

Boise State University
Student Code of Conduct



BOISE STATE UNIVERSITY

STUDENT AFFAIRS

Office of the Dean of Students

**Boise State University
Student Code of Conduct**

Table of Contents

Section 1 – Introduction and General Information.....2
Section 2 – Student Rights and Responsibilities.....4
Section 3 – Definitions.....6
Section 4 – Violations.....9
Section 5 – Non-Academic Misconduct Complaints and Procedures.....16
Section 6 – Interim Actions and Conduct Sanctions.....20
Section 7 – Academic Dishonesty Complaints and Procedures.....23
Section 8 – Appeals.....28
Section 9 – Conduct Bodies.....30
Section 10 – Student Records.....32
Section 11 – Interpretation and Revision.....33

Office of the Dean of Students

Boise State University
1910 University Drive
Norco 116
Boise, ID 83725
(208) 426-1527
deanofstudents.boisestate.edu

Section 1
Introduction and General Information

A. Freedom of Expression

The University creates an environment where civil discourse may occur free from discrimination, harassment, threats or intimidation. The pursuit of higher learning through civil discourse, both in and out of the classroom, is encouraged and welcomed for all who attend the University. To that end, nothing in the Student Code of Conduct shall infringe on rights guaranteed by the Constitution of the United States, federal or state law, or Boise State University policy.

Each member of the University Community is obligated to assume individual responsibility for her/his personal freedom and actions. As members of the University, students enjoy the same freedoms of speech, peaceful assembly, and right of petition that all citizens enjoy. Students and student groups are responsible for making it clear that such expressions represent the views of the students or student organizations, and not of the University.

B. Purpose

The Student Code of Conduct exists to assist in providing the best possible learning and living environment for all students. The University upholds the shared values of academic excellence, caring, trust, fairness, citizenship, respect, and responsibility as the foundation for a successful academic environment. As a tool, the Student Code of Conduct helps promote growth and learning as students interact with their environment and accept responsibility for decision-making. The Boise State University student conduct process educates students about their responsibilities as members of an academic community and imposes sanctions when student conduct puts the members of the community in jeopardy or when the University has a clear and distinct interest in addressing the student behavior.

Each student, as a member of this community, is responsible for being familiar with the policies of Boise State University and with local, state, and federal laws, including the Student Code of Conduct, since these reasonably guide behaviors. Students at Boise State University can access a copy of the Student Code of Conduct annually in the form of a link on the university website. Hard copies and copies in alternative format are available upon request from the Office of Dean of Students.

C. Authority

The Student Code of Conduct is not a code of criminal law; criminal law concepts, processes, and procedures do not apply to it. The University will take appropriate action when student conduct runs contrary to the University mission or a clear and distinct university interest, regardless of whether a criminal offense has occurred. The University reserves the right to take necessary and appropriate action to protect the health, safety and well-being of the University community and its members.

Students and student organizations are subject to the provisions of local, state, and federal law and to all legal and judicial authorities as part of their responsibilities to the larger society. If a visitor or guest of a university student or organization does not comply with university policies and/or with local, state, or federal law, the student or organization may be subject to University sanctions, as well as to the provisions of local, state, or federal law. Those who believe a crime has occurred should inform campus security and/or a local law enforcement agency. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

D. Jurisdiction

The Student Code of Conduct applies to the conduct of individual students, both undergraduate and graduate, and all University-affiliated student organizations.

1. The University retains conduct jurisdiction over students who have yet to enroll in classes but are formally admitted to the university, and those who 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, obtain official transcripts, and/or graduate and all sanctions must be satisfied prior to the hold being released. 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.

2. The Student Code of Conduct applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when a Student Conduct Administrator determines that the off-campus conduct affects a clear and distinct University interest. The term "off-campus" includes anywhere that is not University premises. Specifically included within the University's clear and distinct interest are violations that:

- a. Involve conduct directed at other members of the University community or that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- b. Disrupt educational programs or activities or other functions of the University;
- c. Occur during or at University-sponsored events;
- d. Occur during the events of organizations affiliated with the University, including the events of student organizations;
- e. Occur during a study abroad program; or
- f. Pose a threat to the health and/or safety of members of the University community.

3. The Student Code of Conduct shall also be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. While most online speech by students not involving University networks or technology will be protected as free expression and not subject to the Student Code of Conduct, there are three notable exceptions:

- a. A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual;"
- b. Speech posted online about the University or its community members that causes a significant campus disruption;
- c. Evidence of a crime having occurred.

4. Visitors to and guests of the University may seek resolution of violations of the Student Code of Conduct committed against them by students through the Office of the Dean of Students. This process is described in Section 5.

E. Standard of Evidence

The standard of evidence that will be used to determine violations of the Student Code of Conduct is preponderance of the evidence. Preponderance of the evidence means that the evidence given (including complaint, response, witness statements, physical evidence, university documents and interview notes) is enough to suggest that a circumstance is *more likely than not* to have occurred as described.

Section 2 Student Rights and Responsibilities

A. Equal Treatment

The University has an obligation to apply its rules equally to all students. This does not mean, however, that the University is required to refrain from engaging in the conduct process with some students because there are others who cannot be identified, or who are not similarly charged. Procedural fairness incorporates adequate notice of the charges, the opportunity for a fair hearing, and the right of appeal.

B. Nondiscrimination

For purposes of this Policy, the following characteristics are considered protected and, to the extent permitted by applicable law, individuals cannot be discriminated against based on these characteristics: race, color, religion, sex, gender, age, sexual orientation, pregnancy, national origin, disability, veteran status, genetic information, or any other status protected under applicable federal, state, or local law.

C. Freedom in the Classroom

The classroom is not an unstructured political forum; it is the center for study and understanding of subject matter for which the faculty member has professional responsibility and institutional accountability. Control of the order and direction of class, as well as control of the scope and treatment of the subject matter, must therefore immediately rest with the individual faculty member. Faculty members and students must be free from disruption by students or others who may be in disagreement with the manner in which the faculty member discharges his/her responsibilities. When taking a class, students have a reasonable expectation to:

1. Be informed in reasonable detail at the beginning of each term of the nature of the course, the course expectations, the evaluative standards, and the grading system that will be used. Students are responsible for becoming familiar with these details and for asking the faculty member for clarification if they do not understand what the course requires.
2. Take reasonable, yet respectful, exception to the data or views offered in class and to reserve judgment about matters of opinion, without fear of penalty. Students have a responsibility not to disrupt class in expressing their views or in reacting to the views of others.
3. Protection against improper disclosure of information concerning their grades, views, beliefs, political associations, or personal characteristics that faculty members acquire in the course of their professional relationship with students. Students have the responsibility not to disclose improperly such information about their fellow students.
4. Protection against prejudiced or capricious academic evaluation. At the same time, students are responsible for maintaining the standards of academic performance established for each course in which they are enrolled.

D. Good Standing

The awarding of a degree from Boise State University is conditioned upon a student's good standing with the University and satisfaction of all university graduation requirements. "Good standing" means the student has resolved any unpaid fees or acts of academic or behavioral misconduct and complied with all sanctions imposed as a result of any misconduct. Boise State University may deny the awarding of a degree if the student is dismissed from the university based on misconduct.

**Boise State University
Student Code of Conduct**

E. Communication with University

University email is Boise State's primary means of communication with students. Students are responsible for receiving and reading all communication delivered to their University email addresses.

For more information, see Boise State University Policy 2280: Student Email Communications.

F. Responsibility for Guests

Students and student organizations are responsible for the conduct of guests and must use their best efforts ensure that guests comply with the Student Code of Conduct and other University policies. This includes but is not limited to guests attending university-sponsored events on or off university property, visitors to residence halls, or attendees of activities sponsored by recognized student organizations.

Section 3 Definitions

A. Conduct Body

The term “**Conduct Body**” means any person or persons authorized by the Vice President for Student Affairs or her/his designee to determine whether a student has violated the Student Code of Conduct and to determine appropriate sanctions for the violation. This can be a single individual, such as a Hearing Officer (individual faculty or staff member), a group of people, such as a Conduct Board or Appellate Board, and/or, in instances of academic dishonesty, a faculty member.

B. Consent

The term “**consent**” means freely given agreement to engage in a course of conduct. Consent for sexual activity must be given free of force, threat, intimidation, or coercion. Neither silence nor a prior relationship is sufficient to indicate consent. Someone who is incapacitated in any way cannot give consent. Consent will not be considered given by someone who is asleep, incapacitated by alcohol or illegal or prescription drugs, unconscious, harassed, coerced, threatened, or otherwise forced into sexual activity. Additionally, consent for sexual activity cannot be given by someone under 16 years of age and Idaho law additionally limits the ability of someone 16 or 17 to consent. For more information, see Idaho Code sections 18-1506, 1508, 6101 and 6108.

C. Faculty Member

The term “**faculty member**” means any person who regularly conducts classroom activities for the University.

D. Hostile Environment

A “**hostile environment**” is created if conduct is sufficiently serious that it interferes with or limits a person’s ability to participate or benefit from Boise State’s programs and services. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. A single or isolated incident of sex or gender-based harassment or discrimination may create a hostile environment if the incident is sufficiently severe.

E. Member of the University Community

The term “**member of the University community**” includes any person who is:

1. A student;
2. A faculty or staff member;
3. A University official;
4. Identified to conduct business for the University; or
5. Guests, to include but not limited to, volunteers, event attendees, participants in university sponsored co-curricular or auxiliary programs.

A person's status in a particular situation will be determined by the Vice President for Student Affairs or her/his designee.

F. Policy

The term “**policy**” is defined as the written regulations of the University as outlined in, but not limited to the:

1. University Undergraduate and Graduate Catalogs;
2. University Housing & Residence Life policies;
3. University Policy Manual; and
4. Policies, procedures and regulations of the State Board of Education.

G. Protected Characteristics

The term “**protected characteristics**” means personal characteristics or factors that cannot be targeted for discrimination or harassment. For purposes of the Student Code of Conduct the following characteristics are considered protected and individuals cannot be discriminated against or harassed based on these characteristics: race, color, religion, sex, gender, age, sexual orientation, pregnancy, national origin, physical or mental disability, veteran status, genetic information, or any other status protected under applicable federal, state, or local law.

H. Quorum

The term “**quorum**” means one more than fifty percent of the voting membership of a conduct body. A conduct body consisting of a single individual always consists of a quorum. A conduct panel is comprised of 5 members, with a minimum to meet quorum being 3 (to always include at least one student and one faculty member).

I. Student

The term “**student**” includes all persons taking courses at the University, either full-time or part-time, degree seeking or non-degree seeking, as well as persons who have been admitted but are not yet taking classes. Persons who withdraw after allegedly violating the standards of conduct, who are not enrolled for a particular term but who have continuing relationships with the University (including suspended students), or who have been notified of their acceptance for admission are also considered students.

J. Student Conduct Administrator

The term “**Student Conduct Administrator**” means the University official authorized by the Vice President for Student Affairs to:

1. Advise Respondents and Complainants on student conduct processes and procedures;
2. Serve as a hearing officer as designated by the Vice President for Student Affairs;
3. Serve as the advisor to the student conduct process;
4. Maintain official conduct records;
5. Monitor sanction compliance; and
6. Coordinate the training and development of student conduct bodies.

K. Student Organization

The term “**student organization**” means any group of individuals who have complied with the formal requirements for University recognition. These groups may include, but are not limited to, athletic teams or clubs, and sororities or fraternities.

L. University

The term “**University**” means Boise State University.

M. University Official

The term “**University official**” includes:

1. Any person employed by the University performing assigned administrative or professional responsibilities including but not limited to entities such as Parking and Transportation and Resident Assistants acting as University employees;
2. Any student who is an assigned or appointed formal member of a University Conduct Body.

**Boise State University
Student Code of Conduct**

N. University Premises

The term “**University premises**” includes all land, buildings, facilities, and other property in the possession of (or owned, used, leased, or controlled) by the University including, but not limited to, items such as adjacent streets and sidewalks, vehicles, and computers, web sites and university owned and/or operated computer networks, including wireless internet access.

Section 4 Violations

Any student found to have committed, or attempted to commit, any of the following behaviors is subject to sanctions outlined in the Student Code of Conduct. The behavior includes, but is not limited to:

A. Abuse of Computer Facilities and Resources

A violation may include, but is not limited to, the actual and/or attempted mistreatment, misuse, or disruption of any University computer facilities and resources, including but not limited to, those of offices, departments, colleges, and libraries. Such behavior includes, but is not limited to, possessing passwords without proper authorization, spreading computer viruses, hacking into computer systems, downloading or sending unauthorized or illegal materials, and allowing unauthorized users to access university electronic resources.

B. Abuse of Self or Others

A violation may include physical abuse, threats, intimidation, and/or other conduct which threatens or endangers the health or safety of any person, including one's self.

C. Abuse of Student Conduct Process

A violation may include, but is not limited to:

1. Failure to obey any notice from a university Conduct Board or university official to appear for a required meeting.
2. Willful falsification, distortion, or misrepresentation of information during the student conduct process.
3. Disruption or interference with a university conduct proceeding.
4. Filing fraudulent charges or initiating a university conduct code proceeding in bad faith.
5. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
6. Attempting to influence the impartiality of a member of the university conduct system prior to, and/or during the course of, any university student conduct proceeding.
7. Harassment (verbal, physical, through use of technology) and/or intimidation of a member of a university Conduct Board or student conduct administrator prior to, during, and/or after any university conduct proceeding.
8. Verbal, physical, or technological harassment, intimidation, and/or retaliation against a person for their exercise of rights under the Student Code of Conduct or participation in the student conduct process as a complainant, respondent, or witness.
9. Failure to comply with any sanction(s) imposed pursuant to a student conduct proceeding.
10. Influencing or attempting to influence another person to commit an abuse of the university conduct process.

D. Academic Dishonesty

A violation may include cheating, plagiarism, or other forms of academic dishonesty. All assignments submitted by a student must represent her/his own work, ideas, concepts, and current understanding or must cite the original source. Academic dishonesty includes assisting a student to cheat, plagiarize, or commit any act of academic dishonesty. Attempts to violate academic integrity do not have to be successful to be considered academic dishonesty. Academic dishonesty may include, but is not limited to:

1. Stealing and/or possessing unauthorized material, including the unauthorized copying, downloading, appropriation, possession or use of the property of another, and the forgery or misuse of documents;
2. Fabrication and falsification, including the unauthorized alteration or invention of any information or citation;
3. Multiple submission, including the submission of substantial portions of the same assignment for credit more than once without the prior permission of all involved faculty members;

**Boise State University
Student Code of Conduct**

4. Abuse of academic material, including destroying, stealing, or making inaccessible library or other academic resource material; and
5. Complicity in academic dishonesty, including intentionally or knowingly helping or attempting to help another commit an act of academic dishonesty.
6. Research misconduct, which includes but is not limited to, fabrication and falsification of data, and sabotage of another's experiment.

E. Act of Dishonesty

A violation may include, but is not limited to:

1. Providing false information to any university official, faculty or staff member, or office;
2. Providing false information on any university document;
3. Forgery, alteration, or misuse of any instrument of identification whether issued by the university or by another state or federal agency, and any university document or record, or including, but not limited to, any academic transcript, academic record change forms, fee receipts, parking permits, and financial aid forms.

F. Alcohol

A violation may include, but is not limited to, any unlawful use, possession, or distribution of alcoholic beverages and any use, possession and distribution in violation of Idaho State Law.

G. Arson and Fire Safety

A violation may include, but is not limited to, any violation of local, state, federal, or campus fire policy, including:

1. Intentionally or recklessly causing a fire which damages university property or personal property or which causes injury;
2. Failure to evacuate a university-controlled building during a fire alarm, unless directed to stay in an area of evacuation assistance by a university official;
3. Improper use of university fire safety equipment; or
4. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university premises.

H. Bribery and/or Extortion

A violation may include, but is not limited to, bribery, attempted bribery, acceptance of a bribe, and/or failure to report a bribe. Bribery includes, but is not limited to, offering money and/or some other form of payment including gifts to a member of the University community in order to influence any academic or administrative process or to influence any athletic or university event. Extortion includes, but is not limited to, getting or attempting to get money and/or anything of value by violence, threats, and/or misuse of authority.

I. Health and/or Safety Hazards

A violation includes creation of a health and safety hazard for any member of the university community or guest and campus visitors. Examples of health and safety hazards include, but are not limited to:

1. Participating in dangerous pranks;
2. Hanging out of or climbing on windows, balconies, or roofs; or
3. Any other conduct that creates and unreasonable risk of harm to a person or property.

J. Destruction/Damage or Misuse of Property

A violation may include, but is not limited to, destruction, damage, or misuse of university or private property.

K. Discrimination

A violation occurs when an individual or group of individuals is treated adversely (for example, denied rights, benefits, equitable treatment, or access to facilities or groups open to all others) based on protected characteristics.

L. Disorderly Conduct

A violation may include, but is not limited to:

1. Conduct that a reasonable person would find offensive such as lewd, indecent, obscene, or profane actions;
2. Disturbing the peace, disrupting, obstructing, or assisting or encouraging another person to do so, of any university activity, including but not limited to, teaching, research, administration, sports and recreation events, guest speakers and other presentations, and cultural events, and any behavior that causes a substantial negative effect to the living and learning environments on campus;
3. Intentional or reckless obstruction that unreasonably interferes with freedom of movement for either pedestrians or vehicles on university premises; or
4. Disruptions that can be reasonably traced to a specific individual or location.

M. Official Orders

A violation may include, but is not limited to, failure to comply with directions of University officials or law enforcement officers acting in the performance of their duties and/or failure to accurately identify oneself to these persons when requested to do so.

N. Drugs

A violation may include, but is not limited to the unlawful possession, manufacture, distribution, use, or sale of drugs or drug paraphernalia. A violation may occur if the odor of a drug is present when more than one individual can reasonably trace it to a specific individual or location.

O. Failure to Act to Protect Health and Safety

A violation may include complicity with or failure of any student or student organization to appropriately address a known or obvious violation of the Student Code of Conduct or state or federal law that poses a risk to the health and safety of any person.

P. Fiscal Misconduct

A violation may include, but is not limited to:

1. Falsification of Boise State University or student organization financial records;
2. Any purchase and/or financial transaction made without appropriate organization membership and institutional approval, including, but not limited to, long-distance calls, copier use, signature of contracts, travel expenses, and rentals;
3. Failure to relinquish student organization financial records to officers/advisors, and/or university/ASBSU officials;
4. Failure to uphold the financial obligations and agreements entered into on the part of an individual or student organization;
5. The writing of non-sufficient funds (NSF) checks to the University;
6. Forgery; and
7. Embezzlement.

Q. Firearms/Weapons

A violation includes, but is not limited to the possession, wearing, carrying, transporting or use of any weapon on university owned or controlled premises, including vehicles parked on campus. There are exceptions to the general prohibition of weapons on campus, including the exception required under Idaho law enacted July 1, 2014 - the lawful carrying of concealed firearms by qualified retired law enforcement officers and enhanced concealed carry license holders. For more information, University Policy #12080 (Possession of Firearms/Weapons on University Owned or Controlled Premises) can be found online in the [policy manual](#).

R. Group Offenses

A violation may include, but is not limited to, actions by organizations, societies, clubs, and similarly organized groups, and the coordinated actions of three or more people, whether or not those people belong to a formally recognized group, that result in one or more violations of policy or law. Repeated individual violations of the Student Code of Conduct may constitute a group offense if there is a nexus between the behavior and an activity or location in control of the group (for example, multiple alcohol or drug-related medical transports from or arrests made at a group-controlled property or as a consequence of a group-sponsored event over the course of a semester).

S. Harassment

A violation may include conduct by any means that is severe, pervasive, or persistent so as to create an intimidating, hostile, or offensive environment that would cause a reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate in regular life activities or in the activities of the university, and actually does cause the person substantial emotional distress and undermines his or her ability to work, study, learn or participate in regular life activities or in the activities of the university. Harassing conduct may be verbal, written, visual, electronic or physical in nature, and include only one instance to be considered harassment. Violations of this section include, but are not limited to:

1. Verbal abuse or hostile behavior such as insulting, name calling, teasing, mocking, degrading or ridiculing another person or group, this may include comments distributed via or published on the internet;
2. Conduct that is physically offensive, harmful, threatening or humiliating such as impending or blocking movement, leering or staring;
3. Unwelcome or inappropriate physical contact such as kissing, hugging, pinching, patting, groping;
4. Physical assault or stalking; or
5. Unwelcome or inappropriate sexual advances, flirtations, propositions, requests for sexual favors, comments, questions, epithets or demands.

T. Hazing

A violation may include, but is not limited to, any activity expected of someone joining a group or student organization (or maintaining full status in a group or student organization) or any pastime or amusement engaged in with respect to such group or organization, that causes or is likely to cause a risk of mental, emotional, and/or physical harm, regardless of a person's willingness to participate. Hazing activities may include, but are not limited to, abuse of alcohol during new member activities, striking another person whether by use of any object or one's body, creation of excessive fatigue, physical and/or psychological shock, morally degrading or humiliating games, or other activities that create a risk of physical or mental harm. Apathy or acquiescence in the presence of hazing is not a neutral act; it is a violation of the Student Code of Conduct.

Hazing does not include practice, training, conditioning, and eligibility requirements for customary athletic events such as intramural or club sports and NCAA athletics, or similar contests or competitions; however, hazing activities occurring as a part of such athletic events or contests are prohibited.

U. Physical Assault

A violation may include, but is not limited to:

1. Intentional and/or unwanted physical contact;
2. Use of violence and/or fighting; and
3. Attempt to harm another person.

V. Relationship Abuse and Violence¹

A violation may include the use of physical, sexual, verbal, emotional, or technological abuse, or similar behaviors that a reasonable person would conclude is intended to control a partner, or harm, threaten, intimidate, or control another person in a relationship of a romantic or intimate nature, regardless of whether that relationship is continuing or has concluded or the number of interactions between the individuals involved.

W. Sexual Misconduct

Sexual misconduct can occur with any combination of genders, gender identities/expressions, and sexual orientations. Individuals who wish to engage in any sexual activity must communicate their full intentions and consent actively. Consent includes, but is not limited to, words, behavior or actions that a reasonable person would conclude indicates interest in engaging in any form of sexual activity with another person. Furthermore, consent must be obtained by the person initiating activity at every stage of a sexual interaction.

A person who knows or reasonably should have known that the other person was incapacitated may not engage in sexual contact or intercourse with that person.

A violation may include, but is not limited to:

1. Sexual harassment: unwelcome, sex- or gender-based conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies or limits a person's ability to participate in or benefit from the University's educational program or activities or employment, is based on power differentials ("quid pro quo"), or creates a hostile environment. Examples of sexual harassment include, but are not limited to:
 - a. An attempt to coerce an unwilling person into a sexual relationship;
 - b. A one-time instance or repeated instances that subject a person to unwelcome sexual attention, or unwanted comments, communications or jokes of a sexual nature or about their sexual experiences or orientation;
 - c. Conduct that punishes a person for a refusal to comply with a sexual request;
 - d. Conditioning a benefit on submitting to sexual advances;
 - e. Threatened or actual sexual violence; and
 - f. Bullying someone on the basis of sex or gender including for exhibiting what is perceived as a stereotypical characteristic for their sex or for failing to conform to stereotypical notions of masculinity and femininity, including repeated use of degrading words, gestures, or sounds to describe a person.
2. Unwanted sexual contact (or attempts thereof): any intentional sexual contact, however slight, with any object (including body parts), by one person upon another, which is without consent. Examples of sexual contact include, but are not limited to:
 - a. Contact with the breasts, buttock, groin, or genitals, or touching of another with any of these body parts;

¹ Adapted from Futures Without Violence and Break the Cycle, *A School Policy to Increase Student Safety*.

**Boise State University
Student Code of Conduct**

- b. Making another touch another person or themselves with or on the breasts, buttocks, groin, or genitals; and
 - c. Bodily contact in a sexual manner, though not involving contact with breasts, buttocks, groin, genitals, mouth, or other orifice.
3. Non-consensual sexual intercourse (or attempts thereof). Sexual activity is non-consensual when:
- a. Any sexual intercourse, however slight, with any object, by a man or a woman upon a man or a woman, which is without consent and/or by force. Sexual intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object or finger, and mouth to genital contact, no matter how slight the penetration or contact.
 - b. When any person is unconscious, incapacitated, or physically unable to participate. This definition includes incapacitation due to mental illness, defect, and alcohol or other drug consumption.
4. Sexual exploitation: non-consensual or abusive sexual behavior of another person. Examples of sexual exploitation include, but are not limited to:
- a. Invasion of sexual privacy;
 - b. Prostituting of another student;
 - c. Non-consensual recording in any form of a sexual activity;
 - d. Duplication, distribution, or publication of a consensually made recording of a sexual activity without the consent of all parties involved in the recorded sexual act;
 - e. Going beyond the boundaries of consent, including letting someone else watch a consensual sex act while hiding;
 - f. For the purpose of arousing or gratifying the sexual desire of any person, knowingly viewing, photographing, or video or audio recording another person without that person's knowledge and consent while the person being viewed, photographed, or recorded is in a place where there is a reasonable expectation of privacy;
 - g. Knowingly transmitting a sexually transmitted infection to another member of the university community; and
 - h. Exposing one's genitals or inducing another to expose their genitals in non-consensual circumstances.

X. Stalking²

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear or substantial emotional distress. For the purpose of this section, a pattern of behavior is defined as two or more incidents. Stalking behavior may include, but is not limited to:

- 1. Non-consensual communication including, in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters or notes, gifts, or any other communications that are undesired and/or place another person in fear;
- 2. Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by the person being targeted by the behaviors;
- 3. Surveillance and other types of observation, whether by physical proximity or electronic means;
- 4. Trespassing;
- 5. Vandalism;
- 6. Non-consensual touching;
- 7. Direct physical and/or verbal threats against a person being targeted or that person's friends, family members, or animals;

² Adapted from Stalking Resource Center, et al., *Model Campus Stalking Policy*.

**Boise State University
Student Code of Conduct**

8. Gathering of information about a person from that person's family, friends, co-workers, or classmates;
9. Manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the target of the behaviors; and
10. Defamation and slander of the person being targeted.

Y. Theft

A violation may include, but is not limited to, taking or attempting to take another's property—personal, public or institutional—without his/her express permission. Includes the intentional and unauthorized taking of goods, services, and other valuables.

AA. Trespass

Any person who has been given notice by a university official of the university's decision to exclude him or her from all or a portion of the university premises is not licensed, invited, or otherwise privileged to enter or remain on the identified portion of the university premises unless given prior written permission by the university official who gave notice of exclusion. A violation may include knowingly entering or remaining in or on university premises or any portion thereof after being notified of the exclusion.

AB. Unauthorized Entry

A violation may include, but is not limited to, any unauthorized entry—either physical or electronic, either actual or attempted—into any University facility, building, or computer system or network.

AC. Unauthorized Use of Recording Devices

A violation may include, but is not limited to, use of any device, electronic or not, to make a record of any person without that person's prior knowledge or effective consent when such a recording is of a private conversation or of images made of a person at a time and place where that person would have a reasonable expectation privacy and such images are likely to cause injury or distress.

AD. Violation of University Policy and/or Law

A violation may include, but is not limited to, violating any university policy and/or a violation of any local, state or federal law, when substantiated through the student conduct process.

Section 5 Nonacademic Misconduct Complaints and Procedures

A. Complaints and Processing

Complaints, with the exception of those alleging discrimination on the basis of sex as described below, may be brought to the Office of the Dean of Students by an individual acting as a complainant or by a party acting on behalf of the University. Boise State University may act as a Complainant and/or Co-Complainant against a student(s) when there is no other Complainant able to participate and/or willing to participate but the infraction is sufficient for further disciplinary review. As the Student Code of Conduct applies to students on and off campus, actions resulting in potential violations may be brought forward by police or through arrest records available to the Office of the Dean of Students.

1. Complaints should be filed as soon as possible after the event takes place. 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 alleged violations.
2. Individuals may file a complaint in writing or verbally by meeting with the Student Conduct Administrator or his/her designee. Complaints will be considered the main basis of a case and should be made as clearly and carefully as possible. Upon receiving a complaint, the Student Conduct Administrator or designee will review the report and conduct an investigation to determine whether it appears to meet the criteria for a possible violation of the Student Code of Conduct. The investigation may include meeting with the accused if at all possible.
3. The Student Conduct Administrator or designee may find that the report does not have merit or that it is possible to find a resolution by mutual consent of the parties involved including the Office of the Dean of Students. Such disposition will be final and there will be no subsequent proceedings.
4. If the charges cannot be disposed of by mutual consent, or if the Student Conduct Administrator determines that the alleged violation may result in harm to the Complainant, Respondent or the University community, the Complainant and the Respondent will be given the opportunity to express a preference for a conduct hearing before a hearing officer or a Conduct Board. The Student Conduct Administrator will consider their requests when referring the case to a conduct body. The Student Conduct Administrator is the final arbiter in determining which hearing process will be used to resolve charges.

B. Sex Based Discrimination

Complaints involving discrimination on the basis of sex, including sexual misconduct, relationship abuse and violence, stalking, harassment on the basis of gender identity and expression or sexual orientation, and pregnancy discrimination should be reported to the Director of Title IX Compliance at (208) 426-1258. Reports may also be made online at

<http://operations.boisestate.edu/institutionalcompliance/gender-based-discrimination-harassment-reporting/>.

Procedures for the resolution of sex-based complaints are available on the Institutional Compliance and Ethics website and will be provided to appropriate parties if a complaint warrants an investigation under Boise State Policy 1065. The resolution process for complaints requiring investigation is described below.

1. Following a thorough investigation the Director of Title IX Compliance will forward an investigation report to the Office of the Dean of Students. If the investigation concludes there was a violation of University Policy the report will include recommended sanctions.
 - a. Sanction recommendations are processed by the Office of the Dean of Students. The Associate Dean of Students in charge of non-academic student conduct will meet with both the Complainant and Respondent to review recommended sanctions and provide information on the student conduct process. Each party can provide the Associate Dean of Students a statement

**Boise State University
Student Code of Conduct**

articulating information, not contained in the summary investigation report, they feel is relevant for the conduct board to know, including whether they agree or disagree with the proposed sanctions.

- b. The Associate Dean of Students will meet with the board to review relevant documentation, including the summary investigation report and the Complainant and Respondent statements. The board will either choose to implement the recommended sanctions or impose modified sanctions. If modified sanctions are imposed, the board will document the specific reasons for the modifications and send a copy of the reasoning to the Director of Title IX Compliance. A letter including final sanctions shall be delivered in writing to the Respondent (and Complainant as appropriate pursuant to FERPA) generally within 60 days of notice. This letter may be sent via email and will include information on appeals.
- c. Both the Complainant and Respondent may appeal the sanctions imposed by the conduct board under the appeal policy contained in the Student Code of Conduct.

C. Hearings

Cases forwarded to a Conduct Body for a formal hearing will adhere to the following guidelines. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct proceedings.

There are two types of hearings—administrative, before a hearing officer, and board hearings.

Administrative Hearings – In instances where the alleged violations would not result in suspension or expulsion, Respondents and Complainants may request an administrative hearing.

1. Administrative hearings conclude the hearing process with the Respondent making a final assertion regarding responsible/not responsible for each violation.
2. The Student Conduct Administrator's determination regarding violations will be made on the basis of whether it is more likely than not that the Respondent violated the Student Code of Conduct.
3. The Student Conduct Administrator applies sanctions.
4. Decisions regarding the case will be made available in writing to the Respondent and Complainant via the Office of Student Rights and Responsibilities office within ten (10) days of the hearing.
5. University personnel with a need to know may be notified of the outcome of the hearing.
6. This process is subject to appeal but not to another hearing, unless the appeals board provides direction to do so. Appeals must be submitted in writing to the Office of Student Rights and Responsibilities within ten (10) calendar days of the date printed on the decision letter (see Section 7: Appeals for more information).

Board Hearings

Board hearings allow for formal statements, witness statements and testimony.

1. The Office of Student Rights and Responsibilities will notify all parties or groups named in an official complaint that charges have been filed and the date, time, and place of the conduct hearing.
 - Notice of the hearing will have been fulfilled if a notice has been mailed via U.S. Postal Service to the address listed with the Student Contact Information at the Registrar's Office post-marked at least ten (10) days in advance of the hearing or emailed to the student's Boise State University email account at least ten (10) days in advance of the hearing.
2. Submission of relevant information to the Student Conduct Administrator (such as witness lists, witness statements, and Respondent's response) by the Complainant and the Respondent must occur 5 (five) days (120 hours) prior to the conduct hearing.
 - Witness lists must include a statement regarding what information the witnesses will be providing to the board. Witnesses will be permitted to attend the hearing in order to provide new evidence; it is not necessary to provide character witnesses or to have multiple witnesses attesting to the same

**Boise State University
Student Code of Conduct**

statements of fact. It is the responsibility of the Complainant and Respondent to arrange for their witnesses to be present at the hearing.

- Testimony from witnesses who will not be at the hearing may be introduced in signed, written form. Such testimony must be submitted as described in the above section.
3. Relevant information (witness lists and statements, complaint and response, and any other evidence submitted to the Student Conduct Administrator) will be available to the Complainant and Respondent seventy-two (72) hours prior to the conduct hearing. The Complainant and Respondent will receive a Hearing Checklist at this time, to ensure parties understand the order of the hearing. It is the responsibility of the parties to pick up this information from the Office of Student Rights and Responsibilities.
 4. At the hearing:
 - a. The Conduct Body must constitute a quorum for the hearing to proceed.
 - b. The hearing will proceed according to the Hearing Checklist.
 - c. The hearing will be conducted in private. Admission of any person to the hearing will be at the discretion of the Conduct Body Chairperson. Witnesses will be present only to share their information and to be questioned by the board.
 - d. If the hearing involves more than one accused student, the chair of the Conduct Body, at his or her discretion, may permit the hearings concerning each student to be conducted separately or at the same time.
 - e. The Complainant, the Respondent, and the University have the privilege of presenting witnesses, subject to cross-questioning by the Conduct Body.
 - f. All questions during the hearing will come from the Conduct Body. The Complainant and Respondent may suggest possible questions to the Conduct Body Chair; however, the Complainant/Respondent will not ask questions of witnesses or each other directly. All shall be submitted in writing to the Conduct Body Chairperson who will then consider their relevance and appropriateness before being posed.
 - g. The Complainant and the Respondent have the right to be assisted by any advisor of their choosing. However, the Complainant and Respondent are responsible for presenting their own information. Advisors are not permitted to participate directly in any hearing before a Conduct Body. It is the responsibility of the Complainant and Respondent to make arrangements for their advisor to be at the hearing.
 - h. If the Respondent or Complainant, after receiving notice of charges and hearing, does not appear before the Conduct Body, the Conduct Body may hear the information from the present party and conclude the case without the other party being present.
 - i. When appropriate, the Student Conduct Administrator may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, video conferencing, video recording, audio recording, written statement, or other means.
 - j. The Chairperson has the discretion to exclude certain witnesses by stating reasonable grounds (i.e. prejudicial information).
 - k. All procedural questions during the hearing are subject to the final decision of Conduct Body Chair at the time of the hearing.
 - l. At the end of the hearing, all disseminated materials will be returned to the Student Conduct Administrator.
 5. After the hearing, the Conduct Body will determine (by simple majority vote if the Conduct Body consists of more than one person) whether the Respondent has violated the Student Code of Conduct. The Conduct Body's determination will be made on the basis of whether it is more likely than not that the Respondent violated the Student Code of Conduct.

**Boise State University
Student Code of Conduct**

6. Decisions regarding the case will be made available in writing via U.S. Postal Service or Boise State email to the Respondent and Complainant via the Office of Student Rights and Responsibilities office within ten (10) days of the hearing.
 - a. Respondent's notification will include whether or not there was a finding of responsible for each charge, and if a violation of the Student Code of Conduct was deemed to have occurred, what sanctions will apply.
 - b. Complainant's notification will include whether or not there was a finding of responsible for each charge, and information regarding sanctions that 1) apply directly to the Complainant (for example, a no contact order or exclusion from campus) or 2) in the case of violence or a non-forcible sex offense, the Complainant may receive all information regarding the decision, including all sanctions.
 - c. University personnel with a need to know may also be notified of the outcome of the hearing.
7. Appeals must be submitted in writing to the Office of Student Rights and Responsibilities within ten (10) calendar days of the date printed on the decision letter (See Section 7: Appeals for more information).

D. Respondent and Complainant Rights and Responsibilities

1. To challenge any member of the Conduct Body if the Complainant believes that the person is biased (challenges to be ruled on by the Student Conduct Administrator);
2. To document in writing any response to the alleged violation. This report would then also be a part of any appeals process and should be written as carefully and completely as possible.
3. To identify an advisor to assist during the conduct process. The Office of the Dean of Students can assist identifying an advisor if requested by either the Complainants or Respondents.

E. Record of Hearing

It is the sole discretion of the hearing officer to determine whether or not an official audio or visual recording of a hearing will be made. If a record is to be made, a single record, such as a written record or audio recording, of every hearing before a Conduct Body will be maintained by the Office of Student Rights and Responsibilities. The record will be the sole property of Boise State University. No other audio or visual recordings of hearings will be allowed. Deliberations will not be recorded. All audio and visual recordings will be destroyed at the conclusion of seven (7) years following completion of the individual conduct process. After that time, the written decision letters will remain as the official University record.

Section 6
Interim Actions and Conduct Sanctions

A. Interim Actions

The Vice President for Student Affairs or her/his designee may take immediate action (“interim actions”) when necessary to secure the health and/or safety of a member of the University and/or to address an alleged violation of the Student Code of Conduct.

1. Interim actions include, but are not limited to:

- a. immediate suspension from the University;
- b. loss of privileges which may include restrictions from a specific area of campus or to a specific area of campus;
- c. hold being placed upon a student’s registration and records;
- d. suspension or revocation of university-issued identification card;
- e. class or housing adjustments;
- f. referral for a medical or psychological evaluation at the student’s expense;
 - i. This evaluation may be conducted by a qualified professional approved by the University;
 - ii. The evaluation may be used to determine the appropriateness of withdrawing the Interim Sanctions.
- g. Any other remedy the Vice President warranted under the circumstances to protect the health and safety of persons, and/or University operations or property.

2. At the time that the interim actions are instituted, the Vice President for Student Affairs or her/his designee will:

- a. Inform the accused student of the interim actions;
- b. Inform the accused student of the reason for the interim actions; and
- c. Inform the accused student that a hearing will take place to review the Interim Sanction(s).

3. Interim Action Hearing Procedures:

- a. As soon as is practical (but no later than ten (10) days from the interim action), a meeting will take place with the Vice President of Student Affairs or his/her designee to review the interim actions;
- b. The student will have an opportunity to demonstrate to the Vice President for Student Affairs or his/her designee why the conditions specified in the interim actions should not continue;
- c. An advisor of his/her choosing may accompany the student; however, the advisor is not permitted to participate directly in the meeting.

4. Based on the reasonable evaluation of the information presented at the review, the Vice President for Student Affairs or her/his designee will notify the student within forty-eight (48) hours of the meeting of the decision to:

- a. Remove the interim actions and take no further conduct action;
- b. Remove the interim actions but proceed to a full conduct hearing regarding the accused student's conduct as prescribed in the Student Code of Conduct;
- c. Sustain the interim actions until such time as a formal hearing regarding the accused student's conduct may be held.

B. Conduct Sanctions

Sanctions are imposed for the purposes of restoring the standards of the University community, educating students about the seriousness of their actions, promoting positive growth, and maintaining the safety of the students involved and of the University community. Failure to comply with sanctions from an official conduct

**Boise State University
Student Code of Conduct**

decision within the specified time period(s) may result in further and immediate sanctions. The University will consider as an aggravating factor in determining sanctions any violation of law or of this code where the accused student intentionally selected the person and/or target of the violation based on actual or perceived age, race, color, religion, disability, gender, sexual orientation, gender identity/expression, national origin, ancestry, disability, veteran status, or political affiliation. More than one of the following sanctions listed may be imposed for any single violation.

1. **Warning:** A written notice that the student is violating or has violated university policy and that additional infractions of the Student Code of Conduct could result in further sanctions.
2. **Educational Sanctions:** The Conduct Body may apply educational sanctions including reflection papers, educational modules and/or projects designed to assist the student in reflecting on their decision making. Some educational sanctions will incur a user fee which will be disclosed to the student at the time the sanction is assigned.
3. **Conduct Probation:** A written notice for violation of specific sections of the code. Probation is for a designated period of time. Violations while on probation may include the addition of more severe conduct sanctions.
4. **Restitution:** Monetary payment to reimburse for damage to or misappropriation of property, to replace damaged or misappropriated property, and/or to reimburse for medical expenses incurred by a third party as a direct result of misconduct.
5. **University Service:** Work assignments, service to the University, or other related discretionary assignments.
6. **Fines:** Monetary penalty imposed for a violation of the Student Code of Conduct.
7. **Loss of Privileges:** Action prohibiting a student from participating in certain activities or enjoying certain privileges for a prescribed period of time. Loss of privileges may include, but is not limited to:
 - a. Removal from University-owned housing;
 - b. Revocation of student identification card;
 - c. Removal from a student leadership positions (elected or appointed);
 - d. Removal from an athletic team or club sport;
 - e. Loss of employment on campus;
 - f. Exclusion from specific University premises.
8. **Student Housing Suspension:** Removal of the student from Student Housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
9. **Student Housing Expulsion:** Permanent removal from the Student Housing system.
10. **Hold on Academic Records:** Action restricting admission and registration until a conduct sanction is met. A hold will restrict the University from releasing official academic transcripts and awarding a diploma until the obligation is met.
11. **University Suspension:** Action terminating registration in some or all classes for a prescribed period of time. Conditions for readmission may be specified by the Conduct Body. The student is readmitted on probation for the duration of her/his university career.

**Boise State University
Student Code of Conduct**

- 12. University Expulsion:** Action terminating a student's registration and relationship with the University. This action separates a student from the University permanently for all future terms.
- 13. Group and/or Organization Sanctions:** Sanctions for groups may result in permanent or temporary suspension, loss of recognition or charter, social probation, or other actions deemed appropriate by the University. An individual involved in a group offense and/or sanction can also be subject to additional individual charges and sanctions. Any student group and/or organization may be subject to the following sanctions:
- a. Those sanctions listed above;
 - b. Loss of selected rights and privileges for a specified period of time;
 - c. Deactivation and/or loss of privileges, including loss of University recognition, for a specified period of time.
- 14. Revocation of Admission and/or Degree:** Admission to or a degree awarded by Boise State University may be revoked for fraud, misrepresentation, or other violations of Boise State University standards in obtaining the admission or degree, or for other serious violations committed by a student prior to graduation.
- 15. Withholding Degree:** Boise State University may withhold awarding a degree otherwise earned until the completion of the Student Conduct process as set forth in the Student Code of Conduct, including the completion of all sanctions imposed, if any.

Section 7 Procedures for Academic Misconduct

A. General Information Regarding Academic Misconduct

Boise State promotes Academic Excellence as a core Shared Value upholding the virtue of honesty in the pursuit of knowledge as a hallmark of an institution of higher education. Engaging in behavior with integrity and honesty is a hallmark of a graduate of Boise State University. The ultimate recognition for the scholarly work completed by a student is the conferring of a degree, which represents the University's indication that the recipient has engaged in academic work that is representative of her/his own efforts and that was completed with integrity and honesty.

1. When a student places her/his name on an assignment, the student is indicating that the work submitted is original unless otherwise identified by appropriate acknowledgements. Academic misconduct is a serious offense at Boise State because it undermines the bonds of trust and honesty between members of the university community and defrauds those who may eventually depend upon our knowledge and integrity. Promoting and protecting academic integrity at Boise State University is the responsibility of every member of the campus community.
2. Faculty responsible for instruction are charged and empowered with determining the class content and how it is delivered. They are responsible for maintaining appropriate academic standards and evaluating whether students comply with university and course standards as outlined in the Student Code of Conduct, in the course syllabus, and in written and verbal directions for assignments.
3. It is therefore appropriate in those instances where a faculty member believes that a student has committed some form of academic misconduct in that course that the faculty member determines responsibility and apply an appropriate sanction for the course, up to failure in that course. Equally, department chairs and college deans are responsible for maintaining appropriate academic standards and evaluating whether students comply with university and academic program standards as outlined in the Student Code of Conduct and in academic program criteria. It is therefore appropriate in those instances when a student has been found responsible for academic dishonesty that the department chair and/or college dean may impose additional action (which is not subject to appeal) of removal from an academic program.

B. Definition of Academic Misconduct

Academic Misconduct is behavior and actions by a student that have the effect or intention of interfering with the education, pursuit of knowledge, or fair evaluation of a student's performance. Academic misconduct includes, but is not limited to, cheating, plagiarism, fabrication, unauthorized multiple assignment submissions, misrepresentation of academic records, and unauthorized collaboration. As a result, acts of academic misconduct are prohibited at Boise State University.

Students who have engaged, or attempted to engage, in any of the below identified actions may be found in violation of Academic Misconduct. Examples of behavior that may be Academic Misconduct include, but are not limited to:

1. Cheating

Cheating constitutes behavior that uses or attempts to use unauthorized materials, information, or study aids in any academic exercise that would result in an unfair advantage over fellow students in an academic exercise. Cheating includes, but is not limited to:

- a. Unauthorized copying of class assignments—such as examinations—before, during, or after the assignment, either for your own use or for the use of others;

**Boise State University
Student Code of Conduct**

- b. Depending on or providing the aid of sources not authorized by the faculty member in preparing for exams, writing papers, preparing reports, solving problems, or carrying out other assignments;
- c. Acquiring, without permission, any assignment or other academic material belonging to a member of the University faculty or staff;
- d. Creating, keeping, or using unauthorized collections of assignments;
- e. Having someone else complete a class assignment or attend class in your place;
- f. Completing a class assignment for someone else;
- g. Assisting others in acts of academic misconduct through the facilitation of behavior which would violate the Student Code of Conduct for academic misconduct.

2. Plagiarism

Plagiarism includes the using of ideas, data, or language of another as one's own without specific or proper acknowledgment or citation. Lack of knowledge of proper citation is not a valid excuse for plagiarism as it is the responsibility of the author writing the material to know the proper methods for appropriate citation and/or seek guidance/help when using another's work.

Plagiarism can be committed in any type of assignment and includes, but is not limited to, the following behavior that also does not include the full, clear, and proper acknowledgement of the original source:

- a. The copying of another person's work, published or unpublished;
- b. The paraphrase of another person's work, published or unpublished;
- c. Using another person's ideas, arguments, and/or thesis from a published or unpublished work;
- d. Using another person's research from a published or unpublished work;
- e. Using materials prepared by a person or agency engaged in the selling of term papers or other academic materials.
- f. Plagiarism also includes using copyrighted material without obtaining permission. See University Policy #1090 for more information.

3. Fabrication

Fabrication includes the unauthorized falsification, invention of information, or the submitting of contrived or altered information in an academic exercise. Examples of fabrication include, but are not limited to:

- a. Making up data for an experiment;
- b. Citing nonexistent articles;
- c. Creating false journal entries;
- d. Contriving sources.

4. Multiple Submissions

Multiple submission violations include submitting, without prior permission from the course instructor, any work previously submitted to fulfill another academic requirement. Students who turn in substantial portions of the same academic work to more than one course without prior permission of the faculty will be in violation of the Student Code of Conduct for multiple submissions.

5. Misrepresentation of academic records

Academic misconduct for misrepresentation of academic records includes falsifying, tampering or attempting to tamper with any portion of a student's transcripts or academic record, either before or after coming to Boise State University.

6. Unauthorized Collaboration/Collusion

Students should complete all academic coursework and assignments on their own, unless otherwise instructed or granted permission by the instructor. Working with others on an assignment unless it has been explicitly permitted by the faculty member is not allowed.

7. Research Misconduct

Research misconduct, which includes but is not limited to, sabotage of another's experiment or research and/or fabrication, falsification of data, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. See Policy 5060 Misconduct in Research.

C. Procedures for Breach of Academic Misconduct

1. When academic misconduct has been alleged, the following procedures will be used:

- a. The faculty member will document the incident of academic dishonesty;
- b. The faculty member will notify the student of his/her belief that the student has committed academic misconduct and will provide the student with an opportunity to respond to the allegation before making a final decision.
 - i. Students will meet with faculty in person to discuss the allegation before a final decision is rendered.
 - ii. If the instructor is unable to meet with the student or if the student disputes the allegation(s) and/or the outcomes proposed by the instructor, the instructor shall make a determination as to whether the student did or did not violate the course policy pertaining to academic integrity.
 - iii. Both the student and/or the faculty can have a person (advisor) attend the meeting if they so choose. The role of the advisor, however, is to provide support and thus should not directly engage in the discussion occurring between the student and the faculty member. An exception for this may include the Department Chair who, if choosing to participate in the discussion, has a responsibility for the broader academic environment of the department.
- c. The faculty member, after hearing the students' response and after consultation with the department chair, will notify the student via email to the student's Boise State account of:
 - i. A finding of academic misconduct has been determined, citing the reasons for the decision; and
 - ii. The sanction imposed for the offense. Sanctions must be in keeping with the published course policies.
 - iii. The right to request a review of the decision through the Office of the Dean of Students. Student appeals must be filed within ten (10) days of the date printed on the decision letter.
- d. The faculty member will notify the Office of the Dean of Students by providing a copy of the decision letter and attaching all relevant documents.

2. If an accusation of academic misconduct is alleged by any individual other than the course instructor, the complaint will be referred to the course faculty for which the behavior occurred for review and action to be taken. In some cases, egregious acts of academic misconduct may be automatically referred to the Office of the Dean of Students for a formal hearing with a Conduct Board. When making a determination on a violation of the Student Code of Conduct for Academic Misconduct, faculty can make a determination that 1 of 2 violations have occurred (but not both).

- a. Faculty, when determining what sanction to apply, may take into consideration whether it is believed the student has engaged in *academic negligence* or a more intentional act of *academic dishonesty*.

**Boise State University
Student Code of Conduct**

Academic negligence includes, but is not limited to, the act of a student who, through ignorance, carelessness, or mistaken academic work, engages in behavior that, upon initial review, appears to be a deliberate act of academic misconduct but ultimately is found not to be intentional in the act. Academic dishonesty includes, but is not limited to, determining a student intentionally acted in a way to gain an unfair advantage over other students. It is the role of the faculty member to determine the severity of the behavior and determine the appropriate sanction. Boise State considers both academic negligence and academic dishonesty to be acts of Academic Misconduct and are violations of the Student Code of Conduct.

- b. In general, acts of academic negligence should result in no more than a than zero for an assignment/test. For behavior believed to be acts of academic dishonesty, faculty are encouraged to sanction an “F” for the course. Multiple reports for academic misconduct (either academic negligence or academic dishonesty) may result in a formal sanctioning hearing where the outcome may result in suspension and/or expulsion for the student.

D. Right of Review

Students requesting a review of a faculty member’s decision must file the appeal within ten (10) days of the date printed on the decision letter. The appellate board will review the original decision and whether or not the student violated the academic integrity policy and/or whether the sanctions provided by the instructor are in accordance with the instructors published policies. The procedures for appeals follow the process outlined in Section 8 Appeals.

1. The board is authorized to review academic integrity violations and to provide an applicable solution when:
 - a. The student is not responsible for violating academic integrity policies; or
 - b. The outcome imposed by the instructor violates the instructors published policies.
2. Applicable remedies are withdrawing the student from the course, requesting the department chair or another suitable faculty member evaluate the case, and changing the assigned grade.
3. Faculty, departments and colleges have a legitimate interest in the outcome of cases and will be notified before cases are reviewed, as well upon resolution.

E. Education

If the reported violation is the student’s first offense, the Office of the Dean of Students will require attendance at an academic integrity workshop in addition to the sanctions issued by the faculty member. Non-compliance with Office of the Dean of Students educational workshop will result in a hold being placed on the student’s record.

F. Academic Sanctioning Hearing

When a student has been found in violation of the Student Code of Conduct for more than one act of academic misconduct, she/he may then be referred to the Office of the Dean of Students for a sanctioning hearing. At the sanctioning hearing, the student will address the Conduct Board and review the multiple cases on record. The Board, after hearing from the student, may then choose to impose additional sanctions beyond what the instructor(s) for the course(s) have already imposed. Sanctions may range from a “warning” up to “suspension/expulsion” from Boise State University.

Hearing procedures will be different from other formal hearings in that the student has already been found in violation of the Code by a hearing officer (i.e.—the faculty member). The Board’s role is not to determine responsibility in those cases, as that has already occurred. The Board’s role is restricted to reviewing the totality of the student’s behavior and imposing appropriate additional sanctions (if any). Any additional sanctions imposed will be eligible for appeal, according to the conduct appeal processes outlined in Section 8, Appeals.

**Boise State University
Student Code of Conduct**

Hearing Process

1. Students will be notified and can participate in the hearing process in general as outlined in Section 5 of the code. The time frames of communication, submittal of relevant information, and the rights of an advisor and presenting relevant witnesses (when appropriate) will be maintained.
2. The primary distinction of a sanctioning hearing is there is no Complaining party against the student. The student is having her/his academic misconduct history reviewed for the application of additional, appropriate sanctions.
3. Quorum for an Academic Hearing Review will consists of two faculty members and one student. The hearing will continue according to the hearing checklist provided to the student ahead of time. If a student, after receiving notice of the Academic Hearing Review, does not appear before the Conduct Body, the Conduct Body will make a determination of appropriateness for additional sanctions based on the information presented without the input of the student.
4. Appropriate faculty, academic administrators, and other students relevant to the case may be called upon to participate should it be deemed appropriate.

G. Classroom Misconduct and Classroom Dismissal

At the discretion of a faculty member, a student may be dismissed from class for one or two class periods. A faculty member may also request that a student be dismissed from the class for the remainder of the semester. The policy for maintaining order in classrooms and the procedures for classroom dismissal are outlined in Boise State University Policy 2050.

Section 8 Appeals

Appeal Process

Appeals on decisions made by the Conduct Body for nonacademic misconduct will be made to the Appellate Board via the Office of the Dean of Students. When an appeal is made, sanctions may be placed in a pending status by the Student Conduct Administrator until the appeal process has been exhausted. Select sanctions may remain implemented pending the outcome of the appeals process to ensure the safety and well-being of members of the University community or preservation of University property. The pending status of sanctions does not apply in cases of Interim Sanctions (see Section 8: Interim Actions and Conduct Sanctions for more information).

1. Both the Complainant and the Respondent have the right to file an appeal. The University reserves the right to determine the appropriate sanctions and educational outcomes for Respondents. Decisions made by the Appellate Board are final and cannot be appealed.
2. All appeals will be submitted in writing, signed by the appealing party, to the Office of the Dean of Students no later than ten (10) days after the date printed on the decision letter. Any exceptions to the appeal deadline are made at the discretion of the Student Conduct Administrator or designee.
3. Appeals will be considered only when it is clearly established by the Respondent or the Complainant, in a concise written statement, that one of the following occurred:
 - a. A substantive procedural error occurred that significantly impacted the outcome of the hearing. Examples of a substantive procedural error may include, substantiated bias and material deviation from the established procedures.
 - b. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of the new evidence and its potential impact must be included with the written appeal.
 - c. The sanctions imposed are substantially disproportionate to the severity of the violation.
 - d. The Student Conduct Administrator or designee will determine whether the appeal has met the requirements for consideration. A decision is made based on the criteria indicated above as documented in the submitted written appeal statement.
4. When a written appeal that meets the requirement for consideration is received, the Appellate Board will convene to review the appeal. The review of the appeal will be in closed session. Neither the Complainant nor the Respondent, nor the original hearing body, is allowed to be present during the appeal review. With the exception of appeals involving new information, the Appellate Board will limit itself to reviewing the written appeal, hearing documents, and the recording of the hearing. The Appellate Board is charged solely with determining whether the appeal has merit based on the above stated guidelines. If the appeal is based on more than one of the above stated guidelines, the Appellate Board may reach a decision on each guideline separately.
5. The Appellate Board will base their decisions on the information presented, and make a determination based on the preponderance of the evidence. Decisions regarding an appeal require a simple majority vote.
6. If an appeal is determined not to have merit, the matter will be considered final and binding for all involved. The Appellate Board will affirm the original finding and outcome.

**Boise State University
Student Code of Conduct**

7. If an appeal is determined to have merit, the Appellate Board will review and discuss all significant materials. The Board will then recommend to the Vice President for Student Affairs or his/her designee one of the following actions:
 - a. Uphold the original decision and sanctions;
 - b. Require a new hearing with a new conduct body;
 - c. Send the appeal back to the original conduct body for review of decision and/or sanctions. Upon review by the original conduct body, the decision will be final, binding, and a conclusion to the appeals process;
 - d. Reverse the original decision by finding that a violation or no violation of the Student Code of Conduct occurred;
 - e. Amend sanctions when the original sanctions imposed are found to be substantially unreasonable for the severity of the violation.
8. The Board will review all materials—including but not limited to, documents and recordings of hearings—whenever a substantial change is made to a decision reached at a hearing.
9. The Vice President for Student Affairs, or her/his designee, will carry out the recommendations of the Appellate Board unless a recommendation is significantly different from University precedent for similar appeals.
10. During the summer session or during University breaks, appeals may be reviewed and decided upon by an appeal body that includes one student, one faculty member, and one university official, each to be appointed by the Vice President for Student Affairs.

Section 9 Conduct Bodies

A. General Provisions

Appointment to a conduct body is defined by the requirements of each body. Individuals making appointments will consider the diversity of the University in determining their choices. The Vice President for Student Affairs or designee may remove a member from a Conduct Body when the member has failed to perform his or her responsibilities, and may remove a student member found in violation of the Student Code of Conduct from a Conduct Body.

The Student Conduct Board and the Appellate Board will each have a list of alternate members who can be called on to provide quorums in order to prevent unreasonably long delays in addressing complaints and appeals.

B. Student Conduct Board

By delegation of the Vice President of Student Affairs, the Student Conduct Board will have jurisdiction of the Student Code of Conduct with the exception of violations of academic integrity. A Student Conduct Panel will convene and review complaints referred to them by the Student Conduct Administrator based on the Student Code of Conduct.

1. The Student Conduct Board, as a whole, includes a minimum of:
 - a. 10 students;
 - b. 10 faculty members;
 - c. 5 administrative professional staff members;
 - d. The Student Conduct Administrator (ex officio and non-voting).
2. In addition to following the definition of quorum found in Section 3, Part H, at least one student member and one faculty member must be present to hold a board hearing. A conduct panel is comprised of 5 members, with a minimum to meet quorum being 3 (to always include at least one student and one faculty member).

C. Administrative Hearing Officers

The Vice President for Student Affairs or designee will select faculty and/or staff members to serve as Administrative Hearing Officers in addition to the Student Conduct Administrator who generally hear nonacademic cases. The Administrative Hearing Officer will have the authority to uphold the Student Code of Conduct.

D. Appellate Board

The Appellate Board is the highest and final board in the conduct system and, as such, will hear appeals from cases heard by the Student Conduct Board and Administrative Hearing Officers. All Conduct Bodies are subordinate to the Appellate Board. A Student Appellate Panel will convene and review appeals referred to them by the Student Conduct Administrator.

1. The Appellate Board is composed of the following members:
 - a. The Vice President for Student Affairs or her/his designee;
 - b. 10 students;
 - c. 5 faculty members;
 - d. One Student Affairs staff member,;
 - e. The Student Conduct Administrator (non-voting).

**Boise State University
Student Code of Conduct**

2. In addition to following the definition of quorum found in Section 3, Part H, at least one representative from each group (student, faculty, and staff) must be present to hold an appeal meeting. A conduct appellate panel is comprised of 5 members, with a minimum to meet quorum being 3 (to always include at least one student and one faculty member).

E. Academic Misconduct Board

The Academic Misconduct Board shall hear grievances resulting from faculty action under Section 7 (Academic Misconduct) of this policy.

1. The Academic Misconduct Board is composed of the following members:
 - a. 10 faculty;
 - b. 3 undergraduate students;
 - c. 2 graduate students;
 - d. Associate Dean from college initiating the conduct action;
 - e. Student Conduct administrator (non-voting).

Section 10 Student Records

A. Maintenance of Records

All student conduct records will be destroyed after a period of seven (7) years, unless a sanction includes expulsion. In those instances, conduct records are kept indefinitely. Student conduct records are confidential.

B. Release of Records

A student may request a copy of his or her own conduct record at his or her own reasonable expense by making a written request to the Office of the Dean of Students.

1. Personally identifiable student information besides that of the requesting student is redacted to protect student privacy.
2. A student may authorize release of his or her own conduct record to a third party in compliance with the Family Educational Rights and Privacy Act (FERPA)(20 U.S.C. § 1232(g), 34 CFR pt. 99) by making a written request to the Office of Student Rights and Responsibilities.

The University may not communicate a student's conduct records to any person or agency outside the University without the prior written consent of the student, except as required or permitted by law. Exceptions include:

1. The student's parents or legal guardians may review the records if the student is a minor or a dependent for tax purposes as defined by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).
2. Release to another educational institution, upon request, where the student seeks to enroll, as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).
3. Release to law enforcement and other entities with a need to know in the event of emergency or threat of harm to self or others, as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).

C. Release of Conduct Records Involving Crimes of Violence

The university may inform the complainant of the outcome of any conduct proceeding involving certain crimes as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).

D. Additional Provisions

Other student records shall be retained for the minimum period required to serve the basic official functions of the office or department involved in the keeping of such records, in accordance with the Student Records Policy and the individual practices and policies of each such office or department. For additional information pertaining to the disclosure of student records, consult Boise State University Policy 2250: Student Records

Section 11
Interpretation and Revision

A. Interpretation

Any question of interpretation regarding the Student Code of Conduct will be referred to the Vice President for Student Affairs or her/his designee for final determination.

B. Revision

The Student Code of Conduct is subject to change. In general, the Student Code of Conduct will undergo a review once every three years to determine if significant changes need to be made. The review committee will include at least one representative each from the student body, the faculty, and the staff. The review may be made sooner at the discretion of the Vice President of Student Affairs.

The University is responsible for notifying students when significant changes are made and students are responsible for being aware of changes. For the most recent version of the Student Code of Conduct, please visit: <http://deanofstudents.boisestate.edu/student-code-of-conduct/>.

State and Federal Laws Referenced

20 U.S.C. § 1232(g), 34 CFR pt. 99: Family Educational Rights and Privacy Act (FERPA)

Idaho Code Section 18-1506: Sexual Abuse of a Child Under the Age of Sixteen Years

Idaho Code Section 18-1508: Lewd Conduct with Minor Child Under Sixteen

Idaho Code Section 18-6101: Rape

Idaho Code Section 18-6108: Male Rape

Title 17 United States Code, the Federal Copyright Act (the Copyright Act), §102-112

Boise State University Policies Referenced

1060: Non-Discrimination and Anti-Harassment

1065: Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence & Stalking

1090: Intellectual Property

12080: Possession of Firearms/Weapons on University Owned or Controlled Premises

2050: Maintaining Instructional Order

2250: Student Records

2280: Student Email Communications

5060: Misconduct in Research

9010: Pedestrian Safety

**Last Revised
August 2016³**

³ Portions of this document have been adapted from *The NCHERM Group Model Code Project*, 2013, the ATIXA