions about the complaint(s). If the respondent is found responsible for code violations, the committee may also impose sanctions.

**Student Conduct System Administrator:** The Director of Student Integrity and Campus Community or their designee. The role of the Student Conduct System Administrator will be to provide administrative and procedural support to the Student Conduct Hearing Board. In no event will the Student Conduct System Administrator serve as a member of the Student Conduct Hearing Board. Because the Student Conduct System Administrator has no role in the process that would influence the decision of the Student Conduct Hearing Board, and is not a member of the Student Conduct Hearing Board, the Student Conduct System Administrator cannot be removed from a hearing on allegation of personal bias, although specific interpretations or recommendations of the Student Conduct System Administrator may be included in the justification for an appeal.

**Student Organization:** Any group of persons who have complied with the formal requirements for University recognition as an organization.

**Support Person:** An individual selected by a Complainant or Respondent to assist them during any part of the conduct resolution process. A Support Person may be a staff member, student, parent, community member, or an attorney. The University will not bear the expense of any attorney acting as a Support Person retained by any involved party. Any involved party may change their Support Person at any point.

**Title IX:** Title IX of the Educational Amendments of 1972 is a federal Law that states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Title IX not only applies to athletics, but it also prohibits sexual harassment, gender-based discrimination, and sexual violence. For more information about our Title IX resolution process, please refer to the Sexual Harassment and Sexual Misconduct Policy addressed under the 2020 Final Rule for Federal Title IX Regulations.

**University:** Nebraska Wesleyan University.

**University Premises:** Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets and sidewalks, whether or not leased to, or operated, occupied or used by unrelated entities.

**University-Sponsored Activity:** Any activity on University premises or at an off-campus location that is directly initiated or supervised by the University or a University-recognized group or organization. This includes fraternity and sorority organizations, study abroad programs, and sporting events. In addition, University-operated or leased transit is included in this activity even if the behavior occurs off of University premises.

**Witness:** An individual who has relevant information regarding an alleged violation of the Code of Student Conduct and is willing to attest to that effect. If a witness is involved, the Student Conduct System Administrator must be notified of the identity of any witnesses a minimum of two days prior to any conduct proceedings. Information from witnesses whose sole purpose is to provide character information will not be considered. The Student Conduct Officer may also involve witnesses.

# SECTION 6: PROHIBITED CONDUCT

**Behavioral Standards and Expectations**
The University considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the behavioral standards set forth in this document. These expectations and rules apply to all students, whether undergraduate or graduate. The University encourages community members to report to University officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 8: The Student Conduct Process.

***Integrity: University students exemplify honesty, honor and a respect for the truth in all of their dealings.***
Behavior that violates this standard includes, but is not limited to:

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments; Knowingly initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency; misrepresentation of identity or identifying information;
2. **Academic Dishonesty.** Faculty members have full authority in determining the action to be taken in cases of academic misconduct. Faculty members may choose to take one or a combination of these actions: assign a failing grade in the course; lower or assign a failing grade to an examination or assignment; require the student to take another examination or redo the assignment; report the action to the Student Life Office; file a complaint with the Student Conduct Board. Examples of academic misconduct include, but are not limited to:
    a. **Cheating:** using electronic means; copying assignments or other intellectual property from another person; working together on a take-home test or homework when not permitted by the instructor; looking at and receiving information from a source not authorized by the instructor during an examination; looking at and using notes during an examination when not specifically permitted.
    b. **Tendering of information:** giving one's work to another student when collaboration has not been authorized by the instructor; providing answers or other unauthorized assistance to another person for examination questions before, after, or during an exam; giving or selling a paper, assignment, presentation, or any other work that is to be submitted to the instructor.
    c. **Plagiarism:** copying assignments from a text, either printed or electronic, to hand in for a grade; quoting text or other works on an examination, paper, or homework without citations; handing in a paper purchased from a research service; reproducing someone's paper and handing it in as one's own; citing resources deceptively for written assignments.
    d. **Unauthorized collaboration:** planning with one or more students to commit any form of academic misconduct; working with one or more students on any assignments unless specifically allowed by the faculty member.
    e. **Misrepresentation:** having another student do one's work; lying to improve one's grade; having another student take one's exam; submitting the same work for a grade in two different courses without permission from the course instructors; misrepresenting the amount or type of work done; altering a graded work after it has been returned and then submitting it for a re-grading without the instructor's knowledge.
    f. **Bribery:** offering money or any item or service to a faculty member or another person to gain academic advantage for oneself or another student.
    g. **Abetting misconduct:** observing cheating on an examination or any other form of academic misconduct without reporting it to the faculty member; passing answers for an examination from one student to another; failing to report plagiarism by another student; assisting a student in obtaining a paper from a research service or other source.
3. **Instructional Technology and Acceptable Use.** Theft or abuse of University electronic resources, including but not limited to:
    a. Unauthorized access of a file to use, read, or change the contents, or for any other purpose.

b. Unauthorized transfer or duplication of a file.
c. Use of another individual's identification or password.
d. Use of computing facilities or resources to interfere with the work of another student, faculty, or staff member.
e. Use of computing facilities or resources to send obscene, abusive, or harassing messages or other communication.
f. Use of computing facilities or resources in violation of any laws, including copyright laws.
g. Use of computing facilities or resources to interfere with normal operation of the University computing systems or the systems of any other person or organization.
h. Unauthorized use of computing facilities or resources to support or advocate any commercial, political or non profit organization.
i. Unauthorized operation or attempted operation of servers, routers, switches, bridges, wireless access points or other network equipment.

4. **Unauthorized Access.** Unauthorized access to any University building (e.g. keys, fobs, etc.) or unauthorized possession, duplication or use of means of access to any University building or failing to timely report a lost University identification card or key;
5. **Collusion.** Action or inaction with another or others to violate the Code of Student Conduct;
6. **Trust.** Violations of positions of trust within the community;
7. **Taking of Property.** Intentional and unauthorized taking of University property or the personal property of another, including goods, services, intellectual property, and other valuables;
8. **Stolen Property.** Knowingly taking or maintaining possession of stolen property;

***Community: University students build and enhance their community.***
*Behavior that violates this standard includes, but is not limited to:*

9. **Disruptive Behavior.** Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities, which occur on or off campus;
10. **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
11. **Obstruction.** Inhibiting the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions;
12. **Unauthorized Entry.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building; unauthorized entry, duplication or use of keys; or knowingly allowing unauthorized entry by another person;
13. **Trademark.** Unauthorized use (including misuse) of University or organizational names and images;
14. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another;
15. **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nunchucks, throwing stars, or knives with a blade of longer than three inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on University property. In addition to the items listed above, any item that is used to intentionally and deliberately harm or threaten another student can be categorized as a weapon;
16. **Tobacco/Vaping/Smoking.** Smoking (the definition of smoking includes burning of any type of lighted pipe, cigar, cigarette, or any other vaping/smoking equipment – e.g. electronic cigarettes/Juuls, hookah pens, etc.) or tobacco use in any University building or University vehicle and/or outdoor athletic facility; or the use, possession, manufacture, or distribution of tobacco/vaping/smoking products or paraphernalia except as expressly permitted by law;
17. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
    a. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
    b. Failure to evacuate a University-controlled building during a fire alarm. Such action can result in a $250 fine in addition to University sanctions.
    c. Improper use of University fire safety equipment.
    d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University-controlled property. Such action will result in a $250 fine in addition to University sanctions.
18. **Animals.** Animals, with the exception of those that provide assistance (service animals and approved emotional support animals), as outlined in the Housing Policies, are not permitted on campus except as permitted by law. For more information

contact the Coordinator of Services for Students with Disabilities;

19. **Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar recreational wheeled devices are not permitted to be used inside University-controlled buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities. Hoverboards or similar devices are never permitted in any of the campus buildings.

***Social Justice: Students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.***
*Conduct that violates this standard includes, but is not limited to:*

20. **Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities;
21. **Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials;
    a. **Hostile Environment.** Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University's educational or employment program or activities (This policy seeks to balance the University's need to create and maintain a civil climate with the right of persons within the University to make statements that are simply offensive.).
22. **Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a conduct proceeding or other protected activity under this Code;
23. **Bystanding.**
    a. Failure of any student to address known or obvious violations of the *Code of Student Conduct* or law.
    b. Failure of any organized group to address known or obvious violations of the *Code of Student Conduct* or law by its members.
24. **Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, law enforcement or University conduct processes including, but not limited to:
    a. Intentional falsification, distortion, or misrepresentation of information.
    b. Failure to provide, destroying or concealing information during an investigation of an potential policy violation.
    c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system or law enforcement processes.
    d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding.
    e. Failure to comply with the sanction(s) imposed by the campus conduct system.
    f. Failure to comply with the terms of an Informal Resolution or mediation agreement.
    g. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
    h. Making public confidential information from a conduct proceeding.
    i. Failing to comply with the directives of a No/Limited Contact Order.

***Respect: University students show positive regard for each other and for the community.***
*Behavior that violates this standard includes, but is not limited to:*

25. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person;
26. **Threatening Behaviors:**
    a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
    b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
27. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors, including but not limited to verbal abuse, intimidation, harassment, and coercion, that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression;

28. **Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy;
29. **Sexual Misconduct:** For further information and definitions, see the NWU Sexual Harassment and Sexual Misconduct Policy addressed under the 2020 Final Rule for Federal Title IX Regulations and the NWU Sexual Harassment and Sexual Misconduct Policy Outside of the 2020 Final Rule for Federal Title IX Regulations.
    a. Sexual Harassment
    b. Sexual Assault
    c. Dating Violence
    d. Domestic Violence
    e. Stalking
    f. Sexual exploitation
    g. Retaliation
    h. Non-compliance with a No/Limited Contact Order
30. **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts;

***Responsibility: University students are given and accept a high level of responsibility to self, to others and to the community.*** *Behavior that violates this standard includes, but is not limited to:*

31. **Alcohol.** Public intoxication, use, possession, manufacture, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the University's Alcohol and Drug Policy. See Alcohol and Drugs Policy for further information: **https://www.nebrwesleyan.edu/about-nwu/policies/student-alcohol-and-dru…**
32. **Drugs.** Use, possession, manufacture, or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the University's Drug Policy. See Alcohol and Drugs Policy for further information: **https://www.nebrwesleyan.edu/about-nwu/policies/student-alcohol-and-dru…**
33. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
34. **Gambling.** Gambling as prohibited by the laws of the State of Nebraska. (Gambling may include raffles, lotteries, sports pools and online betting activities);
35. **Failure to Comply.** Failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
36. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the University, including, but not limited to, knowingly passing a worthless check or money order in payment to the University, or to an official of the University acting in an official capacity;
37. **Other Policies.** Violating other published University policies or rules, including all Residential Education/Housing Policies;
38. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.);
39. **Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the University's conduct process;
40. **Offensive behavior.** Conduct which is disorderly, lewd, or indecent; disturbing the peace; aiding, abetting, or procuring another person to disturb the peace on University premises or at functions sponsored, or participated in, by the University whether or not on University premises. Disorderly conduct includes, but is not limited to an audio or visual depiction of any person without their prior knowledge, or without their effective consent when such a depiction is likely to cause injury or distress. This also includes the display or distribution of any unauthorized audio or visual depiction without the subject's prior knowledge, or without the subject's effective consent when such a depiction is likely to cause injury or distress.

## SECTION 7: INTERIM ACTION

At times, the University may take action to ensure the safety and security of the Nebraska Wesleyan community and its members while resolution of a student conduct case is pending.

These actions may include, but are not limited to:

- A No/Limited Contact Order placed between students or between a student and another member of the University community

- Changes in academic, work, or living arrangements
- A formal request or warning that a student cease current behaviors
- Interim residence hall suspension
- Interim University suspension

*Interim suspension:* In certain circumstances, the Vice President for Student Life or their designee may impose University suspension or residence hall suspension prior to the the investigation and resolution of an alleged violation. Interim suspension may be imposed:

1. To ensure the safety and well-being of members of the University community or preservation of University property.
2. To ensure the student's own physical or emotional safety and well-being.
3. If the student poses a credible threat of disruption to or interference with the normal operations of the University.

During the interim suspension, students will be denied access to the residence halls or to the campus (including classes), and/or to all other University activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Life or their designee may determine to be appropriate. The student should be notified in writing and in person (when possible) of this action and the reasons for the suspension.

Any student who has received an interim suspension should expect a prompt and fair resolution to their alleged misconduct. The University must balance the need for a prompt outcome with the need to protect the integrity of the system and to ensure a fair, thorough, and equitable student conduct process and outcome.

The University reserves the right to postpone the student conduct process if the University determines the student's presence in the University community would pose an unacceptable threat to the University community or would otherwise significantly disrupt the educational or other activities of the University community. In the event the University postpones a formal resolution procedure, it will advise the student of the conditions that must be met prior to the hearing and/or appeal.

The Student Conduct System Administrator will notify instructors of a student's Interim Suspension only if the student requests it. No detailed information about the alleged violation will be released. With the instructor's permission, the student may arrange to obtain class notes and make up missed assignments and exams. However, such arrangements must be made by phone or online; the student may not be present on University property while on Interim Suspension. Instructors are not obligated to provide remote access to class, and in some circumstances this may not be a reasonable option – for example, in a discourse instructive course.

During any time that a student is excluded from the University, the Vice President for Student Life may grant the student permission to come to campus for a specific purpose, such as meeting with college officials or returning University property. Such permission may be initiated by college officials or requested by the student. Failure to abide by the terms of the interim suspension may result in additional disciplinary sanctions.

The student under interim suspension may submit a written request to meet with the Vice President for Student Life. The written request must be submitted within five working days from the effective date of the interim suspension. This meeting shall be held to consider only the following issues related to the interim action: (1) The reliability of the information alleging the student's conduct; and (2) whether the conduct and surrounding circumstances reasonably indicate that the student's presence on campus poses an ongoing threat to the safety, health, or welfare of oneself or others on campus, or a threat of substantially disrupting or materially interfering with the teaching, administration, or disciplinary procedures of the University. The Vice President for Student Life will assess whether the interim suspension will continue based on the student's response and other known, relevant information at the time.

After notice and the student's opportunity to be heard, the Vice President for Student Life may decide to lift the interim suspension, modify the interim suspension, or continue the interim suspension, potentially until student conduct and/or criminal proceedings have been resolved.

## SECTION 8: THE STUDENT CONDUCT PROCESS

This overview gives a general description of how the University's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly identical in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of the Code of Student Conduct.

**University email is the University's primary means of communication with students. Students are responsible for all communication delivered to that email address.**

Resolution processes for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

## Notice

Student misconduct complaints may be filed by any member of the University community. Once notice is received from any member of the University community (complainant, Peer Assistant, third party, faculty, staff, etc.), the University may schedule an Investigative Conference or an Educational Conference with the responding student to explain the conduct process and gather information. The complaint form may be found online at: **https://www.nebrwesleyan.edu/inside-nwu/office-student-life/student-con…**.

Any complaint should be submitted as soon as possible after the event takes place. There is no time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding potential violations.

Though anonymous complaints are permitted, anonymous reporting may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Student Life Office.

The Student Conduct Officer involved will determine the disposition of the complaint and may decide among the following options:

a. The complaint has no merit.
b. The complaint has merit and may be adjudicated by the appropriate Student Conduct Officer or the Student Conduct Board Review Committee depending upon the level of the violation. Note: the complainant, the respondent and the Student Conduct Board Review Committee all have the right to request a full Student Conduct Board hearing.
c. The complaint has merit and may be administratively settled through mediation if both parties are students and there is mutual consent of the involved parties and a basis acceptable to the Student Conduct Officer or Student Conduct Board Review Committee. If an agreement is reached, that disposition shall be final, and there shall be no subsequent proceedings. Should an agreement not be reached, the complaint will be referred to the student conduct process. Mediation is not an option in sexual misconduct cases.

In cases involving an allegation of sexual misconduct, see the Sexual Harassment and Sexual Misconduct policy addressed under the 2020 Final Rule for Federal Title IX Regulations and the Sexual Harassment and Sexual Misconduct Policy Outside of the 2020 Final Rule for Federal Title IX Regulations. For these situations, NWU follows the corresponding procedures for addressing student sexual harassment and sexual misconduct.

Within the correspondence related to Student Conduct complaints, a statement referencing the rights of students involved in the Student Conduct process as outlined in Section 3: Student Rights will be provided.

## Amnesty

1. For complainants
   The University provides amnesty to harmed parties who may be hesitant to report to University officials because they fear that they themselves may be accused of lower level policy violations, such as minor alcohol violations, at the time of the incident.
2. For those who offer assistance
   To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for lower level violations when students offer help to others in need. At the discretion of the Student Conduct System Administrator, or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance.
3. For those who report serious violations
   Students who are engaged in lower level violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations.
4. For those who witness serious violations
   Students who witness serious violations by others are offered amnesty for any lower level violations if they are called on as a witness to a serious violation but will not be provided amnesty of they participated in, facilitated or condoned the misconduct through a failure to act.

   In any of the listed circumstances, an educational conference related to the minor violations may occur, but no conduct proceedings or record will result.

   The decision to grant amnesty will be determined by the Student Conduct System Administrator on a case-cy-case basis. Abuse of amnesty requests can result in a decision by the Student Conduct System Administrator, or designee, not to extend amnesty to the same person repeatedly.

## Conduct Levels

**LOWER LEVEL VIOLATIONS: Residential Education Coordinator (REC) as Student Conduct Officer**
Violations which are first time and less serious. Examples include, but are not limited to, candles/incense, alcohol, noise and guest

violations. Second violations may also be viewed as lower level violations if the responding student is cooperative. Third and subsequent alleged policy violations of a similar type will generally be treated as higher level violations.

- Many times violations are handled by the REC of the hall in which the student resides.
- Non-residential students or students living within Greek facilities will meet with the REC of the hall in which the incident occurred.
- Appeals at this level are heard by the Director of Residential Education.

**HIGHER LEVEL VIOLATIONS: Student Conduct Board Review Committee or Student Conduct Board Hearing**
Violations of University policy, which are egregious and/or habitual. These violations include, but are not limited to, third and subsequent alleged policy violations of a similar type; flagrant violation of policy; abuse of or non-cooperation with University staff; violations affecting the University community as a whole; incidents involving threats or violence; repeated violations of policy; or failure to comply with directions or sanctions issued for lower level violations.

Violations involving sexual harassment or sexual misconduct that fall outside of Title IX jurisdiction. Such violations are handled in accordance with NWU's Sexual Harassment and Sexual Misconduct Procedure Involving Students Outside of the 2020 Final Rule for Federal Title IX Regulations. Further information about NWU's policies related to sexual harassment and sexual misconduct are available online at **https://www.nebrwesleyan.edu/inside-nwu/sexual-misconduct-prevention**.

Violations involving academic dishonesty.

Additional higher level violation examples include: assault, hazing, drugs, and other behaviors that put self or other member(s) of the University community in danger or harm.

- All such complaints are adjudicated by members of the Student Conduct Board.
- Appeals of higher level violation decisions are heard by the Student Conduct Appellate Panel.

## Resolution Processes

**Mediation**
Mediation is a voluntary, private means of resolving conflict. It brings the parties together with a trained mediator in an informal, neutral setting to discuss their dispute and to find a lasting solution to it. If a matter is referred to mediation, the timing/deadline requirements outlined in these procedures are suspended. If any party to a conflict is unwilling to engage in mediation or if the parties are unable to resolve the conflict through mediation, the matter may be referred to a disciplinary proceeding for resolution if it involves allegations of prohibited conduct. When parties successfully resolve their dispute through mediation, the mediator will notify the Student Conduct Officer that the matter has been resolved.

**Educational Conference**
Responding students, against whom lower level violation complaints have been filed, meet one-on-one with a Student Conduct Officer. The Officer has the authority to determine responsibility, and if appropriate, identify educational sanctions. If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the *Code of Student Conduct*, the process will end. If the Student Conduct Officer's finding is that the responding student is in violation, the Officer conducting the Educational Conference will then determine the sanction(s) for the misconduct. The Student Conduct Officer shall advise the respondent in writing of their determination and the sanction(s) imposed, if any.

**Student Conduct Board Committee Review**
Responding students, against whom higher level violation complaints have been filed, meet with the Director of Student Integrity and Campus Community, serving as the Student Conduct Officer, for an Investigative Conference. If, upon conclusion of the Investigative Conference, there is reasonable cause to believe that the NWU Code of Conduct has been violated, the Director of Student Integrity and Campus Community prepares a report for the Student Conduct Board Review Committee. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a complainant's statement. The investigative report consists of the complaint, any evidence available, and a summary of the Investigative Conference and any available witness interviews.

For each higher level violation for which a complaint is filed, a minimum of a three-person Review Committee will be chosen from the available Student Conduct Board members to review and adjudicate the complaint or refer the complaint to a full Student Conduct Board Hearing. This Review Committee is always comprised of at least one student, but can never be made up solely of students. Member availability may result in the Review Committee having a different composition at different points in time.

If the Student Conduct Board Review Committee comes to a unanimous finding that the responding student is in violation, they then determine the sanction(s) for the misconduct; however, upon reviewing the report, the Student Conduct Board Review Committee may decide to immediately forward the complaint to the Full Student Conduct Board for adjudication. The complaint will also go to the Full Student Conduct Board if the Student Conduct Board Review Committee is unable to come to a unanimous decision. The complainant and the respondent also have a procedural right to request a hearing with the full Student Conduct Board. This request for a hearing must be communicated to the Student Conduct System Administrator within two days of decision notification.

Following the Student Conduct Board Review Committee meeting, the Student Conduct Officer shall advise the respondent in writing of their determination and the sanction(s) imposed, if any.

If a complainant or respondent requests their procedural right to a Full Student Conduct Board Hearing, the outcome and sanctions determined by the Conduct Board Review Committee stand until the conclusion of the full board hearing.

**Full Student Conduct Board Hearing**
If a complaint moves to a Full Student Conduct Board Hearing, a formal notice of the complaint and scheduled meeting will be issued to the complainant and the responding student. The Hearing is conducted before a minimum of five members of the Student Conduct Board.

Information about Student Conduct Board Hearings can be found in Section 9: Student Conduct Board Hearing Procedures.

**Student Conduct Appellate Panel**
A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Board may be appealed by the complainant or the respondent. A decision by the Student Conduct Appellate Panel is final and binding upon all involved.

Information about Appeals is found in Section 11: Appeals.

### Police involvement in disciplinary cases:

Any information shared with the University may be subpoenaed.

### Records Retention:

Records of cases involving a sanction of suspension or expulsion are maintained indefinitely. Records of other cases are maintained for seven years from the date of file closure.

### Parent/Guardian Notification:

The University reserves the right to notify the parents/guardians of traditional undergraduate students regarding any conduct situation, particularly alcohol and other drug violations. Parental notification will be given at the discretion of administrators and when permitted by FERPA or consent of the student.

## SECTION 9. Student Conduct Board Hearing Procedures

The Student Conduct System Administrator will share the investigative report and the outcome of the Conduct Board Review Committee with Student Conduct Board members in advance of the hearing. The Complainant and the Respondent will have access to their own interview associated with the alleged violation(s), but will not have access to other materials included in the investigative report.

In cases where an organization is the respondent, a maximum of four student members may represent the organization. The organization is entitled to have a support person present.

The Student Conduct Board should consider itself both as a fact-finding body and as a body for conducting educational discussions about ethical issues with students.

Confidentiality is absolutely imperative, and must be maintained by members of the Student Conduct Board with respect to all proceedings.

During the hearing all members of the Student Conduct Board should feel free to call recesses whenever it would appear that there are matters before the Student Conduct Board that should be resolved privately rather than in front of the other participants in the hearing. These deliberations will not be part of the official record of the hearing.

The complainant(s) shall have the right to attend the hearing.

The respondent and the complainant shall be entitled to question each other if they are present at the hearing. Student Conduct Board members may also question the complainant, the respondent, the Student Conduct System Administrator, or any witness.

Both the complainant and the respondent have a right to have a support person present, at their own expense, for a hearing. The Student Conduct System Administrator must be notified of the identity of the support person a minimum of two days prior to the hearing. The complainant and the respondent are responsible for presenting their own case and, therefore, a support person is not permitted to address the Student Conduct Board or to participate directly in any hearing before the Student Conduct Board, although they may consult with the individual(s) for whom they are serving as support person.

A complete record of the Student Conduct Board's decision and the official record of the hearing will be maintained by the Student Life Office. There will be a single record, kept in the form of an audio or video recording, of all hearings before the Student Conduct Board, not including deliberations. No other recordings of a hearing are allowed. Deliberations will not be recorded. The record is the property of the University and will be maintained by the University.

The Student Conduct System Administrator will communicate in writing the decision and the sanction(s) imposed, if any, to the respondent(s) within five days of the conclusion of the hearing, using official means of University communication. Any member of the Student Conduct Board may assist the Student Conduct System Administrator in preparing the statement. The complainant will be notified in writing of the determination and, on a need-to-know basis, any sanctions imposed. All correspondence will be reviewed for completeness and accuracy by the Student Conduct System Administrator prior to distribution through the Student Life Office.

## SECTION 10: SANCTIONS

One or more of the following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

1. *Warning:* An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
2. *Restitution:* Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
3. *Fines:* Previously established and published fines may be imposed.
4. *Community/University Service Requirements:* For a student or organization to complete a specific supervised University service.
5. *Loss of Privileges:* The student will be denied specified privileges for a designated period of time.
6. *Confiscation of Prohibited Property:* Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Student Conduct System Administrator.
7. *Coach/organization advisor/other University employee notification:* Release of records is permitted without prior consent in certain circumstances. Departments within the University who demonstrate an educational interest can request information regarding a student's disciplinary file. Examples of valid educational interest include departments reviewing applicants for study abroad programs, and Peer Assistant applicants. It is NWU's practice to inform athletic coaches following a second violation of the Code of Student Conduct, along with additional coach notification for any subsequent violations while the University retains jurisdiction over a student. NWU reserves the right to inform coaches following a first violation, should the Student Conduct Officer deem it necessary to promote student and campus safety and wellbeing.
8. *Behavioral Requirement:* Involves required activities including, but not limited to, seeking academic support or substance abuse screening, writing a letter of apology, etc.
9. *Personal Development Reflection:* Requirement to complete a reflection process regarding the conduct violation(s).
10. *Educational Program:* Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
11. *Restriction of Visitation Privileges:* May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
12. *University Housing Probation:* Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
13. *University Housing Reassignment:* Reassignment to another University housing facility. Residential Education personnel will decide on the reassignment details.
14. *University Housing Suspension:* Removal from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. University Housing Suspension can be of indeterminate length, depending on the severity of the violation. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Vice President for Student Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Vice President for Student Life in consultation with the Assistant Dean for Student Success and Residential Education (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension. No housing payment refunds will be made if a student is suspended from the residence halls. A letter imposing residence hall suspension will be sent to a dependent student's parent or guardian.

15. *University Housing Expulsion:* The student's privilege to live in, or visit, any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary. No housing payment refunds will be made if a student is expelled from the residence halls. A letter imposing residence hall expulsion will be sent to a dependent student's parent or guardian. When this sanction is imposed, the related conduct records will be maintained indefinitely.
16. *University Probation:* The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student will face more serious consequences and may face suspension or expulsion. Regular probationary meetings may also be imposed. A letter will be sent to a dependent student's parent or guardian.
17. *Eligibility Restriction:* Terms of this conduct sanction may include, but are not limited to, the following:
    a. Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
    b. Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
18. *Administrative Holds:* Administrative holds may be placed on a student's registration, transcripts, diploma, or graduation to ensure that students respond to a disciplinary matter, and to enforce certain disciplinary sanctions. These holds may prevent a student from registering or graduating, or from receiving copies of his/her diploma or transcripts pending the resolution of a disciplinary matter or while a sanction of suspension, expulsion or delay of graduation is in force.
19. *Suspension In Abeyance:* A decision by the University that, should an additional student conduct violation occur while this sanction is in place, the student will be suspended from the University effective immediately. Suspension in abeyance can be of indeterminate length, depending on the severity of the violation. The suspension will only implemented if there is another violation of the NWU Code of Student Conduct. If found responsible for a future violation, the student will be suspended as a student from the University. The decision to suspend will not be subject to appeal at that time, since it will be predicated on a pre-existing case and decision. A letter imposing suspension in abeyance will be sent to a dependent student's parent or guardian.
20. *University Suspension:* Separation from the University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. University Suspension can be of indeterminate length, depending on the severity of the violation.The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Vice President for Student Life. During the suspension period, the student is banned from University property, functions, events and activities without prior written approval from the Vice President for Student Life. This sanction may be enforced with a trespass action as necessary. No refunds of tuition, fees, room and board will be made if a student is suspended from the University. Notice of this action will appear on the student's transcript until such time as the student is re-admitted or is eligible for re-admission. A letter imposing disciplinary suspension will be sent to a dependent student's parent or guardian. When this sanction is imposed, the related conduct records will be maintained indefinitely.
21. *University Expulsion:* Permanent separation from the University. The student is banned from University property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. No refunds of tuition, fees, room and board will be made if a student is expelled from the University. Notice of this action will appear permanently on the student's transcript. A letter imposing disciplinary expulsion will be sent to a dependent student's parent or guardian. When this sanction is imposed, the related conduct records will be maintained indefinitely.
22. *Withholding Degree:* The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Student Conduct, including the completion of all sanctions imposed, if any.
23. *Other Sanctions:* Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Student Conduct System Administrator or designee.

The following sanctions may be imposed on groups or organizations:

a. Those sanctions listed above.
b. The loss of the privilege to live as an intact unit in University-approved housing.
c. Deactivation: loss of all privileges, including University recognition, for a specified period of time.

Sanctions are cumulative and may carry over from year to year. More than one of the sanctions listed above may be imposed for any single instance of misconduct.

Unless indicated otherwise in an outcome letter, sanctions are in effect immediately upon notice of outcome Deadlines may be extended upon application to, and at the discretion of, the Vice President for Student Life.

Other than University expulsion, disciplinary sanctions shall not be made a part of the student's permanent academic record, but shall become part of the student's confidential record. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension or University expulsion will be expunged from the student's confidential record seven years after the date of file closure. For those students who have not completed their assigned sanctions but have not been enrolled at the University for over seven years, or who voluntarily withdrew while a disciplinary process was pending, a decision regarding retention of the record may be made

by the Student Conduct System Administrator or designee on a case by case basis.

## SECTION 11: APPEALS

A complainant or respondent may choose to appeal either the findings of the Student Conduct Board or a sanction imposed by the Student Conduct Board. The Appellate Panel reviews appeals and makes decisions to uphold either the appeal or the decision of the Student Conduct Board.

An individual or organization may appeal only one time for each Student Conduct Board decision. An appeal must address all concerns related to the findings and/or sanctions determined by the Student Conduct Board. Appeals must be submitted to the Student Conduct System Administrator within five days of receipt of the notice of the Student Conduct Board's decision. The electronic form to submit the appeal can be found here: **https://cm.maxient.com/reportingform.php?NebrWesleyanUniv&layout_id=10**

Subject to the approval of the Student Conduct System Administrator, this five-day period may be extended if new information, sufficient to alter a decision, is discovered.

Grounds for an appeal are limited to one or more of the following purposes:

- To determine whether the resolution process was conducted fairly and in accordance with the University's procedures that affected the outcome of the matter;
- To determine whether the complainant was given a reasonable opportunity to prepare and present information that the Code of Student Conduct was violated, and whether the respondent was given a reasonable opportunity to prepare and present a response to the complaint;
- To determine whether the decision reached regarding the respondent was based on substantial information, that is, whether the facts in the case were sufficient to establish that it was more likely than not that misconduct as described in the Code of Student Conduct did occur;
- To determine whether the sanction(s) imposed were proportionate to the misconduct; and/or
- To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original proceedings, because the person appealing did not know such information and/or facts at the time of the original resolution proceedings.

Upon receipt of an appeal, the Student Conduct System Administrator will notify the complainant and the respondent of the appeal and will also notify participating members of the Student Conduct Board. The Student Conduct System Administrator will then convene a meeting of three members of the Appellate Panel and will share with panel participants the appeal, the audio recording of the hearing, and any supporting documents, including the original complaint and any written materials submitted at the hearing.

The Appellate Panel will review all available information. Based on the information provided, the Appellate Panel may:

- Affirm the findings and/or sanctions determined by the Student Conduct Board;
- Reverse the findings and/or modify the sanctions determined by the Student Conduct Board; or
- Return the matter with written guidance to the Student Conduct System Administrator for reconsideration by the Board who rendered the original finding.

The case will also be referred back to the Student Conduct Board when there is new information that may significantly impact the outcome of the complaint.

Once the Appellate Panel has completed their review, they will prepare a document outlining their decision and the rationale and will share that document with the Student Conduct System Administrator. The Student Conduct System Administrator will determine the appropriate member of the Nebraska Wesleyan's Administrative Council to consider the appeal and will forward the appeal file to that appropriate individual (ordinarily, the Vice President for Student Life or the Provost). If the appropriate Vice President is the Complainant in the incident, the Student Conduct System Administrator, or designee, will determine which member of the Administrative Council will manage the appeal.

In all cases involving appeals of expulsion, the President of the University will manage the appeal.

The Administrative Council member who manages the appeal may reverse, affirm, modify or provide post relief of a previous finding. That Administrator will prepare a document stating their decision. The Administrative Council member's decision is final and binding. The Administrator will notify the Student Conduct System Administrator when the review is complete and notifications may be sent to the complainant and the respondent. The document prepared by the Appellate Panel, as well as the document prepared by the Administrative Council member, will be provided to the complainant and the respondent.

The Student Conduct System Administrator will notify the complainant and the respondent of the outcome of the appeal. The Student Conduct System Administrator will also notify participating members of the Student Conduct Board of the results of the appeal.

The Student Conduct System Administrator will make a reasonable effort to complete the appeal process within 10 days, but this time frame may be extended depending on the complexity of the circumstances of each case. Scheduling, University closures, or holidays may affect this timing as well.

This process is confidential and the highest ethical standards must be maintained throughout.

# SECTION 12: STUDENT CONDUCT AUTHORITY

**A. Authority**
The Vice President for Student Life is vested with the authority over student conduct by the Nebraska Wesleyan University Board of Governors. The Director of Student Integrity and Campus Community serves as the Student Conduct System Administrator who oversees and manages the student conduct process. The Vice President for Student Life and Student Conduct System Administrator appoint Student Conduct Officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Student Conduct Officers have the authority to assume responsibility for the investigation of an allegation of a lower level violation of the Code of Student Conduct to determine if the complaint has merit. If they determine it does, they have the authority to adjudicate the complaint in an Educational Conference.

**B. Gatekeeping**
No complaint will be adjudicated unless there is reasonable cause to believe a policy has been violated. A complaint wholly unsupported by any credible information will not be adjudicated.

**C. Student Conduct Officers**
The Vice President for Student Life; the Director of Student Integrity and Campus Community; the Director of Residential Education; and the Residential Education Coordinators may serve as Student Conduct Officers during Educational Conferences.

The Student Conduct System Administrator (or designee) is also a non-voting advisor to the Student Conduct Board. The Student Conduct System Administrator is responsible for training the Student Conduct Board, conducting preliminary investigations, and ensuring a fair process for both the party bringing the complaint and the responding student. Decisions made, and sanctions imposed, by the Student Conduct Board or by a Student Conduct Officer will be final and implemented, pending the normal appeal process.

**D. Composition of the Student Conduct Board**
The Student Conduct System Administrator will be responsible for ensuring that the Student Conduct Board is assembled according to the following guidelines:

> Faculty: Three faculty members with voting privileges serving overlapping two-year terms, to be elected by the faculty during the spring semester. The term shall begin the first day of fall semester following the election. Faculty are eligible to be re-elected a second term.
>
> Administrative personnel: Three administrative personnel, to be appointed by the President of the University, to serve a two-year term. These individuals should be appointed on alternate years to assure continuity of membership. Administrative personnel are eligible to be re-appointed.
>
> Traditional Undergraduate Students: Four traditional undergraduate students appointed by the President of Student Affairs Senate. Students will be appointed each spring semester, with the term beginning the first day of the fall semester. The term shall be for one year. Students are eligible to be re-appointed.
>
> Adult Undergraduate Students and Graduate Students: When a conduct situation occurs that involves an adult undergraduate student or a graduate student, the Student Conduct System Administrator will work with Program Directors to identify a student to serve as an ad hoc representative on the Student Conduct board for that circumstance. The Student Conduct Board representative should be of the same student type as the student(s) involved in the conduct situation (adult undergraduate / graduate), but should not be in the same program.

When a complaint involves a traditional undergraduate student, only traditional undergraduate student members of the Student Conduct Board will be involved in the disposition of the complaint; similarly, when a complaint involves an adult undergraduate student, only adult undergraduate students who are members of the Student Conduct Board will be involved in the disposition of the complaint.

No student, faculty member or administrative staff member shall be eligible for membership on the Student Conduct Board if they are a voting member of the Board of Governors or Student Affairs Senate. No Student Conduct Officers are eligible for membership on the Student Conduct Board.

To serve on the Student Conduct Board, students must:

1. Be in academic good standing and have completed 15 hours of academic credit at Nebraska Wesleyan University with a cumulative GPA of at least 2.5.

2. Be in good standing with the conduct process throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct could disqualify a student for service.
3. Submit a letter of application.

The membership of the Student Conduct Board is trained for at least 8 hours annually by the Student Conduct System Administrator and the Title IX Coordinator.

When a Student Conduct Board hearing occurs, there will, in most circumstances, be overlap in membership from the Conduct Board Review Committee to the Full Conduct Board Hearing.

In cases in which a full conduct board cannot be assembled in a timely manner, or where a potential conflict of interest prevents the assembly of a full conduct board, trained former members of the conduct board may be asked to serve on a temporary basis.

**F. The Appellate Panel**
An Appellate Panel is appointed by the University President. Utilizing both present and past board members.

## SECTION 13: INTERPRETATION AND REVISION

The Student Conduct System Administrator may vary procedures with notice upon determining that changes to local, state, or federal law or regulation require policy or procedural alterations not reflected in this Code. The Student Conduct System Administrator may make minor modifications to policy and procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice President for Student Life, whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the Student Conduct System Administrator with a comprehensive revision process being conducted every three years.

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**Last revised date**
August 24, 2023