

STUDENT CODE OF CONDUCT

Preamble

University students are both citizens and members of the academic community. As members of the academic community, students are subject to the responsibilities which accrue to them by virtue of this membership. As members of the larger community of which the University is a part, students are entitled to all the rights and protections enjoyed by other members of that community. By the same token, students are also subject to all civil and criminal laws, the enforcement of which is the responsibility of duly constituted civil authorities.

It should be emphasized that, when a student's violation of the law also adversely affects the University's pursuit of its recognized educational objectives, the University may enforce its own regulations regardless of any civil or criminal proceedings or dispositions. When students violate a University regulation, they are subject to disciplinary action by the University whether or not their conduct violates civil or criminal law. If a student violates a housing regulation that also violates a University regulation, the student will be subject to University disciplinary action. If a person's behavior simultaneously violates a University regulation and the civil law, the University may take disciplinary action independent of that taken by civil authorities. When students violate laws off campus, they may incur penalties prescribed by civil authorities. However, University discipline will be initiated only in instances of off-campus student misconduct which distinctly and adversely affects the University's pursuit of its recognized educational purposes.

An individual student may be disciplined for any act of misconduct provided in this Code. A student organization may be disciplined for any act of misconduct provided in this Code committed by any of its individual members where such act: (i) is mandated, sponsored, approved, or encouraged by one or more members of the organization, whether explicitly or implicitly; (ii) takes place in the context of a tradition, custom, or past practice of the organization; or (iii) is reasonably foreseeable as a result of an activity carried on by the organization. When a student organization is charged with misconduct, the presiding officer and, if appropriate, other student leaders thereof shall be required to participate in disciplinary proceedings conducted under this Code as representative(s) of the organization.

The term "University premises" is used throughout this Code of Conduct and shall mean any building, facility or grounds owned or leased by the University and any building, facility or grounds located on real property owned by the University and leased or licensed to any person, firm or corporation for a University use, including, but not limited to, student housing facilities and business and technology development facilities.

Sanctionable Misconduct by Individual Students or by Student Organizations

The following acts of misconduct under this code by an individual student or by a student organization shall result in University disciplinary review and/or action:

1. Physical and Verbal Aggressive or Abusive Behavior
 - a. Physically abusing or threatening to physically abuse any person.

- b. Any act occurring on the University campus which intentionally disturbs the peace and quiet of any person or group of persons.
 - c. Conduct which is unreasonably dangerous to the health or safety of other persons or oneself.
 - d. Verbal behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in University sponsored co-curricular activities or causes the person to have a reasonable apprehension that such harm is about to occur.
 - e. Disorderly, lewd, indecent or obscene conduct, including the expression of such on University-owned or controlled property or at University-sponsored or supervised events.
2. Discrimination, Harassment and Intimidation
 - a. Any form of discrimination because of race, color, age, disability, religion, gender (including sexual harassment), national origin, marital status, Vietnam-era veteran status, political affiliation, sexual orientation, or any unlawful reason. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment or academic standing, (2) submission to or rejection of the conduct is used as the basis for an employment or academic decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working or academic environment.
 - b. Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.
 3. Hazing

Any act which endangers the mental or physical health or safety of a student, or which damages or removes public or private property for the purpose of initiation into, admission into, affiliation with, or as a condition for continued membership of, a group or organization.
 4. Sexual Imposition

Unwelcome sexual advances, requests for sexual favors, obscene phone calls, indecent exposure, sexual assault, date rape or other uninvited behavior of a sexually explicit nature which is considered offensive to a reasonable person.
 5. Alcohol and Drug Abuse¹
 - a. Use, possession, manufacture, distribution or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities, or in University vehicles.
 - b. Unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S. C. Sections 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. Sections 28-401 et seq., on University premises, or while engaged

in University business or attending University activities, or in University-supplied vehicles.

- c. Unauthorized use, possession, manufacture, distribution, or sale of alcohol on University premises or at University activities, or in University supplied vehicles.
 - d. Storing in a locker, desk, vehicle, or other place on University-owned or controlled property any unauthorized controlled substances, drug paraphernalia or alcohol.
 - e. Use of alcohol off University premises that adversely affects student's academic performance or safety or the safety of others.
 - f. Possession, use, manufacture, distribution or sale of illegal drugs off University premises that adversely affects the student's academic performance, safety or the safety of others.
 - g. Violation of any state or federal law relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances or drug paraphernalia.
 - h. Manufacturing, distributing, selling, offering for sale, or possessing anabolic steroids (except under the supervision of a physician) or any illegal drug or narcotic including, but not limited to: barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin or marijuana.
 - i. Being under the influence of alcohol or any illegal drug or controlled substance on University premises or at University-sponsored events.
6. Misuse of University Procedures
- a. Intentionally filing a false complaint under this code or aiding or abetting any conduct described in this code.
 - b. Abuse of the University judicial system including, but not limited to, failure to obey the summons of a judicial body or University official; falsification, distortion, or misrepresentation of information before a judicial body relating to a judicial procedure; disruption or interference with the orderly conduct of judicial proceedings; instituting a judicial proceeding without cause; attempting to discourage an individual's proper participation in or use of the judicial system; attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding; failure to comply with sanctions imposed under this code; or influencing or attempting to influence another person to commit an abuse of the judicial system.
7. Financial Aid and Bad Debts
- a. Fraud or misrepresentation in making application for or in use of financial aid.
 - b. Failure to pay a financial obligation owing to the University or to any department, division, or agency thereof.²
 - c. Failure to pay financial obligations owing to any student housing unit located on property owned by the University.
8. Computer Related Misconduct
- a. Unlawful or unauthorized access to or use of computers, computer networks and computer data, programs, materials or information.
 - b. Accessing or attempting to access computing resources or computer-based information without proper authorization.
 - c. Disrupting the intended use of computers or computer networks.
 - d. Damaging or destroying computer equipment or computer-based information.
 - e. Violating copyright laws or license restrictions with respect to the copying or use of computer programs, data, materials or information.
 - f. Unauthorized use of another person's password.
 - g. Unauthorized lending or borrowing of an account number.
 - h. Using the computer facilities for purposes other than those for which the account number was issued.
 - i. Storing game programs on allocated disk space or private tape, except when authorized in writing by the Director of Information Technology Infrastructure.
 - j. Copying, altering, or destroying the files or output of another individual without the express written permission of that individual.
 - k. Intentionally abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons.
 - l. Using electronic communications to harass or threaten any person.
 - m. Violation of University of Nebraska Executive Memorandum No.16, relating to use of computers, or violation of any state or federal law or regulation in connection with use of any information system.³
9. Deception, Falsification and Misrepresentation
- a. Forging, altering, or otherwise falsifying any University document, any University record, or any University instrument of identification, or assisting another in such misconduct.
 - b. Borrowing, lending or the improper use or possession of any University access or identification card.
 - c. Submitting false information to any member of the faculty or staff or to any University office.
 - d. Falsely representing oneself as a University employee.
10. Disruption of University Business
- a. Material and substantial disruption or obstruction of teaching, research, administration, or other University functions, operations or activities, including its public service functions on or off campus.
 - b. Leading or inciting others to materially and substantially disrupt or obstruct teaching, research, administration, or other University functions, operations or activities, including its public service functions on or off campus.
 - c. Obstruction of ingress to or egress from any University building, facility, or premises.
 - d. Unauthorized occupation or use of or entry into any University building, facility or grounds.

11. Endangerment of Individuals or the Safety of Individuals
 - a. Setting fire on any University premises.
 - b. Setting off a fire alarm on any university premises for reasons other than an actual fire or emergency.
 - c. Reporting a false fire alarm or a false bomb threat on or for any University premises or with regard to any University-sponsored event.
 - d. Failure to evacuate any University premises upon the sounding of a fire alarm or upon receiving a lawful order to evacuate the premises.
 - e. Tampering with safety or emergency equipment, signs or devices.
 - f. Failure to report a fire or any other dangerous condition when known or recognized on the campus;
 - g. Tampering with elevator controls and/or equipment on University premises;
 - h. Failure to follow published University safety standards.
12. Firearms, Explosives and Weapons
Possessing, using or selling firearms or other dangerous weapons (including paint guns, pellet guns, BB guns and knives), explosives, fireworks, ammunition, or dangerous chemicals on University premises.
13. Gambling
Participation in gambling activity in violation of the laws of the State of Nebraska or of the United States.
14. Obstruction of Law Enforcement Officers, Fire Fighters or University Officials.
Obstructing or failing to comply with the directions of a law enforcement officer, fire fighter, University official or official of a student housing unit located on property owned by the University in the performance of duty on any University premises, or at any activity or event sponsored by the University or any recognized student organization.
15. Unauthorized Use of University Property and Unauthorized Access to Confidential Information
Unauthorized use of any University property, facilities, equipment or materials, or unauthorized access to any confidential information, in whatever form, maintained by the University or a University official or employee.
16. Traffic Safety
Serious traffic violations on any University premises, including operating any vehicle while intoxicated, speeding, reckless endangerment or reckless driving.
17. Telephone Abuse
Charging or causing to be charged any long distance or other toll telephone calls to University telephones without proper authorization.
18. Unauthorized Presence in or Entry of University Premises
 - a. Unauthorized presence in any University class, lecture, laboratory period, orientation session, examination, or other instructional session, or unauthorized entry of any room, office or laboratory or other University premises.
 - b. Possessing, producing, reproducing,

manufacturing, or having produced, reproduced or manufactured without proper authorization, any key or unlocking device for use on any University lock or on any University premises.

19. Impermissible Commercial Distribution of Course Notes and Recordings
Sale of course notes or course records or providing course notes or course records so the same may sold by any other person without the express written permission of the Vice Chancellor for Academic and Student Affairs and the course instructor(s).⁴
20. Smoking
Smoking in any University building or vehicle.
21. Violation of Municipal Ordinances or State or Federal Laws
Violation of any municipal ordinance, law of the State of Nebraska or of the United States on University premises or at any University-sponsored or supervised events.
22. Misconduct Relating to Theft and Destruction of Property, and Possession of Stolen Property
 - a. Theft of, or intentional damage, destruction, or defacement of University property or property of any other person while on University premises.
 - b. Receipt or possession of property known to be stolen.
 - c. Possession, without permission, of property of the University or of a student, faculty member or staff member of the University.

Disciplinary Procedures and Sanctions

The following procedures are designed to protect students' rights as set forth by the Board of Regents. These disciplinary procedures have been drafted to apply to disciplinary proceedings for violation of the Code of Conduct by individual students. However, the Code of Conduct also applies to and may be enforced against student organizations charged with violation of the Code of Conduct. Accordingly, whenever a student organization is charged with violation of the Code of Conduct, the charged student organization shall have the same rights and obligations under these disciplinary procedures as an individual student, and shall be subject to imposition of the sanctions provided in these disciplinary procedures.

1. Allegations of student misconduct shall be forwarded in writing to the University Judicial Officer. The Judicial Officer shall investigate the charges and determine the facts applicable thereto. If allegations are found by the Judicial Officer to be unsubstantiated by the facts, the charges shall be dismissed without record in the file of the student. If facts substantiate the charges, the Judicial Officer may: 1) seek to resolve the matter via informal, oral reprimand; 2) consult medical or other professional resources and refer the matter to appropriate professional officials or agencies, if it seems appropriate; or 3) determine that one or more of the following formal sanctions is appropriate:
 - a. Written reprimand. A warning that behavior is inappropriate and continuance of such may lead to further disciplinary action, a copy to be placed in the student's file with a copy to the student.

- b. Disciplinary probation. A written notice placing a student on probationary status for a specified period of time, including limitation on the student's University privileges, limitation on participation in University-recognized activities or organizations, or limitation on holding elected or appointed offices in student government or student organizations. If the student repeats the violation or violates other University policies or regulations, the student shall be subject to further disciplinary action, including possible suspension or expulsion.
 - c. Suspension. Involuntary separation from the University for a prescribed period of time, with the opportunity to petition the University for readmission.⁵ The petition must be submitted, in writing, to the Associate Vice Chancellor for Academic and Student Affairs, who shall determine eligibility for and date of (if applicable) readmission.
 - d. Expulsion. Involuntary separation from the University.⁶
 - e. Restitution. Reimbursement for damage or loss of property or reimbursement for medical expenses incurred by another party as a direct result of the misconduct.
 - f. Behavioral Requirement: Written conditions imposed which establish specified behavioral requirements for the student, including limitation on the student's University privileges, limitation on participation in University-recognized activities or organizations, or limitation on holding elected or appointed offices in student government or student organizations.
2. If a decision is made to seek formal sanctions other than suspension or expulsion, the Judicial Officer shall notify the student, in writing, of the recommended sanction(s). If the student does not accept the recommended sanction(s), he or she may appeal the Judicial Officer's recommended sanctions to a Judicial Board by submitting a letter, with reasons for the appeal, to the Associate Vice Chancellor for Academic and Student Affairs within seven (7) working days of the date of the sanction(s) letter from the Judicial Officer. If the student fails to submit a timely appeal of the Judicial Officer's recommended sanction(s) within such seven (7) working day period, the Judicial Officer's recommended sanction(s) shall become final and be in full force and effect. Cases involving recommended suspension or expulsion must be heard by a Judicial Board.
 3. Each Judicial Board:
 - a. shall consist of four (4) students, two (2) faculty, and one (1) staff member; and
 - b. will select its own chairperson, with all members possessing voting privileges.
 4. The student:
 - a. shall have at least ten (10) working days in advance of the hearing before the Judicial Board, the right to be informed of the specific charges against him or her and an opportunity to prepare his or her case;
 - b. shall have the right to hear all evidence in support of the charge or charges and to hear and question witnesses; and
 - c. shall have the opportunity to testify and present evidence.
 5. Both the student and the Judicial Officer:
 - a. shall have the opportunity for advanced inspection of any documents which will be submitted at the hearing before the Judicial Board;
 - b. shall have an opportunity to review a list of witnesses to be called to testify; and
 - c. shall have the right to appear at the hearing before the Judicial Board with an adviser of their choice, who may be an attorney. The adviser will not be allowed to address the Board or otherwise participate in the hearing, but may provide private advice and counsel to the student during the hearing.
 - d. Evidence which would not be admissible in a State Court criminal proceeding by reason of the method or manner in which it was acquired shall not be admitted. Questions regarding the admissibility of evidence may be referred to University legal counsel.
 6. The Judicial Board shall determine which, if any, of the sanctions should be imposed and submit a written decision, including its finding of the facts, to the student and the Judicial Officer. The decision of the Judicial Board must be based solely upon evidence received at the hearing. The decision of the Judicial Board shall be final unless appealed, by either party, to the Associate Vice Chancellor for Academic and Student Affairs within seven (7) working days.
 7. A verbatim tape recording of the Judicial Board hearing shall be maintained.
 8. Either the student or the Judicial Officer may appeal, in writing, the decision of the Judicial Board to the Associate Vice Chancellor within seven (7) working days following the date of the letter stating the decision of the Judicial Board. The written appeal must be sent to the Associate Vice Chancellor, and must include reasons for the appeal based upon one or more of the following grounds:
 - a. That the student did not receive due process of law.
 - b. That any sanction imposed by the Judicial Board or the failure of the Judicial Board to impose one or more sanctions is not supported by the evidence received by the Judicial Board at the hearing.
If the appeal is by the student, the student shall provide a copy of his or her appeal to the Judicial Officer. If the appeal is by the Judicial Officer, the Judicial Officer shall provide a copy of the appeal to the student.
 9. The Associate Vice Chancellor for Academic and Student Affairs shall consider the appeal to determine whether or not it merits a review based upon the grounds stated in the appeal. If the Associate Vice Chancellor in the exercise of his or her sole discretion

determines that the appeal does not merit review, a decision stating such shall be forwarded to the student and the Judicial Officer. If the Associate Vice Chancellor in the exercise of his or her sole discretion determines that the appeal merits review, he/she shall refer the appeal to a new Judicial Board. The new Judicial Board sitting as an appeals board shall consider the appeal without hearing and shall submit its written decision to the student and the Judicial Officer, including a decision of which sanctions, if any, are to be imposed. The appellate decision of the Judicial Board sitting as an appeals board shall be final.

10. The members of each Judicial Board shall be selected by lot from the Judicial Committee by the Vice Chancellor for Academic and Student Affairs or his or her designee. This Committee shall be established by July 1 for each year, and shall be composed of the following:
 - a. fifteen (15) students appointed by Student Government with the advice and consent of the Student Senate;
 - b. eleven (11) faculty appointed by the Faculty Senate President and with the consent of the Faculty Senate;
 - c. seven (7) staff with four (4) appointed by the Staff Advisory Council from employees in the Managerial/Professional and Office/Service categories, and three (3) appointed by the Chancellor from administrators in the Academic/Administrative category.
 - d. If it is not possible to construct a full board, additional persons in the category with insufficient members available to serve may be selected in blocks of three (3) at a time by the same process as stated above in a., b., and c.
11. All Judicial Board hearings and deliberations, including deliberations of a Judicial Board sitting as an appeals board, shall be closed.
12. Any student charged with a violation(s) of the Code of Conduct has the right to maintain status as a student and to attend classes while the student's case is pending final decision within the University system unless the student's continued presence constitutes an immediate harm to the student charged, or others, as determined by the Vice Chancellor for Academic and Student Affairs in the exercise of his or her reasonable discretion.

of the commercial activity which takes place on its premises and/or with the use of its resources, and (2) to protect its intellectual property, as well as that of its faculty and employees.

5. In the case of a student organization, suspension shall also include withdrawal of recognition by the University for a prescribed period of time, with the opportunity to petition the University for reinstatement of recognition.

6. In the case of a student organization, expulsion shall also include withdrawal of recognition by the University.

1. The illegal possession, use or distribution of drugs or alcohol by students is a violation of University rules as well as state and federal laws. The Board of Regents of the University has directed officers of the University to cooperate with state and federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989, the University has formulated standards of conduct for students which prohibit the acts of misconduct provided in this section both on campus or at University-sponsored events.

2. Not only may disciplinary action be taken for failure to pay financial obligations, but the student will be denied access to grade reports, future registrations, readmission, diplomas, and transcripts.

3. Additional information regarding University Executive Memorandum No. 16 and the Computer Usage Policy can be found at its.unomaha.edu

4. As part of the education and learning experience, students routinely take notes in the courses in which they are enrolled. With the permission of the instructor, an enrolled student may also make audio and/or visual records of a course presentation. These notes and records may be used for the purposes of individual or group study so long as such use is non-commercial. The University has the authority (1) to regulate the nature