

# Student Conduct

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## Mission, Values & Hallmarks

The mission and values of Notre Dame de Namur University as well as the Hallmarks of a Notre Dame Learning community are foundational to the Student Conduct process. These documents provide the guiding principles for NDNU—defining who we are, our purpose, and how we can achieve that purpose. Our community, comprising students, faculty, administration, staff, and guests, including the families of our students, are all vital components of the higher education process. Therefore, all members, regardless of their role, must commit themselves to a standard of behavior that aligns with the University’s core values of Community, Diversity, Excellence, Goodness, Integrity, Justice, Learning and Service when they join or visit NDNU. This holds true for all of our students, including those who are primarily members of NDNU’s online community.

The Student Conduct Code exists as a guideline for behavior to ensure an environment where everyone in the community can be successful. For students, this means growing intellectually, socially, culturally, physically, personally and spiritually. The goal is that our community should contribute to the building of the mind, body and spirit and therefore the actions of community members should help to ensure that end. The conduct or disciplinary process is designed to encourage development and learning. Therefore, reflection, action, and reflection is the process for remedying personal or community injustice. Ideally, every student who is involved with NDNU’s conduct process has the opportunity to take responsibility for his or her actions, repair the harm done to the campus community, heal and grow. However, in cases of a breach of this code, there are consequences and the possibility of suspension or expulsion from the University.

## Student Conduct Code

To avoid being subject to the student conduct process, students should refrain from engaging in the following behaviors.

**1. ACADEMIC MISCONDUCT** Includes plagiarism, cheating, submitting someone else’s work as your own, attempting to do so, and other forms of academic dishonesty in the course of curricular activities. Academic misconduct allegations are adjudicated by individual professors, academic department heads and deans, not by the Student Conduct Coordinator or the Student Conduct Board. More information about academic misconduct can be found under Academic Misconduct Code in the [Student Handbook](#).

2. **ALCOHOL** Notre Dame de Namur University abides by California State Law regarding the use of alcohol. Only persons 21 years of age or older may possess and/or consume alcoholic beverages.

If alcohol containers of any kind (open or closed) are found in a room where underage students are present, all students, regardless of age, will be found responsible for violating the Conduct Code.

Students are not allowed to consume alcohol in any common area including lounges, parking lots, courtyards, balconies, walkways, pool area, classrooms, etc.

Public intoxication, regardless of whether the person is over 21, is also prohibited. Paraphernalia associated with drinking games or consumption, such as a beer bong, beer pong set-up, etc., is also prohibited and will be confiscated

3. **BULLYING** Offensive or intimidating behaviour directed at another person(s). Examples include psychological intimidation, humiliation, excessive and/or unreasonable criticism, ostracism/exclusion, malicious lies, etc.

4. **COMPLIANCE** Any act which violates federal, state or local laws, or University policies, rules, regulations and contracts. Students must follow requests of University officials at all times.

5. **COMPUTER MISUSE** Any misuse of the University's computing facilities or resources other than academic misconduct. More information about computer misuse can be found under Acceptable Use Policy for Information Technology in the Student Handbook.

6. **CYBER-BULLYING** The use of digital media which is intended to, or has the effect of, embarrassing, harassing, disturbing or otherwise harming another individual. 'Digital media' includes social networking sites (Facebook, Twitter, MySpace, etc.), text messaging, e-mail and other related forms of electronic communication. Students who take sides in cyber-bullying cases will be considered participants and investigated for misconduct. An example of taking sides is hitting the thumbs-up 'like' button on Facebook in reaction to an inappropriate remark, but other ways of being a participant may exist and will be investigated. Students taking online courses are especially reminded to keep communication respectful.

7. **DISCRIMINATION** An act which excludes, restricts, degrades and/or demeans another person based on their race, ethnic background, ancestry, gender, sexual orientation, religion, age, veteran status, physical or mental disability, or medical condition.

8. **DIREPECT** Discourteous, contemptuous or rude words or actions toward another individual. This can occur verbally or with gestures which are directed at someone. It may also occur through electronic media such as texting, Facebook postings, etc.

9. **DISRUPTION** Participating in an activity that substantially and/or materially disrupts the normal operations of the University. Examples include (but are not limited to) lewd behavior (e.g., being naked outside of one's private room or shower area), obstructing pedestrian or other traffic, outbursts which interrupt teaching or studying, water fights, throwing objects from buildings or vehicles, toilet papering or making an unauthorized audio- or video-recording of anyone on campus or at off-campus University activities.

10. **DISRUPTION OF STUDENT CONDUCT PROCESS** Any form of hurting, intimidating or attempting to improperly influence a person who is participating in a student conduct case. Initiating or participating in a student conduct case in bad faith, falsifying testimony or statements, telling lies or concealing pertinent facts from University officials also disrupts the conduct process. Further examples include (but are not limited to) failure to comply with disciplinary sanction(s), including missing a deadline for the completion of a sanction, or hosting a person who is Persona Non-Grata (who is not allowed on some or all parts of campus).

11. **DRUGS** Use, possession, manufacturing, or distribution of illegal or illicit drugs or drug-related paraphernalia or the misuse of legal pharmaceutical drugs. Smoking marijuana on campus is not

permitted under any circumstances. No exceptions exist to this rule. Students with a current identification card or prescription from a physician (MD) who is licensed in the State of California to smoke marijuana are also not permitted to do so on any part of campus under any circumstances.

It is also a violation to be present with someone who is smoking marijuana or someone who is taking illegal or illicit drugs. Attempting to gain access to illegal or illicit drugs is also a violation.

**12. FIRE** Tampering with fire safety equipment is not permitted. This includes intentionally activating a fire alarm or covering thermal/smoke detectors, sprinklers or other fire-safety related equipment. Barbecues, candles, gasoline, fireworks, hotplates, incense, toasters, portable heaters, live Christmas trees, and other potentially flammable materials (e.g., propane) are prohibited. It is also a violation of the fire policy to hang fabric screens, blankets, sheets or other materials in any rooms on campus.

**13. GUESTS** Failure to follow the guest policy. See Resident Student Handbook for the guest policy.

**14. HARASSMENT** Includes bullying, cyber-bullying, hazing, stalking, and racial and sexual harassment, a repeated pattern of these or any other type of verbal or physical assault. All forms of harassment have the effect of creating a hostile living, work or educational environment. See the individual definitions for more information regarding each of these harassment forms.

**15. HAZING** An act which causes bodily harm or causes personal degradation or endangers the safety of a student, or which defiles, removes or destroys property for the purposes of initiation into or affiliation with a group. Consent of the victim is not a defense.

**16. MISCONDUCT OFF-CAMPUS** University students, when off campus, should not behave in a manner which has the potential to disgrace the University. Students are expected to uphold the Student Conduct Code in their off-campus activities. In addition, the code of conduct extends to all students engaged in activities related to University operated programs or functions wherever they occur. Reports or complaints which are received from the police, local businesses or residents may be investigated and, where applicable, adjudicated.

**17. MISREPRESENTATION** The misrepresentation of one's identity or background (e.g., criminal or conduct history) to the University, alteration of documents or falsity in communication with University authorities.

**18. NOISE** Excessive noise is noise which interferes with a student, faculty or staff member's ability to sleep, study or work. All University members have the right to ask fellow University members or guests on campus to be quiet. Excessive noise should be avoided at all times, but particularly during campus quiet hours. Mandated quiet hours are 11pm-9am Sunday-Thurs, 12am-9am Friday, Saturday and the night before holidays. 'Holidays' are days when classes do not take place. Additional quiet hours may be determined by specific residential groups.

As a guide, noise which can be heard more than one dorm room away in residential halls is excessive. Noise heard next door or across a courtyard in New Hall is excessive. Noise heard next door or more than one room away in the apartments is excessive. Noise heard above or below any residential room or apartment may be deemed excessive. If lyrics or bass beats can be heard more than two feet from outside a car, it is excessive. This list is not exhaustive; other examples of excessive noise exist and may be adjudicated if an incident is documented.

The equipment associated with the noise violation (i.e. speakers, noise makers, etc.) may be confiscated in cases where the noise negatively and greatly impacts the campus community. An example of this is noise blasting on an otherwise peaceful campus after quiet hours.

**19. PHYSICAL ASSAULT** The infliction of harmful, offensive or unwanted contact upon another person. This includes punching, slapping, chest-butting, pinching or other similar actions.

**20. PETS** Only fish and service animals that are registered according to the University's Policy for Service Animals are permitted in residences on campus. Feeding other animals on campus (deer, cats, squirrels, birds, etc.) is prohibited. Contact the Disability Office for more information about service animals.

**21. RACIAL AND ETHNIC HARASSMENT** The infliction of harm upon or attempt to restrict or exclude another person based on their race, ethnic background, ancestry, nationality and/or skin color. This includes written, oral and/or visual expressions.

**22. SEXUAL ASSAULT** Conduct of a sexual or indecent nature toward another person that is accompanied by actual or threatened physical force.. This includes non-consensual physical contact of a sexual nature, touching in an inappropriate sexual way or forcing another person to touch in an inappropriate, sexual way. Examples include unwanted groping, kissing, grabbing, pinching or in the extreme - rape.

Sexual assault includes: non-consensual oral, anal or vaginal penetration by an individual or object. These forms of penetration are sexual assault when one of the individuals says "No" or "Stop" or cannot give consent for whatever reason. Consent cannot be given when one or more people are under the influence of alcohol or drugs or when one person is otherwise incapacitated to give consent. Please see the Policy on Sexual Assault and Misconduct in the NDNU [Student Handbook](#) for more information on the procedures for dealing with sexual assault. All forms of sexual assault violate the Student Conduct Code.

**23. SEXUAL HARASSMENT** Sexual harassment has multiple definitions. One is quid pro quo or 'this for that.' It is coercion for sexual favors, usually between two people in an unequal power relationship. This type of sexual harassment has the purpose or effect of interfering with an individual's employment or academic performance. Examples include a professor asking a student to have sex, a resident advisor asking for sex to keep quiet about a student's rule infraction, a student offering sexual favors to a coach in order to play in a game, etc.

Another type of sexual harassment is more subtle. It involves a hostile environment. It is sexual harassment when an individual receives unwelcome sexual advances or is made to feel uncomfortable because of their gender or sexual orientation. It is sexual harassment when a boss pats an employee's buttocks, or a co-worker repeatedly asks an individual out on dates after being turned down. Another example of sexual harassment is when an office has pictures of half-naked men or women on its walls if these pictures make anyone feel sexually uncomfortable.

Sexual harassment also occurs when a person receives unwanted verbal, physical, or visual behaviour of a sexual nature. Verbal behavior that may be unwelcome and viewed as sexually harassing include sexually explicit comments about the person's appearance or behavior, sexually explicit jokes, cat-calling/whistling, sexually explicit suggestions, etc. Inappropriate non-verbal behavior examples include staring, 'undressing' another person with one's eyes, grabbing one's crotch, flashing breasts, rude hand-gestures, displaying sexually explicit posters or objects, etc. All forms of sexual harassment violate the Student Conduct Code.

**24. SMOKING** Smoking is not permitted in any building on campus including courtyards and walkways. Smoking is permitted only in designated smoking areas, which are at least 20 feet from every building. Only the smoking of tobacco or cloves is allowed on campus, and all cigarette butts must be extinguished and properly disposed.

**25. STALKING** A pattern of conduct that has the purpose or effect of producing fear and/or creating an intimidating, hostile or offensive environment, and includes maintaining unwanted visual or physical proximity to a person, repeatedly conveying verbal or written threats, implicitly threatening conduct or any combination of these actions. Examples of stalking include repeated unwelcome communication, via telephone, voice message, text message, electronic mail, Facebook, etc.

**26. THEFT** Stealing property or services from the University or its members, including the misappropriation of University resources. Examples include submitting false timesheets, using NDNU property for personal use, etc. Theft may also include failing to return found property as soon as possible to either the rightful owner or to Public Safety.

**27. THREAT** Making written or oral threats to inflict harm directed towards any student, faculty or staff member.

**28. TRESSPASSING** The forcible or unauthorized entry into, or presence in, any NDNU building, structure, vehicle or facility. This includes remaining in another individual's residence or work space without the permission or authorization of that individual.

**29. VANDALISM** The intentional damage or destruction to University property or personal possessions (including vehicles). Examples of vandalism include releasing a computer virus, breaking windows, painting graffiti, covering personal or University property with toilet paper or other materials, or any other type of destructive action.

**30. VERBAL ASSAULT** Oral or written words intended or has the effect of harming or hurting another person. This includes the appearance of or actual threats, use of profanity improperly towards someone else, yelling and other forms of aggressive and/or offensive verbal communication.

**31. WEAPONS** The possession of any weapons or their replicas on campus is strictly prohibited. This includes brass knuckles, dangerous chemicals, explosives, guns, knives, martial arts equipments, etc.

## **Student Misconduct Procedures:**

### **Student Rights & Responsibilities**

These procedures apply to all misconduct except academic misconduct (#1, above). The student has the following rights and responsibilities:

**1. Notification** Students have the right to be notified at least 24 hours in advance of an administrative or Student Conduct Board Hearing. Students are responsible for checking their University e-mail account for these notifications after they are involved in an incident. Students may request more time to prepare for a hearing, but must inform the Student Conduct Coordinator as soon as possible prior to the scheduled hearing. No more than 72 hours will normally be given to extend a hearing.

**2. Cooperation** Students are responsible for fully cooperating throughout the conduct process. More specifically, students should:

- a) comply with University officials during and after an incident
- b) check University e-mail and (if a resident) mailbox in the time between the incident and the receipt of their outcome letter
- c) show up to hearings and other scheduled appointments
- d) provide any requested information promptly, and
- e) follow any instructions they might be given during the process

**2. Information** Students have the right to be informed of the hearing and appeals process, but are responsible for ensuring that they understand the conduct process so that they can fully participate. Information about the hearing process will normally be given with the hearing notice. Information about the appeals process will normally be given with the letter stating the outcome of the hearing. If a student has questions, they should refer to the online links regarding student conduct, or they should contact the Student Conduct Coordinator.

**3. Informational Meeting** An informational meeting is not a hearing. It usually takes place prior to a hearing. Accused students may meet with the Student Conduct Coordinator or their hearing administrator to gather more information about what to expect during and after their hearing. Witnesses and alleged victims may meet with the Student Conduct Coordinator or their hearing administrator so that more information about an incident can be gathered.

**4. Incident Information / Formal Complaints** The student has the right to receive information contained in incident information reports and formal complaints. The information in these reports and complaints may be provided verbally or shared in written form by the administrator or Student Conduct Board. This will usually occur after the student provides an initial statement regarding the incident. Students may submit their

responsive information electronically, prior to a hearing, or verbally during a hearing. Electronic statements should be e-mailed to the Student Conduct Coordinator.

5. **Objection to the Identity of a Hearing Administrator or Student Conduct Board Member** Students have the right to object to the administrator or to a member of the Student Conduct Board, if good cause exists that one of these officials can act fairly and impartially. Students are responsible for stating clearly the grounds for the objection (i.e. why they feel bias might exist). This must be done in writing as soon as possible prior to a hearing.

Objections regarding an administrator should be e-mailed to the Student Conduct Coordinator or, if the objection regards the Student Conduct Coordinator, to the Dean of Students. Objections regarding a member of the Student Conduct Board should be e-mailed to the Student Conduct Board Chair or, if it regards the Student Conduct Board Chair, to the Student Conduct Coordinator. The University reserves the right to honor or deny the request.

6. **Discussion** Students have the right during their hearing to discuss the incident and to review the policies that were allegedly violated. Students should discuss the incident only with the administrator otherwise as necessary to participants of the Student Conduct Board during their hearings. Avoiding other discussion may help to limit the adverse impact of an incident on the wider campus environment. Avoiding other discussion about an incident may also prevent the students involved from being harmed by spurious gossip.

7. **Witnesses** Students have the right to present witnesses. These should be University members who have pertinent information which may influence the outcome of the hearing. The student may provide witness statements to be submitted instead of having witnesses appear at a hearing. Witness statements may be written. When written, the witness statements should be submitted prior to or during a hearing. Witness statements should be submitted electronically using the witness's University e-mail account to the Student Conduct Coordinator (for administrative hearings) or Student Conduct Board Chair (for Student Conduct Board hearings). If delivered in hard copy, witness statements must be signed and dated by the witness.

During a hearing, it may come to light that further witness statements are needed. If students have an administrative hearing, they have up to 48 hours after their hearing to obtain witness statements (see Witnesses under Student Rights and Responsibilities for acceptable formats) or to get the witness to schedule an appointment with the hearing administrator to bear witness in person. If students have a Student Conduct Board hearing, they will not be allowed to submit witness statements or have their witness meet with the Student Conduct Board after the conclusion of the hearing except for good cause.

8. **Support Person** NDNU students have a right to be accompanied by a support person during administrative and Student Conduct Board hearings. The role of the support person is to emotionally support the student. The support person may not review documents, present information or speak on behalf of the student. Furthermore, the support person should at all times, before and after a hearing, keep the information and discussion confidential. The support person may be a currently enrolled student or parent, but may also be NDNU faculty/staff. Attorneys are not permitted. Hearings will not be delayed due to a scheduling conflict for the support person.

## **Student Conduct Administrators – General Information**

Student conduct administrators are full-time employees of the University who have been trained to meet with students to discuss their conduct.

### **Administrative Hearing**

#### **General Information / Prior to the Administrative Hearing:**

1. A report or complaint is received by the Student Conduct Coordinator describing an incident which indicates that a student may have violated the Student Conduct Code.
2. The Student Conduct Coordinator or designee will e-mail the student that a report has been received. This e-mail will contain details about the hearing, including a list of alleged violations which will be discussed and the name of the conduct administrator who will be hearing the case. Students will

either be given a hearing time, or be asked to contact the Student Affairs Office within 24 hours to schedule a hearing time.

3. At least 24 hours notice will be given prior to the hearing. If students would like more time to prepare, they must inform the Student Conduct Coordinator prior to the scheduled hearing. No more than 72 hours will normally be given to extend the hearing.
4. The student has the right to object to the identity of the proposed conduct administrator, but must do so as soon as possible prior to the hearing (see Student Rights Section). Objections should be made to the Student Conduct Coordinator. When the objection regards the Student Conduct Coordinator, it should be e-mailed to the Dean of Students or students should request the Student Conduct Board (see next item).
5. Students may be given the opportunity to meet with the Student Conduct Board as an alternative to meeting with an administrator. Some cases may be referred directly to the Student Conduct Board, particularly if the case load is high or if the Student Conduct Coordinator feels it is in the student's best interest to be seen by the Student Conduct Board. The student has the right to object to member(s) of the Student Conduct Board, for good cause shown, but must do so as soon as possible prior to the hearing. Objections to a member of the Student Conduct Board should be e-mailed to the Student Conduct Board Chair or, if it regards the Student Conduct Board Chair, to the Student Conduct Coordinator (see Objections in the Student Rights Section).

### **During an Administrative Hearing:**

1. The student meets with a conduct administrator. For students taking online degrees and in exceptional circumstances for other students, the hearing may take place over the phone or via e-mail.
2. If a student fails to appear, the conduct administrator may proceed with a hearing and disciplinary action may be taken without the named student's input.
3. In the hearing, students have the opportunity to explain their account of what happened before, during and after the incident.
4. If students have witnesses who can provide relevant information, they may ask the witnesses to come and speak at this time. If the witnesses are not available, students have up to 48 hours after their hearing to submit witness statements (see Witnesses under Student Rights and Responsibilities for acceptable formats) and/or to schedule a meeting with the conduct administrator.
5. The information in the incident information report or other information sources may then be provided verbally or shared in written form by the administrator. The student will have the opportunity to respond to the information which is presented.
6. When possible, a discussion between the conduct administrator and student will result in an agreement at the hearing of whether the student is 'responsible' or 'not responsible.' A student is 'responsible' if it is more likely than not that the alleged conduct occurred and that it violated the student conduct code, otherwise a student is 'not responsible.' Decisions are made on a basis of preponderance of evidence.
7. Some cases may require further time for the conduct administrator to deliberate, and in these instances no final decision will be made during the hearing.
8. Potential sanctions, or consequences, for the alleged violations may be reviewed with the student by the conduct administrator.

### **After the Administrative Hearing:**

1. After the hearing, students will receive a letter summarizing:
  - a. the alleged violations which were discussed
  - b. the decision made regarding each alleged violation
  - c. the sanction(s) which need to be completed (if any)
  - d. the appeals process
2. This letter will usually be e-mailed to the student's NDNU account within ten business days after the hearing. Some delays may occur during times when the number of cases exceeds the capacity of the Student Conduct Office, if further investigation is required, or if more time is needed to make a decision. In such instances, concerned students should contact the Student Conduct Coordinator for an update on their case.

## **Student Conduct Board – General Information**

The Student Conduct Board membership includes: NDNU students, faculty and staff.

1. **Chair:** The Chair of the Student Conduct Board is elected by a majority of its members at the beginning of each academic year.
2. **Faculty Members:** Faculty members of the Student Conduct Board are full-time assistant professors, associate professors or professors who are appointed by the Faculty Senate. There are usually three faculty members on the Board.
3. **Staff Members:** Staff members are appointed by the Executive Board Members of the Staff Assembly. There are usually two staff members on the Board.
4. **Student Members:** Students are nominated each year from the student body, and their nomination is received by the ASNDNU and Dean of Students. The selection process is facilitated by the Student Conduct Coordinator in cooperation with the Chair of the Student Conduct Board. Students may not be on academic or disciplinary probation during their tenure, if so, they must resign. The ideal number of student members is between six and ten.

## **Student Conduct Board Hearing**

### **General Information / Prior to the Student Conduct Board Hearing:**

1. A report or complaint is received by the Student Conduct Coordinator describing an incident indicating that a student may have violated the Student Conduct Code.
2. The Student Conduct Coordinator may refer the case directly to the Student Conduct Board, particularly if the case load is high or if the Student Conduct Coordinator feels it is in the student's best interest to be seen by the Student Conduct Board.
3. Students may request the Student Conduct Coordinator to have their case heard by the Student Conduct Board. This should be done as soon as possible after the incident.
4. Students will receive a written notice of the alleged violations and instructions to appear before the Student Conduct Board at least 24 hours in advance of the hearing. If students would like more time to prepare, they must e-mail the Student Conduct Board Chair prior to the scheduled hearing. No more than 72 hours will normally be given to extend the hearing.
5. If students fail to appear, the Student Conduct Board may proceed with the hearing and disciplinary action may be taken without the involved student's input.
6. The names of the panel of the Student Conduct Board which will hear the matter will be provided prior to the hearing. Students have the right to object to a member of the panel for good cause if the conduct panel member cannot act fairly and impartially. However, the student must e-mail the reasons for the objection to the Chair of the Student Conduct Board as soon as possible prior to the hearing. In cases where the objection regards the Chair of the Student Conduct Board, the student should e-mail the reasons for the objection to the Student Conduct Coordinator (see 'Objections' under Student Rights and Responsibilities).
7. The panel quorum is at least one student and two faculty/staff members or two students and one faculty/staff member but the panel should include no more than five.
8. All hearings are private, and the information presented in them and all supporting documents are confidential.
9. Hearings may be recorded (such as audio or videotape) so to have one verbatim record of the proceedings. The deliberations of the Student Conduct Board will not be recorded. Recordings are confidential and are the property of the University. They will be securely stored in the Student Conduct Office.
10. During the hearing, the accused student may be accompanied by a support person of the student's choice (see 'Support Person' under Student Rights and Responsibilities).

### **During the Student Conduct Board Hearing:**

1. For students taking online degrees and in exceptional circumstances for other students, the hearing may take place over the phone or, when possible, via video conferencing (i.e. Skype).
2. The hearing starts with the Student Conduct Board Chair making introductions and reviewing the alleged violations.

3. Students will be asked to offer information on their own behalf. The student will have the opportunity to review and respond to all information, statements and evidence presented.
4. If students have witnesses who can provide relevant information, they may ask the witnesses to come and speak at this time. If the witnesses are not available, students should either have signed written statements to present to the Student Conduct Board, or the witnesses should have e-mailed their statements prior to the hearing to the Student Conduct Board Chair via their University e-mail account. All statements must be dated and signed.
5. The information in the incident information report or other information sources may then be provided verbally or shared in written form by the Student Conduct Board Chair. Students will have the opportunity to respond to the information which is presented.
6. When possible, a discussion between the Student Conduct Board and students will result in an agreement at the hearing of whether the student is 'responsible' or 'not responsible' and a student is 'responsible' if it is most likely that the alleged conduct occurred and the individual was involved otherwise a student is not responsible. Decisions are made by the Student Conduct Board on a basis of preponderance of evidence.
7. Members of the Student Conduct Board may ask questions of any persons present during the hearing.
8. Students may ask questions, but they should be directed to the Student Conduct Board Chair so to avoid creating an adversarial environment.
9. After the Student Conduct Board Chair has determined that all necessary information has been presented and questions answered, all other persons will be excused and the Student Conduct Board will deliberate privately.
10. The Student Conduct Board will determine whether or not the student is responsible for a violation of the Student Conduct Code.
11. Decisions are made by a majority vote of the panel of the Student Conduct Board.
12. If the student is found to be 'responsible', the panel of the Student Conduct Board then considers what sanctions, or consequences, may be appropriate.
13. All decisions which are made by the Student Conduct Board are subject to review and modification by the Student Conduct Coordinator. This is to ensure consistency in the sanctioning process.

#### **After the Student Conduct Board Hearing:**

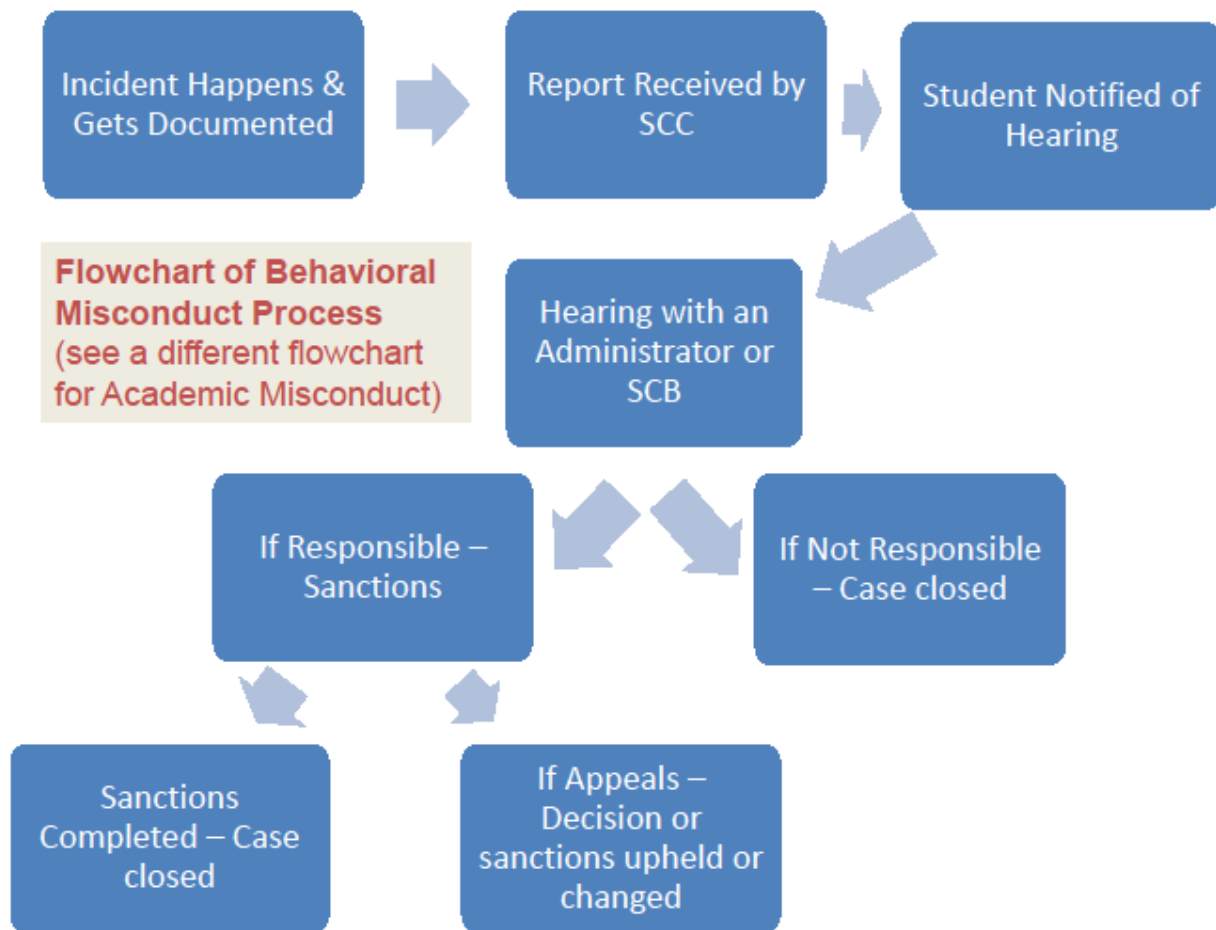
1. After the hearing, students will receive a letter summarizing:
  - a. the alleged violations which were discussed
  - b. the decision made regarding each alleged violation
  - c. the sanction(s) which need to be completed (if any)
  - d. the appeals process
2. This letter will usually be e-mailed to the student's NDNU account within ten business days after the hearing. Some delays may occur during times when the number of cases exceeds the capacity of the Student Conduct Office, if further investigation is required or if more time is needed to make a decision. In such instances, concerned students should contact the Student Conduct Coordinator or Student Conduct Board Chair for an update on their case.

#### **Appeals**

1. Appeals of the outcome of either an administrative or Student Conduct Board hearing are made to the Dean of Students.
2. These should be received no later than ten school days after the outcome letter is e-mailed. Appeals and supporting documents should be e-mailed to the Dean of Students from students' NDNU e-mail accounts. If submitted in hard copy, the appeals form and any supporting documents must be signed and dated. Appeals forms must be signed and dated by the student who is appealing. Witness statements must be signed and dated by the witness.
3. The reasons for appeal should be one of the following:
  - a. There is new information which has come to light after the original hearing
  - b. The sanction(s) imposed are too harsh and disproportionate to the conduct infraction
  - c. The procedures were not followed and this may have affected the outcome

4. The appeals letter should state the reason for appeal (i.e. which one of the previous reasons apply) and the desired adjustment. If new information exists, it should be stated in the appeal letter and copies of the information should be attached to the request for an appeal.
5. Appeals are usually heard by the Dean of Students. However, a designee may hear an appeal if the Dean of Students excuses herself from a case or if the Dean of Students is unavailable to hear a case in a timely manner. In cases of appeal from the Student Conduct Board, the Dean of Students may ask the Student Conduct Coordinator to act as a designee. The Student Conduct Coordinator may also get designated to hear appeals from administrative hearings. In appeals where the Student Conduct Coordinator heard the original case or if the student objects to the Student Conduct Coordinator for good cause shown, the Dean of Students will designate an administrator to hear the appeal. The Dean of Students reserves the right to deny a student's request to get their appeal heard by a different administrator. The Dean of Students may designate anyone whom she feels is qualified to hear an appeal.
6. For students taking online degrees and in exceptional circumstances for other students, the appeal may be heard over the phone or, when possible, via video teleconferencing (i.e. Skype).
7. The decision regarding an appeal will usually be e-mailed to the student's NDNU account within ten business days. Some delays may occur if further investigation is required or if more time is needed to make a decision. In such instances, concerned students should contact the Dean of Students (or the Dean's designee who heard the appeal) for an update on the decision.
8. The decision of the Dean of Students or designee is final. There is no additional appeals process unless the President of the University determines otherwise.

**Flowchart of Behavioral Misconduct Process**



# **Academic Misconduct\***

## **Introduction**

All members of the university community have a responsibility to protect and maintain an academic climate of integrity and ethics. Academic relationships should be governed by a sense of trust and a commitment to learning and working in an environment that is a level playing field for all students. Deceptive acts violate the standards that are critical for every student to have his/her work equitably evaluated. It is important that a member of the community who is aware of a breach of the standard of conduct bring it to the attention of the course instructor.

## **Definition of Academic Misconduct**

Academic misconduct involves wrongful acts occurring in the course of or related to curricular activities including but not limited to:

- Using unauthorized materials (such as notes or books) as an aid during an examination
- Copying answers from another person's exam, report or assignment
- Providing assistance to, or receiving assistance from, another person in any manner prohibited by the instructor
- Possessing or providing an examination or assignment, or any part thereof, at any time or in any manner not authorized by the instructor
- Taking a quiz, exam or any similar assignment for another person, or utilizing another person to take a quiz, exam or assignment in place of oneself
- Submitting any course materials or activities not the student's own, allowing such a submission to be made for oneself, or making such a submission for another
- Representing another person's ideas, processes, results, or words, as your own; using the ideas, organization, or words of another from a book, article, paper, computer file, or another source in any assignment without giving proper credit following accepted citation rules (plagiarism)
- Forging or any other unauthorized alteration of a document, record, identification or other property maintained by an individual, department, or the University
- Altering, stealing, and or falsifying research data used in research reports, theses, or dissertations
- Disregarding policies governing use of human subjects or animals in research
- Attempting any of the above or assisting others to engage in any similar unacceptable behavior
- Knowingly violating copyright laws and regulations
- Other similar acts of such dishonesty

## **Definition of Research Misconduct**

Research Misconduct is a specific form of Academic Misconduct that has been defined by the Federal Office of Research Integrity and violations must be investigated and reported through the Office of the Provost.

The essence of research scholarship is the pursuit of knowledge. Actions that undermine the integrity of scholarly activity impede the advancement of knowledge, compromise the work of other investigators, harm members of the general public, and damage the reputation of the University.

NDNU employs the federal definition of *research misconduct*, as defined by the U.S. Office of Research Integrity, to mean the "fabrication, falsification or plagiarism in proposing, performing, or reviewing research, or in reporting research results."

According to the U.S. Office of Research Integrity:

- Fabrication is making up data or results and recording or reporting them;
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record;
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

## **Sanctions for Academic Misconduct Cases**

University policy permits discipline up to and including the expulsion for academic misconduct. If a faculty member believes that a student has engaged in academic misconduct, the faculty member may take any of the following actions at the time the misconduct is detected, and must, as part of the process, present evidence to the student of the misconduct:

1. The student may be reprimanded in writing.
2. The student may receive an “F” on a paper, test, or project.
3. The student may receive an “F” for the course after the faculty member has consulted with the Department Chair or Program Director.
4. In appropriate cases, the faculty member may require a cessation of the participation of the student in the academic activity as interim preventive measure, with the concurrence of the Dean, pending resolution of an academic misconduct case.

## **Procedures for Handling Academic Misconduct**

### **When the Student is Enrolled in the Faculty Member’s Course:**

To initiate an academic misconduct charge, the faculty member instructing the course informs the student of the alleged misconduct, summarizes the evidence, and also proposes a consequence or sanction. .

The student may respond and accept responsibility and accept the sanction as determined by the faculty member. The student should notify the instructor within 3 class days in writing whether the sanction is accepted. Alternatively, the student may appeal the charge as outlined in the appeal procedures detailed below.

If the misconduct occurs at the end of the semester, the faculty member can assign a grade of “IP” to the student enrolled in the course and contact the Registrar’s Office to place an academic hold on the student’s account. The faculty member must inform the student in writing within 3 class days of submitting course grades that a hold has been placed on their academic record. This hold will remain until the charges are resolved through process outlined below.

### **When the Student is Not Enrolled in the Faculty Member’s Course:**

Charges of academic misconduct may sometimes be brought upon a student who is not enrolled in the faculty member’s class. An example of this would be when a student takes or attempts to take an exam or provides a paper for another student. In this type of case, the faculty member in whose class the misconduct occurred will contact the non-enrolled student’s faculty advisor.

The faculty advisor of the non-enrolled student is responsible for taking the case forward for his/her advisee. This will be done by sending the student notice of the alleged misconduct which summarizes the evidence and which also proposes a sanction (ranging from censure to expulsion), or consequence. This will normally be done within three business days after the faculty advisor receives written notice from the faculty member instructing the course impacted by the misconduct.

Non-enrolled students cannot have their assignments or course grades impacted directly as part of the sanctions for this type of misconduct, but all other sanctions are available. For this reason, the faculty advisor of the non-enrolled student will consult the Dean of Students when considering a sanction to ensure consistency in the sanctioning process.

The student may respond and accept responsibility and accept the faculty advisor’s sanction. If the faculty advisor does not hear from the student within three working days, he/she will assume that the student accepts responsibility and the case is resolved. Alternatively, the student may appeal the charge by following the appeal procedures below.

### **For All Academic Misconduct Cases:**

All cases of academic misconduct are documented and sent to the Dean of Students Office within 10 days once the case is resolved. The faculty member instructing the course is responsible for ensuring that the documents are received by the Dean of Students office when the case is resolved except in cases where the student appeals beyond the first level (see below). When the case is appealed at the 2<sup>nd</sup> or 3<sup>rd</sup> level, the respective academic administrator hearing the case (i.e. Level 2: Program Director / Department Chair, Level 3: School or College Dean) is responsible for forwarding the documentation to the Dean of Students Office and also for ensuring that the faculty member instructing the course is notified of the final outcome.

These procedures apply to undergraduate and graduate students unless the specific program or college maintains unique academic misconduct processes that are dictated by professional organizations to be consistent with accreditation requirements.

## **Procedures for Appeal in Academic Misconduct Cases**

### **Level 1 Appeal:**

The student has 10 business days to appeal the faculty member's decision after they receive the evaluation to which they object (i.e., reprimand, "F" on a paper, project, "F" as a final course grade, etc.). The student must first appeal to the faculty member who is instructing the course.

This is usually done verbally, but the student may also submit their appeal in writing via their NDNU e-mail account or via a signed and dated letter which is left in the faculty member's office or mailbox.

The faculty member will notify the student in writing of the decision which results from this request for reconsideration. This notification will usually be sent no later than 10 business days after receipt of the appeal request. At particularly busy times in the year, i.e. after midterm or final examinations, the faculty member instructing the course may take slightly longer to notify the student of the outcome.

### **Level 2 Appeal:**

If the faculty member's decision is not adjusted to the student's satisfaction, the student has 10 business days to appeal the faculty member's decision after they receive the written outcome of his/her appeal.

The appeal must be submitted in writing to the appropriate Program Director or Department Chair. Please note that this may only be done after the student first appeals to the faculty member who is instructing the course.

This 'Level 2' appeal may be submitted either by using the student's NDNU e-mail account or by submitting a signed and dated letter which is left in the Program Director or Department Chair's office or mailbox.

The appeal must contain the following information:

a. A description of the circumstances, which resulted in the disciplinary action taken by the faculty member.

b. The decision which the student is appealing.

c. The date(s) Level 1's appeal decision was received from the faculty member instructing the course.

d. Specific reasons the decision should be reversed or modified.

e. The adjustment desired.

f. Copies of all relevant supporting documentation, including any new relevant information.

The student will meet with the Program Director or Department Chair within 10 business days after submitting his/her appeal. The Program Director or Department Chair will usually notify the student of the outcome of the appeal in writing 10 business days after meeting with the student.

### **Level 3 Appeal:**

If the Program Director or Department Chair's decision is not adjusted to the student's satisfaction, the student has 10 business days to appeal the decision after they receive the written outcome of the Level 2 appeal. Students must first go through Level 2's Appeal process before appealing at this third level.

Level 3's appeal must be submitted in writing to the appropriate School or College Dean. The appeal may be submitted either by using the student's NDNU e-mail account or by submitting a signed and dated letter which is left in the Dean's office or mailbox.

The appeal must contain the following information:

a. A description of the circumstances, which resulted in the disciplinary action taken by the faculty member.

b. The decision which the student is appealing.

c. The date(s) Level 2's appeal decision was received from the Program Director or Department Chair.

d. Specific reasons the decision should be reversed or modified.

e. The adjustment desired.

f. Copies of all relevant supporting documentation, including any new relevant information.

The student will meet with the School or College Dean within 10 business days after submitting his/her appeal. The School or College Dean will usually notify the student of the outcome of the appeal in writing 10 business days after meeting with the student.

The School or College Dean's decision and determination of the appropriate sanction on individual academic misconduct cases are final.

**General Information:**

The role of the Student Ombudsperson is to provide information about how academic misconduct cases are processed. The Student Ombudsperson, Dr Kevin Maxwell, plays a neutral role. He does not advocate for the student or for the faculty member. He is there to assist the student in understanding and resolving their case.

If the student fails to comply with the timeline of these appeal procedures or fail to attend an established appointment without re-establishing a new appointment, the appeals process will conclude.

If the student elects to appeal a decision of the faculty member who is instructing their course, the proposed disciplinary action will normally be deferred until after the final stage of the appeals process is concluded.

**Academic Misconduct Process Timeline**

<b>Student Disagrees with a Grade or an Allegation of Academic Misconduct</b>		
↓		
<b>Level of Appeal</b>	<b>To Whom Student Appeals</b>	<b>Time Limit (appeals must be submitted before the time limit expires or the case is resolved)</b>
1	Faculty Member Instructing Course	10 business days after receiving grade or allegation
2	Program Director or Department Chair	10 business days after receiving written notification of faculty member's decision about the appeal
3	Dean of School or College	10 business days after receiving written notification of Program Director or Department Chair's decision

**Procedures for a Student with a Prior Record of Academic Misconduct**

1. When a student has a prior history of academic misconduct at NDNU, they will be called to an administrative hearing by the Dean of Students. The Director of the Academic Success Center and the Program Director or Department Chair of the students designated major will also usually attend this hearing. They, along with the Dean of Students (who chairs the meeting) form the hearing body. For students taking online degrees and in exceptional circumstances for other students, the hearing may take place over the phone or, when possible, via video teleconferencing (i.e. Skype).

Once the hearing body determines an outcome, including a sanction where appropriate, the Dean of Students will notify the student of the hearing outcome in writing. This will normally be within ten business days of the date of the hearing, but may take slightly longer during exceptionally busy times of the year.

If the student disagrees with the outcome of the Hearing Board, an appeal may be presented in writing to the Provost within ten business days after the students' receipt of written notification of the sanction.

The appeal may be submitted either by using the student's NDNU e-mail account or by submitting a signed and dated letter which should be left in the Office of the Provost.

The appeal must contain the following information:

- a. A description of the circumstances, which resulted in the disciplinary action taken in each case of misconduct.
- b. The decision which the student is appealing.
- c. The date the appeal decision was received from the Dean of Students.
- d. Specific reasons the decision should be reversed or modified.
- e. The adjustment desired.
- f. Copies of all relevant supporting documentation, including any new relevant information.

The student will usually meet with Provost within 10 business days after the appeal is received. The Provost will usually notify the student of the outcome of the appeal in writing within 10 business days after meeting with the student.

The Provost's decision on cases of repeated academic misconduct are final.

\*These provisional procedures are currently under review by the Academic Standards Committee.