
I. Official Call to Order: President Hale

II. Presentation and Approval of Minutes:
   A. April 8, 2020 (agenda attachment – pgs. 1-6)

III. Officers’ Reports
   A. President’s Report: Senator Hale
   B. Secretary/Treasurer Report: Senator Davidson
      1. EO&A Attendees: Hale, Quereshi, Gold, Batton, Ostler, Kamm, Smith-Howell, Kopp, Surface, Toman, Davidson, Shipp
      2. Chancellor Gold applauded all NU campuses for opening up space to host quarantine individuals. As a reminder, quarantine individuals are asymptomatic, including Healthcare workers and those who have minimally been affected to prevent possible exposure to others. He wants to remind everyone that our primary concern remains the health, safety and wellbeing of the UNO community.
      3. SVC Kopp encourages faculty to contact the Office of Digital Learning with instructional and technology needs. There are resources also available at keepteaching.unomaha.edu. Students can find assistance at keeplearning.unomaha.edu. There are still a limited number of jetpacks available for those in need of internet connectivity.
      4. Acknowledgement of Resolution 4402.
      5. Meeting adjourned at 3:18pm.

<table>
<thead>
<tr>
<th>Res.#</th>
<th>Date Senate Passed</th>
<th>Title</th>
<th>Admin Accept</th>
<th>Sent for Senate Action</th>
<th>Denied/Deferred/In Progress</th>
<th>Final Action/Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>4402</td>
<td>4/8/2020</td>
<td>Recording of Classroom Activities</td>
<td>4/15/20</td>
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</table>

IV. Executive Council: Senator Surface
   A. Permanent Replacement for A&S
BE IT RESOLVED on May 13, 2020, Senator Brady DeSanti resigned from the Faculty Senate, and Alexey Krasnoslobodtsev agreed to complete his term (05/10/18 – 05/12/21).

B. Permanent Replacement for A&S
BE IT RESOLVED on May 13, 2020, that, as Robert Woody has retired from UNO, Cecilia Tocaimaza-Hatch has agreed to complete his term (05/10/18 – 05/12/21) as a College of Arts & Sciences Senator.

C. Investigating feasibility and logistics for safe campus reopening

WHEREAS multiple faculty from the Colleges of Arts and Sciences, Business, Education, and Information Science and Technology have contacted the faculty senate regarding concerns about safe and effective campus reopening procedures and logistics and transparent communication to students

WHEREAS class sections are beginning to be advertised as “in person” delivery following President Ted Carter’s NU-level announcement regarding the FA2020 session

WHEREAS classrooms that normally hold 30 students can now only accommodate 10 students given CDC and UNO physical distancing requirements

WHEREAS large auditoriums can only accommodate a small number of students, e.g. Mammel Hall Auditorium which usually normally seats 186 can only accommodate 44

WHEREAS enrollment caps for many classes have not been reduced to for physical room constraints

WHEREAS student enrollments have begun to approach section limits and these sizes exceed classroom space limits given social distancing requirements

WHEREAS some college buildings only have a few classrooms/auditoriums big enough to accommodate social distanced configurations with the number of enrolled students

WHEREAS classrooms and computer lab spaces and other shared-use facilities have many high-touch surfaces that need to be cleaned/sanitized between uses for safety, e.g. desks/tables, markers, dry-erase boards, keyboards, mice, light switches, projector remotes

WHEREAS these physical and safety requirements prevent classes from being held as they are being advertised and/or prevent some portion of students in the classes from attending in-person as advertised

WHEREAS guidance for person safety and pedagogical design measures for reopening – such as the requirement for the use of PPE, limits to person-to-person interactions, limitations on student grouping, etc. has not yet been presented, but is in development by campus administration to provide to faculty, students, and staff.
BE IT RESOLVED that the UNO Faculty Senate requests that all physical distancing requirements be followed to conduct safe in-person classes, even if it necessitates fewer in-person course offerings.

AND BE IT RESOLVED that the Senate requests that individual faculty be allowed to deliver their courses remotely if they have concerns about their own or their students’ safety.

AND BE IT RESOLVED that the campus clearly communicate to students and faculty which classes will be delivered remotely, which will be delivered in-person, and how this will happen.

AND BE IT RESOLVED that the campus develop and make available a campus facilities sanitization and safety protocol for faculty, students, and staff to follow.

AND BE IT RESOLVED that the campus develop a facilities planning document to inform faculty, staff, colleges, and departments about classroom maximum capacities and utilization protocols.

V. Standing Committee Reports
   A. Committee on Academic and Curricular Affairs: Senator Woody
      1. On April 29, there was a Zoom meeting of the ACAC, with Senators Connie Schaffer, Harvey Siy, Liz Wessling, and Bob Woody present. The primary focus was on open issues and decisions, and related preferences regarding immediate closure versus continuation in the fall semester. On the matter of the academic integrity and related policies, it was agreed that Senator Wessling would respond to an email from the Assistant Vice Chancellor for Academic Affairs indicating that there is strong support for the ACAC to continue to address possible revisions to the policy. It was agreed that there should be follow up of implementing a special subcommittee on the teaching evaluation of faculty form. It is known that President Hale has contacted potential members of such a committee and will oversee implementation thereof.

   B. Committee on Educational Resources & Services: Senator Schoenbeck
      1. No meeting. No report.

   C. Faculty Personnel & Welfare Committee: Senator Helm
      1. Dr. Huq reported out on his work with the University System Wide Committee on Benefits. His committee has met twice. Their discussions have focused on three topics regarding the current retirement account plans and administration through TIAA and Fidelity:
         a. Management Charge
         b. Data Management
         c. Transparency

         The Benefits Committee has written a proposal to hire an outside consultant to examine these issues. Central Administration has tabled the topic until Fall Semester.
2. FP&W is currently investigating the UNO options available to faculty who have experienced and reported personnel issues to BRT, HR and Ombuds Service and felt that their concerns were not concluded successfully. The Committee is looking into information available on the University and Regents Web sites regarding employee conduct and the resources available to faculty. The Committee decided to pause the investigation for the remainder of the spring semester and continue this coming fall by identifying and interviewing UNO leadership in relevant departments and offices.

3. The Senior Vice Chancellor’s office reported that Connie Schaffer has been appointed to replace Shereen Bingham as the Director of Ombuds Services. 

D. Committee on Goals and Directions: Senator Ostler

1. Review of 2019-20 AY G&D Activities
   a. Non-Reported Sexual Assault (Resolved)
   b. Solar Feasibility (Submitted to Admin/Possible resubmission of grant to NET)
   c. Priority Program Identification (Tabled)
   d. Digital repository of committee reports from university committees (Tabled)
   e. Formation of Ad Hoc Committee on Faculty Advancement
   f. Non-Tenure track faculty advancement/promotion (Delayed from COVID19 response)
   g. Adjunct Faculty support (Ongoing)

2. Setting Goals for 2020-21
   a. Start thinking about Chair and Vice Chair positions for AY 20-21
   b. Discuss Priority Items for 20-21 AY

3. Review of Adjunct Faculty Support and Advancement
   a. PDF of Adjunct Instructor Policies
   b. Continued: With the broad responsibility and response to the COVID19 university issues, the members of the Goals and Directions Committee have suspended looking into options for the advancement of Non-tenure track faculty as it relates to collective bargaining. We will continue to explore options for advancement outside the contract agreement for adjunct faculty, as well as full time faculty to the extent that those options are allowed within the current contract structure. This suspension includes the parallel work with the Ad Hoc Committee on Faculty Advancement
   c. The Committee on Goals and Directions agreed to meet optionally during the summer by reinstituting the Ad Hoc Committee on Faculty Advancement and possibly submit the best of our ideas discussed so far to the Faculty Senate and Administration for possible forwarding to the AAUP for consideration in the fall collective bargaining process.

E. Professional Development: Senator Cast-Brede

1. Children in the Workplace Policy
   a. Discussed feedback from Staff Advisory Council. SAC was appreciative of
Faculty Senate’s attention to this matter. They are concerned that the policy does not serve employees without offices fairly. The suggestions included options such as leave designated for such situations, and increased funding for on-campus childcare where children could be taken. The Professional Development Committee discussed the suggested options and decided that they did fit within the policy because they were bigger organizational concerns and because they represented the dangerous situations discussed in the policy.

The committee did receive a letter of endorsement from the Chancellor’s Commission on the Status of Gender Equity for the policy. (agenda attachment – pg. 7)

b. Resolution: Change to Children in the Workplace Policy

WHEREAS, the University of Nebraska at Omaha’s Children in the Workplace policy requires advance approval from a supervisor before a UNO employee may be bring a child to work due to unavoidable circumstances;

WHEREAS, many unavoidable circumstances, such as snow days and daycare cancellations, provide little advance notice so that a UNO employee would have little time to contact their supervisor;

WHEREAS, certain employee groups, such as single parents and those of low socioeconomic status, are especially burdened by these circumstances, thus raising concerns of equity;

WHEREAS, the UNO Chancellor’s Commission on the Status of Gender Equity, the UNO Staff Advisory Council, and the UNO WiSTEM Pro^2 organization have submitted positive feedback on the proposed policy;

BE IT RESOLVED, that the UNO Faculty Senate does hereby recommend and endorse the attached Children in the Workplace policy for adoption on the UNO Campus.

c. Children in the Workplace Policy (agenda attachment – pg. 8)

2. Lactation Policy:
   a. The committee received letters of endorsement from Staff Advisory Council and the Chancellor’s Commission on the Status of Gender Equity.

b. Resolution: Adoption of Lactation Policy

WHEREAS, UNO does not have a campus wide policy to provide accommodations for lactating and breastfeeding mothers;

WHEREAS, a limited number of buildings on the UNO campus have dedicated space for lactating mothers;
WHEREAS, Section 7 of the Fair Labor Standards Act (amended March 2010) requires employers to provide nursing mothers break time to express breast milk

WHEREAS, the American Academy of Pediatrics (AAP) recommends breastfeeding for infants in the first six months and with a mixture of solid foods up to age three;

WHEREAS, the UNO Chancellor’s Commission on the Status of Gender Equity, the UNO Staff Advisory Council, and the UNO WiSTEM Pro^2 organization have submitted positive feedback on the proposed lactation support policy;

BE IT RESOLVED, that the UNO Faculty Senate does hereby recommend and endorse the attached Lactation Support for Nursing Mothers Policy for adoption on the UNO Campus.

c. Lactation Support for Nursing Mothers Policy (agenda attachment – pg. 9)

d. Staff Advisory Council Support Letter (agenda attachment pg. 10)

F. Committee on Committees: Senator Qureshi
   This committee met on April 22nd and on April 29th to backfill committees on to the cHarmony App as best we could and then on April 29th to match vacant positions with faculty members. The result is the following committee assignments as categorized in the Faculty Senate Page and some additional feedback for Matt.

1. RESOLUTION: Membership of 2020-2021 Faculty Senate Standing Committees

   BE IT RESOLVED that the following be appointed to the 2020-2021 Faculty Senate standing committees as designated:

   Committee on Academic & Curricular Affairs (6)
   Harvey Siy, IS&T (2022)
   Liz Wessling, CBA (2022)
   Todd Robinson, CFAM (2023)
   Jennifer Harbour, A&S (2023)
   Jodi Benenson, 2023, CFAM (2023)

   Committee on Educational Resources & Services (6)
   Jooho Lee, CPACS (2021)
   James Shaw, LIB (2022)
   Jeanne Surface, ED (2021)
   Robin Gandhi, A&S (2023)
   Richard Stacy, ED (2023)
   James Vnuk, A&S (2023)
2. RESOLUTION: Faculty Senate appointments to Campus Committees (a-f)

BE IT RESOLVED that the following be appointed to Campus Committees as designated:

a. Academic Planning Council (APC)

BE IT RESOLVED, that the following names go forward as a three-year term from 08/01/20 through 08/01/23, to the Academic Planning Council (APC) to replace Joan Latchaw (A&S), Dale Eesley (CBA), Jack Zerbe (CFAM), and Todd Richardson (CPACS), whose term will expire:

Jayaram Betanabhatla (A&S) to replace Joan Latchaw (A&S);
Phani Tej Adidam (CBA) to replace Dale Eesley (CBA);
Jack Zerbe (CFAM) to be reappointed;
Amy Anderson (CPACS) to replace Todd Richardson (CPACS).

Faculty Senate Representatives:

1. ___________________
2. ___________________

b. Assessment Committee

BE IT RESOLVED, that the following names go forward as a three-year term from 08/01/20 through 08/01/23, to the Assessment Committee to replace Kath Henebry (CBA), Jeremy Johnson (CFAM), Steveda Chepko (ED), Harvey Siy (IS&T), and Theresa Barron-McKeagney (CPACS), whose term will expire:

Kath Henebry (CBA) to be reappointed; Karen Fannin (CFAM) to replace Jeremy Johnson (CFAM); Connie Schaffer (ED) to replace Steveda Chepko (ED); Sajda Qureshi (IS&T) to replace Harvey Siy (IS&T); ____________ (CPACS) to replace Theresa Barron-McKeagney (CPACS).

c. Education Policy Advisory Committee (EPAC)

BE IT RESOLVED, that the following names go forward as three-year appointments, from 08/01/20, through 08/01/23, to the Education Policy & Advisory Committee (EPAC) to replace Christina Dando (A&S) and Darren Pettit (CFAM), whose terms will expire:

Laura Grams (A&S) to replace Christina Dando (A&S); Miriam Kuhn (ED) to replace Darren Pettit (CFAM).

d. Judicial Committee

BE IT RESOLVED, that the following names go forward as three-year appointments, from 08/01/20 through 08/01/23, to the pool of names for the Judicial Committee:

Scott Vlasek (CPACS) to replace Nikitah Imani (A&S); Samantha Clinkinbeard (CPACS) to replace Carey Ryan (A&S); Jennifer Sinclair (ED) to replace Andrew Swift (A&S).

e. Professorship Committee

BE IT RESOLVED, that the following two faculty members serve on the Named Professorship Review Committee (Kiewit, Kayser, and Isaacson Professorships) from 08/01/20, through 08/01/21.
Ann Fruhling (IS&T) to replace Adam Rosen (ED); Troy Romero (CPACS) to replace Ziaul Huq (CBA).

f. Parking and Transportation Committee

BE IT RESOLVED, that the following name go forward as a three-year appointment from 08/01/20 through 08/01/23, to replace a member whose term is expiring, on the Parking and Transportation Committee:

Kyle Reestman (IS&T) to replace Marshall Prisbell (CFAM).

3. RESOLUTION: Faculty Senate appointments to University Committees (a-g)

BE IT RESOLVED that the following be appointed to University Committees as designated:

a. University Committee on Facilities Planning

BE IT RESOLVED, that the following name go forward as a three-year appointment from 04/29/20, through 04/29/23, to the University Committee on Facilities Planning, to replace David Beberwyk (CBA), whose term has ended:

David Beberwyk (CBA) to be reappointed.

b. University Committee on Library & Learning Resources

BE IT RESOLVED, that the following names go forward as three-year appointments from 08/01/20, through 08/01/23, to the University Committee on Library and Learning Resources, to replace those completing their terms:

Angelika Stout (CBA) to replace Jeremy Johnson (CFAM);
Shari DeVeney (ED) to replace Jeanne Surface (ED).

c. University Committee on Student Affairs

BE IT RESOLVED, that the following name goes forward as a three-year appointment, from 08/01/20 through 08/01/23, on the on the University Committee on Student Affairs, to replace member who is completing their term:

Yanhui Zhao (CBA) to replace Jay Erwin (A&S).

d. University Committee on Technology Resources, Services and Planning

BE IT RESOLVED, that the following two names go forward to the University
Committee on Technology Resources, Services and Planning, to replace members who are completing their terms, as three-year appointments from 08/01/20 through 08/01/23:

Gweneth Cliver (A&S) to replace Tracy Bridgeford (A&S);
Kate Cooper (IS&T) to replace Seunghoon Han (CPACS).

e. University Committee on Research & Creative Activity (UCRCA)

BE IT RESOLVED, that the following names go forward as three-year appointments, from 08/01/20 through 08/01/23, to replace members who are completing their terms on the UCRCA (University Committee on Research & Creative Activity):

Xiaoyan Cheng (CBA) to replace Brent Clark (BA);
Christine Cutucache (A&S) to replace Debora Wisneski (ED);
Ashley Blount (ED) to replace Andrew Miller (A&S).

f. University Committee on Athletics

BE IT RESOLVED, that the following name will go forward as a three-year appointment from 04/15/20 through 04/15/23, to replace Adam Tyma (CFAM) who is completing his term:
Anne Herman (CBA) to replace Adam Tyma (CFAM).

g. Digital Learning Directors Committee

BE IT RESOLVED, that the following name will go forward as a three-year appointment from 08/01/20 through 08/01/23, to replace Erica Rose (ED) who is completing her term:
Amy Morris (CFAM) to replace Erica Rose (ED).

VI. Other Faculty Senate Committees

A. Faculty Senate Budget Advisory Committee Report: Ebdon, Eesley, and Hall
B. Ad hoc UNO-UNMC Faculty-to-Faculty Communication and Collaboration Committee: Senator Kelly
C. Ad hoc Committee on Faculty Advancement: Senator Ostler

VII. For the Good of the Order

VIII. New Business

A. Student Code of Conduct Revisions
   1. Student Code of Conduct (agenda attachment – pgs. 11-44)
   2. Student Code of Conduct with Edits (agenda attachment – pg. 45-79)

B. Changes to First-time UG Student Registration (Report Item)
In prior years, new first-time undergraduate students would begin registering for classes during on-campus Enrollment Days, which would start in early June. In the context of the current situation, and with in-person Enrollment Days no longer being an option for this summer, the group has agreed to bring the start of registration for these students forward in the calendar. Starting on Monday 5/4, students in learning communities who have had priority registration access in the past will be able to begin registering for Fall 2020 classes.

Students who are not a part of these priority registration groups will be able to register for classes starting on Monday 5/11. Prior to registering for classes, students will need to have completed these steps:

- Register for their online orientation via their MavLINK account
- Complete the online orientation course via Canvas
- Set up their academic advising appointment via MavTrack after the successful completion of the orientation course
- Meet with their academic advisor (via phone call, video conference, or email)

We believe moving the start of registration earlier in the calendar will help our new students engage sooner with the University community and increase the chances that these students will start with us in the fall. With that said, there are aspects of Enrollment Days and other in-person experiences that will be missed.

IX. Recess for members (outgoing, continuing, and incoming) of each standing committee other than Committee on Committees to caucus for election of its chair for 2020-2021. (The chair no longer has to be a continuing member. Chairs must be available to meet the first Wednesday of each month as part of the Executive Council. If the elected chair is unavailable to meet during the summer, or if the committee is unable to elect a chair, elect a continuing or new member to serve with the Executive Council in May, June, and July.)

X. Report of Election of 2020-2021 Standing Committee Chairs
RESOLUTION: 2020-2021 Standing Committee Chairs
BE IT RESOLVED, that in accord with Article VIII.A.2 of its Bylaws the Faculty Senate standing committees have elected their respective 2020-2021 chairs as follows:

A. Committee on Academic and Curricular Affairs: Senator ____________
B. Committee on Educational Resources and Services: Senator ___________
C. Committee on Faculty Personnel and Welfare: Senator ______________
D. Committee on Goals and Directions: Senator _______________
E. Committee on Professional Development: Senator ____________

XI. Adjourn
President Hale announces “having concluded the business of the 2019-2020 session of the UNO Faculty Senate, we are adjourned sine die.”
Pause while President Hale passes the gavel to President-Elect Ostler, the 2019-2020 Senators whose terms ended are excused, and 2020-2021 continuing and incoming senators take their seats.
Organizational Meeting of the 2020-2021 Faculty Senate
Agenda
Wednesday, May 13, 2020
Virtual


I. Official Call to Order and Welcome: President Ostler

II. Appointment and Election of Officers

A. RESOLUTION: Parliamentarian

BE IT RESOLVED, that according to the Constitution of the Faculty Senate of the University of Nebraska, Article IV, and Article V.G.2 of its Bylaws the senate president appoints Jim Carroll the parliamentarian of the 2020-2021 Faculty Senate.

B. Election of Vice President of 2020-2021 Faculty Senate: nominations from the floor (no seconds), statements of support if any, election vote

RESOLUTION: Faculty Senate Vice President

BE IT RESOLVED, that in accord with the Constitution of the Faculty Senate of the University of Nebraska, Article IV, and Article V.A.2 of its Bylaws the Faculty Senate elects Senator __________ as 2020-2021 Vice President.

C. Election of Secretary/Treasurer of 2020-2021 Faculty Senate

RESOLUTION: Faculty Senate Secretary/Treasurer

BE IT RESOLVED, that in accord with the Constitution of the Faculty Senate of the University of Nebraska, Article IV, and Article V.A.2 of its Bylaws the Faculty Senate elects Senator __________ as 2020-2021 Secretary/Treasurer.

D. Election of Chair of the Committee on Committees

RESOLUTION: Chair of the Committee on Committees

BE IT RESOLVED, that in accord the Article V.A.2 of its Bylaws the Faculty Senate elects Senator __________ as 2020-2021 Chair of the Committee on Committees.

E. Election of fifth Executive Officer

If all standing committees (other than Committee on Committees) have elected their chair, nomination is open for election of one of these chairs as an Executive Officer.
RESOLUTION: Fifth Executive Officer

BE IT RESOLVED, that in accord the Article V.A.2 of its Bylaws the Faculty Senate elects Senator __________ as a 2020-2021 Executive Officer.

III. Presidential Appointees

RESOLUTION: Faculty Senate Presidential Appointments

BE IT RESOLVED that the Faculty Senate President appoints the following as designated:

A. AAUP Executive Committee (American Association of University Professors)

BE IT RESOLVED, that the Faculty Senate President appoints the following senator, who is also an AAUP member, as the senate representative for a one year appointment from 05/13/20, through 05/12/21, to the UNO Chapter of AAUP, to replace Sajda Qureshi, whose term has expired:

__________________.

B. Academic Freedom Coalition of Nebraska (AFCON)

BE IT RESOLVED, that the Faculty Senate President appoints the following to be the Senate representative for a one year appointment, through May 2021, to the Academic Freedom Coalition of Nebraska (AFCON):

__________________.

C. Alumni Association Board of Directors

BE IT RESOLVED, that the Faculty Senate President appoints the following UNO alum as the senate representative for one year, 08/1/20, through 07/31/21, to the Alumni Association, Board of Directors, to replace Scott Vlasek, whose term has expired:

__________________.

D. Budget Advisory Committee (Faculty Senate Committee)

BE IT RESOLVED, the Faculty Senate President has appointed the following faculty member to the Faculty Senate Budget Advisory Committee as a three-year appointment, from August 1, 2020 to July 31, 2023, to replace Magie Hall, whose term will expire:

    David Volkman (CBA) to replace Magie Hall (IS&T).

E. Graduate Council Liaison

BE IT RESOLVED, that the Faculty Senate President appoints the following member of the Graduate Council to be the liaison between the 2019-2020 Faculty Senate and the Graduate Council for a one-year term from 8/1/20, through 7/31/21:
IV. New Business

A. 2020-2021 Calendar of Faculty Senate meetings

1. Executive Council
   a. 2:00 p.m. first Wednesday every month
   b. Elected Officers and Standing Committee Chairs
   c. Year round (June through May; June and July in lieu of full senate)
   d. ASH 196 (August 2020 – May 2021)

2. Full Senate
   a. 2:00 p.m. second Wednesday (Except June, July, August)
   b. All senators
   c. Day-long retreat & meeting Wednesday August 19th at UNO Alumni Center
   d. CEC 230/231, one meeting to occur on Pacific Campus

3. Elected Officers & Administration
   a. 2:00 p.m. third Wednesday of every month
   b. Elected Officers
   c. Year round (June through May)
   d. EAB 201
   e. Agenda made by Senate President

4. Standing Committees
   a. 2:00 p.m. last Wednesday every month (except May, June, July, December; November to be as arranged [please also in Schedule table])
   b. All senators (President free-floating)
   c. Committee members work independently, preparing content for meetings
   d. Room arrangements and agenda are made by each Committee Chair

B. Other new business, if any expect some wording for Ad Hoc Committee on Faculty Advancement, include this as B, then let Elliott ask if there is any further new business

V. Announcements

VI. Adjourn
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<thead>
<tr>
<th>Executive Council Meetings (1st Wednesdays)</th>
<th>Faculty Senate Meetings (2nd Wednesdays)</th>
<th>EO&amp;A Meetings (3rd Wednesdays)</th>
<th>Standing Committees Meet (last Wednesdays)</th>
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<tr>
<td>June 3 (President presides)</td>
<td>June</td>
<td>May 20</td>
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<td>July 1 (President presides)</td>
<td>July</td>
<td>July 15</td>
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<td>August 5 (VP presides)</td>
<td>August 19 (Retreat) (3rd Wednesday)</td>
<td>August (Classes begin 8/24)</td>
<td>August 26</td>
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<td>September 2</td>
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<td>October 7</td>
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<td>November 4</td>
<td>November 11</td>
<td>November 18</td>
<td>November (Thanksgiving break 11/21-28)</td>
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<td>December 2</td>
<td>December 9 (Prep Week 12/7-12/12)</td>
<td>December 16 (Finals Week 12/14-12/17)</td>
<td>December (Commencement 12/18)</td>
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<td>February 3</td>
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<td>March 5</td>
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<td>March 17 (Spring Break 3/14-3/21)</td>
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<td>April 7</td>
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<td>April 21</td>
<td>April 28</td>
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<tr>
<td>May 5 (Finals Week 5/3-5/6) (Commencement 5/7)</td>
<td>May 12 (adjournment &amp; changeover)</td>
<td>May 19</td>
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Attachments
Present: Adidam, Anderson, Barone, Cast-Brede, Davidson, DeSanti, Hale, Helm, Kelly, King, Logsdon, Maher, Nero, Ostler, Paine, Podariu, Qureshi, Randall, Rech, Rogers, Schaffer, Schoenbeck, Sharif-Kashani, Shaw, Sim, Siy, Surface, Volkman, Wessling, Walls

Excused: Lee, Woody

Unexcused: Brownlee, Huq, Kilinc, Zhong

I. The meeting was Called to Order by President Hale at 2:01 p.m.

Temporary rules of order
This meeting will be conducted via Zoom, consistent with state, local, and university guidance regarding social distancing.

With this large group, I will share my screen via Zoom and host the meeting presentation slides. I ask all senators to connect to Zoom using a webcam (if available) and a microphone. I will also ask everyone to mute their microphones when in the meeting. If microphones are not muted, I will use my discretion to mute microphones to ensure audio quality.

As we proceed through the reports and other elements of the agenda, I will use the following procedures to ensure everyone has voice and agency and is able to engage in the meeting.

- Individuals delivering a report will be asked to unmute, I will mute my microphone
- After a report, I will ask senators if they have questions, comments, or otherwise. I ask all senators that wish to speak, to please use the zoom chat feature – typing out “I have a comment/question.”
- For senators without access to a computer, I will ask them to mute their phone microphone and only unmute to request time for comment/questions.
- I will acknowledge each senator to speak and unmute their microphone in the order I receive requests to comment.
- For all non-resolution votes, I will ask “Is there any objection to approval of this item” – anyone can unmute or type in chat to object – at which point, I will send out a shared zoom poll to collect and count votes. If no objection is raised, I am told by Jim that we may approve items of business without a vote count.
- For resolution votes, I will send out a shared zoom poll to collect and count votes.
- If there are secondary motions, I will ask the senator proposing the secondary motion to please type it out in the zoom chat. I will then read the secondary motion and, when it comes time to vote, use a zoom poll to collect and count votes.

II. The Minutes of March 11, 2020 were approved as submitted.

III. Officers’ Reports
A. President’s Report: Senator Hale

- Comments from SVC Kopp

SVC Sacha Kopp thanks the faculty and staff on the preparation and transitions that have occurred during this time.

President Carter issued a work from home order for the NU System, which is demonstrating a real leadership role for the state. Sacha Kopp’s office sent a letter to all faculty and staff that are considered essential. The letter should be carried in their car, in case a police officer pulls you over in the future. Sacha Kopp has made it flexible for faculty and staff to come into campus. Speak to your dean if you need a letter. Faculty that need to televisе labs and other situations that need the use of on campus resources are still permitted.

Junior faculty have put a lot of time into the creation of online materials. He knows limited access for different activities is presenting issues for faculty. All faculty will have an additional year to go for tenure. Everyone will get an extra year unless they ask to not have it. This is not meant to make you have another years of extra work, only extra time for those who need it. His office will be releasing a memo soon.

Faculty are encouraged to communicate care for their students. 250 students living in dorms are moving into other dorms this week. Faculty are expected to be understanding during this disruption.

Students are thinking about their future. 1 in 6 students are contemplating taking a gap year from high school into college right now. For UNO, this would be losing about 1/6 of enrollment. We are thinking about offering free course to high school seniors going into the Fall. We are thinking about a modified policy on academic suspension for current students.

Questions:
Are there any plans to keep the dorms open for the international students during the summer? Yes, the majority of the students in the dorms are international students. Students can choose to continue to live in the dorms or go home. We are making every accommodation available to them during this time.

Is assistance being provided to students that are currently moving the dorms? The housing team has been contacting people with trucks. Students are receiving the needed resources.

How will classes be taught in the Fall Semester and when will that decision be made? There have not been any meaningful discussions regarding the Fall Semester. We hope this outbreak will be remediated by Fall. Currently our plans are to return to normal operations for the Fall. We are in active conversations about Fall enrollment and are in talks of incentivizing students to enroll at UNO.

Several students who have left Nebraska to attend college are now back at home. Are there efforts to attract these students? The marketing team has media efforts in place to attract students.
Are there efforts at the college or department level regarding increasing enrollment? Conversations have started on many levels. Think about re-enrollment. In a typical year, 35% of students leave every year and never return to UNO. Faculty should maintain intimate and interpersonal connections with their students. Check-in with your students and do outreach with your students. If re-enrollment of students can be maintained, that is a massive budget stimulus to the campus.

Will there be a Summer Bridge Program for high school seniors? This is on hold for now. We are offering new students and transfer students a free class this summer. We are teaching 10% more classes this summer than previous summers. Currently we are up 10% of credit hours then last year.

Are there any updates about open faculty lines? When will we know about the requests that were submitted to Academic Affairs? 60 recruitments have taken place this year and offer letters are out. Recruiting is still continuing on.

- **Barbara Weitz** is attending the Regents meeting on April 17th. If there is anything that you would like to be discussed at the meeting, contact Barbara directly at bweitz@nebraska.edu.

- **Updates from President Hale**
  - [www.keepteaching.unomaha.edu](http://www.keepteaching.unomaha.edu) and distance education
    - If students are not receiving the resources they need, contact Jaci Lindburg.
  - Campus Safety Committee
    - They are focused on training for staff to ensure proper cleaning is happening. If you have any safety concerns, feel free to reach out to the committee.
  - Conflict of interest disclosure
    - This is now at the NU level. It should be released in the coming months.
  - Chancellor’s Sustainability Committee efforts
    - The group is looking at solar feasibility and biking around campus. These efforts are now on hold. However, they are looking to roll out targeted campaigns around sustainability.
  - cHarmony, elections, virtualized governance
    - We have over 200 people who have enrolled with the app.
  - Holistic teaching evaluation committee delayed until fall
    - Senator Woody requested an ad-hoc committee be established. This will roll into the fall under Senator Ostler’s leadership.

B. **Secretary/Treasurer Report:** Senator Davidson

1. **EO&A Meeting:**
   a. EO&A Attendees: Kopp, Smith-Howell, Surface, Qureshi, Hale, Kamm, Pettid, Davidson
   b. COVID-19 Response procedures were discussed and the impact on university faculty, staff and students. SVC Kopp acknowledges all of the great work, many faculty
around campus are doing to keep things running.

c. Meeting adjourned at 2:55pm.

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<th>Title</th>
<th>Admin Accept</th>
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IV. Executive Council: Senator Surface

A. RESOLUTION 4402: Recording of Classroom Activities

WHEREAS All courses are moving temporarily online; and

WHEREAS Students are adjusting to a different modality of learning online and may struggle to take notes on synchronous video calls or class lecture;

BE IT RESOLVED THAT Faculty Senate recommends that all faculty make course audio/video materials available to their students when available. As part of this recommendation, faculty are encouraged to record and make available their zoom sessions and other synchronous class content.

Faculty are also encouraged to advise their students about digital etiquette, or “Netiquette”, best practices for the responsible and respectful use of class-related audio/video materials. Netiquette is important for protecting academic freedom and the privacy of other students in the class.

AND BE IT RESOLVED THAT Faculty Senate endorses the attached temporary policy on recorded audio to be adopted by the UNO campus to protect faculty intellectual property and ensure proper online etiquette procedures are followed by students.

Interim Policy: Recording of Classroom Activities

Assistive Note Taking Device Agreement

Senator Siy asked how long this policy will be effective. The administrative understanding is this policy will be in place during the temporary online learning mode. Senator Hale will relay this to Jaci Linburg and Drew Nielsen to make sure there is a common understanding.

The policy is to be used as a recommendation to faculty.

Senator Surface motioned to move the resolution. 21 For. No opposed. Resolution passes.

V. Standing Committee Reports

A. Committee on Academic & Curricular Affairs: Senator Woody
   1. No meeting. No report.
B. Committee on Educational Resources & Services: Senator Schoenbeck
1. The committee worked via e-mail this month. We reviewed 63 applicants for the Paul Beck Memorial Scholarship. Given the funds available, we decided to award eight applicants – six undergraduates and two graduate students – at the amount of $500 each.
   - Undergraduate awardees:
     o Sydney Bonta
     o Sofia Cormack
     o Isaac Hiebert
     o Justin Krug
     o Claire Redinger
     o Margarita Rodriguez
   - Graduate awardees:
     o Brittany Kohl
     o Zachary Smrcina

C. Committee on Faculty Personnel & Welfare: Senator Helm
1. Restroom Issues
   a. In the weeks prior to the two-week spring break, the Committee was contacted by several UNO faculty regarding the cleanliness and upkeep of campus restrooms. The specific reports were forwarded from the Committee to Custodial Services. Following a discussion with the Manager of Custodial Services the specific issues were immediately addressed. The Committee was also educated in how the University has implemented a Covid-19 plan for cleaning the Campus. As of the week of March 9th, restrooms were being cleaned early in the morning and “Touch Points” were being cleaned repeatedly throughout the day.
2. HR, Ombuds and BRT
   a. Following information received from several faculty concerning outcomes related to personnel complaints filed with Human Resources, the Behavioral Review Team and the Ombuds Service, the Committee agreed to research the related procedures and solutions.

D. Committee on Goals & Directions: Senator Ostler
1. Ongoing/Pending Items
   a. With the broad responsibility and response to the COVID-19 university issues, the members of the Goals and Directions Committee have suspended looking into options for the advancement of Non-tenure track faculty as it relates to collective bargaining. We will continue to explore options for advancement outside the contract agreement for adjunct faculty, as well as full time faculty to the extent that those options are allowed within the current contract structure. This suspension includes the parallel work with the Ad Hoc Committee on Faculty Advancement.
2. Solar Feasibility
   a. The Solar Feasibility study conducted by Dr. Bing Chen has been forwarded to the Chancellor’s office and is under review as time allows.

E. Professional Development: Senator Cast-Brede
1. Student Health Insurance Plan: We will continue to monitor next year as a new committee is formed.
2. Campus Policy Regarding Bringing Children to Work:

Faculty Senate Minutes 4/8/2020
• Committee solicited feedback on the draft policy from Staff Advisory Council. Chancellor’s Commission on the Status of Women, and WiSTEM Pro^2.
• Incorporated feedback into the policy (attached / changes are in red) (agenda attachment – pg. 15)
• Committee plans to continue looking into emergency daycare services
• Committee is awaiting feedback from other campus stakeholders. The resolution is expected to come forward to senate in the May meeting.

3. Lactation Policy:
- Committee solicited feedback on the draft policy from Staff Advisory Council. Chancellor’s Commission on the Status of Women, and WiSTEM Pro^2.
- Incorporated feedback into the policy (attached / changes are in red) (agenda attachment – pgs. 16-17)
- Committee is awaiting feedback from other campus stakeholders. The resolution is expected to come forward to senate in the May meeting.

(Letter: CCSGE Faculty Senate Policy Endorsement March 2020 – agenda attachment – pg. 18)

F. Committee on Committees: Senator Qureshi

1. This committee would like to thank Matt for his hard work on the cHarmony app and for walking us through the admin section of the App. Further to our meeting, here are the selections of committee categories per committee member:
   - Academic and curricular Affairs Committee – Amy
   - Educational Res and Services- Timi
   - Faculty Personnel and Welfare – Tej
   - Goals and Directions- Howard
   - Professional Development –Derrick

2. Here is what we will be doing:
   a. Now – April 1st – Each member will check the committee membership for the committees in their category. See: https://www.unomaha.edu/faculty-senate/faculty-committees/index.php . Please add the members of the committees to the committees on the App. Matt will be sending an email out to all the committee members to ensure that they are on the App.
   b. April 1st-22nd For vacant positions or for the positions with terms ending, Committee members will add people who have expressed interested in serving on the committees in their list/category. They will email the new committee members letting them know that they have been selected to serve on the committee for the term that is indicated for the vacancy. We ask that they respond to our emails by confirming their intention to serve on the committee you assigned them. This committee will meet over zoom on April 22nd to wrap up any remaining vacancies or issues that may remain.

VI. The meeting adjourned at 3:20 p.m. with announcements.
To the Faculty Senate,

On behalf of the Chancellor’s Commission on the Status of Gender Equity (CCSGE), we would like to officially endorse the proposed Faculty Senate policy change regarding “Children in the Workplace.” Melissa Cast-Brede provided the draft wording to our group for review, and we are very pleased to see the work being done to support parents on campus. This new wording creates a supportive working climate for UNO employees and will hopefully eliminate current discrepancies in how departments handle these situations. A consistently enforced, unified policy will make all employees feel supported in striving for academic excellence while maintaining a work/life balance to manage family responsibilities.

Additionally, the newly proposed “Lactation Support for Nursing Mothers” policy is one that we enthusiastically support for breastfeeding mothers on campus. CCSGE has made the identification and implementation of lactation spaces a priority for the last several years. Expressing milk is a deeply personal and intimate act that should not be performed in a restroom or under penalty for using time at work. All lactating persons at UNO should be afforded the opportunity to access a clean and private space, shielded from view and free from intrusion from coworkers and the public, to express milk. They should be allowed adequate use of break time, leave time, mealtime, and/or a flexible work schedule to utilize a lactation station, to express milk, and to clean equipment after pumping.

Both of these policies will support the recruitment and retention of UNO employees and will help to create a more gender equitable campus environment.

Thank you on behalf of the CCSGE Campus Climate Committee:

Dr. Heidi Blackburn        Dr. Jessi Hitchins
Maria Sorick               Dr. Jenna Yentes
Dr. Candice Batton         Laura Sherwin
Alex Zatizabal             Kirsten Case
Dr. Julie Bell
CHILDREN IN THE WORKPLACE

PURPOSE:
To provide guidance for creating a supportive working climate for employees to meet family obligations and to outline when children can appropriately be at the workplace.

POLICY STATEMENT:
The University of Nebraska at Omaha values an atmosphere that fosters a healthy balance between workplace obligations and family issues. When possible, departments should honor an employee’s request for flexibility to meet unexpected family needs that may require the employee’s attention during normal working hours. When workloads allow, the University encourages departments to cooperate with employees who wish to meet family responsibilities by using breaks or lunch hours, flexible work schedules, adjusted hours or vacation leave.

The University understands that brief and infrequent visits by children of its employees occur for a variety of reasons. However, the frequent, regular or extended presence of children during work hours is not allowed for the following reasons: the potential for interruption of work, health and safety issues, and liability to the organization. Therefore, University of Nebraska at Omaha employees should follow the principles below regarding the presence of children in the workplace:

- At all times, children remain the sole responsibility of the parent. Parents must accompany their children at all times. The employee must not ask any other employee or student to supervise the child.
- The presence of the child cannot disrupt the work environment or negatively affect the productivity of the employee who brought the child, other employees, or students.
- The employee’s supervisor may ask the employee to take the child from the workplace at any time if the supervisor determines that health or safety risks are too great, or that the child’s presence is disruptive.
- Bringing children to the workplace on a recurrent basis during children’s school breaks or before/after school is not appropriate.
- A child who has an illness that prevents acceptance by a regular day care provider or from attending school, particularly a child with an infectious disease, should not be brought to the workplace under any circumstances.
- Additional flexibility might include access to digital accommodations for employees to virtually attend meetings, when appropriate, in the event their campus presence is hindered.
- Nursing mothers be allowed break time to breast feed as stipulated by the Fair Labor Standards Act.
LACTATION SUPPORT FOR NURSING MOTHERS

PURPOSE:
To provide guidance and procedures in creating a supportive working climate for nursing mothers to express milk at work. Expressing breast milk is a very different process from breastfeeding. Pumps make noises that can be distracting. The nursing mother will often have to remove some clothing. Additionally, equipment should be cleaned after each use, and breast milk needs to be stored properly. Bathrooms are not permissible locations under the amended Fair Labor Standards act.

POLICY STATEMENT:
The University of Nebraska at Omaha strives to create a workplace that is both productive and supportive of its faculty, staff and student employees in their familial roles. The University recognizes the benefits of workplace support for breastfeeding mothers.

Departments should make reasonable efforts to provide accommodations to lactating mothers. These accommodations include:

Access to a clean and private space, shielded from view and free from intrusion from coworkers and the public, to express milk for any staff or faculty member or student who is breastfeeding a child for up to 3 years after the birth of a child. If a department is not able to provide a nursing mother with a space to express breast milk then the following should be allowed:

• Adequate time to travel to another building where a lactation station is located. A staff or faculty member or student employee is not to be penalized for extra travel time needed to get to the lactation station. Lactation stations are provided around campus in locations specified on the following website - https://www.unomaha.edu/about-uno/lactation-rooms.php
• With positions that require travel around campus, the mother can make individual arrangements with departments and facilities to access a lactation station or other room for expressing breast milk.
• An ideal location would be clean, maintain an appropriate temperature and ventilation, and be located near the workstation with locks for privacy and an electrical outlet. Allowing access to a refrigerator, where available, to securely store expressed breast milk is helpful. Under no circumstances will a department offer, require, or allow a restroom (bathroom) as an option for expressing breast milk.
• Nursing mothers be allowed break time to breast feed as stipulated by the Fair Labor Standards Act.

Staff, faculty or students should be allowed adequate use of break time, leave time, mealtime, and/or a flexible work schedule to utilize a lactation station, to express milk, and to clean equipment after pumping. New mothers should contact their supervisors to request work schedule variations in advance. Decisions about accommodations should be made on a case-by-case basis with consideration of scheduling options available to the mother that allow University business needs to be accomplished. For guidance concerning infants in the workplace for nursing, please refer to University’s policy on Children in the Workplace.
To whom it may concern,

The UNO Staff Advisory Council (SAC) would like to formally announce our support for the proposed Lactation Support for Nursing Mothers policy brought forth by the Faculty Senate. This policy is a needed step forward and provides benefit to our campus staff and faculty. SAC members voted to support this policy in our April 14, 2020 meeting. We appreciate our colleagues serving on the Faculty Senate in drafting this policy and bringing it forward to campus leadership. Please let us know of any additional support that SAC can provide as we work toward implementation of this policy on campus.

Sincerely,

Steven Summers - President

Staff Advisory Council
University of Nebraska at Omaha |

UNOSAC@unomaha.edu
University of Nebraska

Student Code of Conduct ("Code")

Students at the University of Nebraska are members of an academic community in which academic integrity and responsible conduct are essential for the community to function. To ensure that students know what is expected of them, the University has adopted the Standards of Academic Integrity and Responsible Conduct ("Standards").

- Section I - Persons & Organizations Subject to the Standards
- Section II - Standards of Academic Integrity and Responsible Conduct
- Section III - University Responses to a Violation of the Standards
- Section IV - Enforcement of Standards
- Section V - Temporary Suspension
- Section VI - Miscellaneous Procedural Matters

All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in the University of Nebraska Response to Allegations of Student Sexual Misconduct," adopted pursuant to Board of Regents Policy 5.3.3.

SECTION I

Persons & Organizations Subject to the Standards

A. Students

1. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals.

2. All students are subject to the Standards of Academic Integrity and Responsible Conduct as set forth in this Code while they are enrolled as an undergraduate student or a graduate student.

3. For purposes of the Standards, students are considered to be enrolled starting one (1) week before the first day of classes of the first semester or session for which they have registered for classes, or when they engage in University sponsored activities whichever occurs first. A student’s enrollment ends when they graduate, withdraw from the University, or fail to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University.

4. As a general rule, the Standards do not apply to graduate students when the graduate students are fulfilling their employment responsibilities, – but the Standards of Academic Integrity apply to conduct that is related to the courses in which graduate students are enrolled. Further, as a general rule, the Standards apply to graduate students with assistantships, but they do not apply to conduct that is related to teaching responsibilities. Therefore, the Standards do not affect graduate student academic freedom.
a. The Standards of Responsible Conduct apply to students enrolled at the College of Law, but students at the College of Law are subject to the Law College Honor Code and not the Standards of Academic Integrity set forth in this Code.

b. The Standards of Responsible Conduct do not apply to post-doctoral fellows and medical/health profession residents not enrolled in credit courses.

5. Students who are accused of committing a violation of the Standards while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.

B. Organizations

The Standards apply to recognized student organizations, which are organizations that have been authorized by the University to use University facilities. Any student organization that is registered with the University, including student clubs, student organizations operating online, and fraternities and sororities, or similar programs, is a recognized student organization for purposes of the Code.

C. Effect on Academic Sanctions

The University may address academic misconduct through proceedings under the Code as well as through proceedings implemented by an instructor or academic department. Specifically, imposition of academic sanctions on a student by an instructor or academic program does not prevent the University from instituting proceedings against the student under the Code.

In addition, the Code does not prevent an academic program from imposing academic sanctions on students who engage in unprofessional conduct as defined by program specific policies or professional licensure requirements.

D. Locations in which the Standards Apply

1. The term “on-campus” includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems. The term “off-campus” means any location that is not on-campus.

2. The Standards of Academic Integrity apply regardless of where the conduct occurs.

3. The Student Code of Conduct applies to conduct that occurs on-campus and, in the situations set out below, to conduct that occurs off-campus.
a. Pursuant to Regents By-Law 5.5, the Student Code of Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law.

b. The Student Code of Conduct applies to conduct that occurs off-campus in the following situations:

i) The Code states that it applies to conduct that occurs off-campus.

ii) The conduct occurs in or on the grounds of a university-approved housing unit.

iii) The conduct occurs at events or during travel authorized, funded, or sponsored by the University.

iv) The conduct occurs at events or during travel funded or sponsored by a student organization.

v) The conduct poses a risk to the health and safety of individuals and application of the Code is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future.

vi) The conduct poses a serious risk to the health or safety of individuals and is of the type that the student could easily engage in on-campus.

vii) The conduct was intentional and caused, or attempted to cause, physical injury to a university employee or another student.

viii) The conduct could, or was intended to, cause harm on-campus.

ix) A conduct officer:

   (1) determines that the conduct in a particular matter distinctly and clearly implicates the University’s interests,

   (2) prepares a written explanation of the interests and how the conduct implicates them, and

   (3) provides the written explanation to the student or student organization.

SECTION II
 Standards of Academic Integrity and Responsible Conduct

The Standards are all structured in the same way. They contain a general category of conduct that violates the Code, followed by a list of specific types of conduct. The list is not exhaustive and does not reflect all conduct that may be in violation of the Code. The word “include(s)” before a list should be read as saying that the types of conduct in the list are examples of conduct that is covered by the general category rather than an exclusive list. For example, the first violation that appears below is “Cheating.” The words “which includes” come next, followed by ten (10) examples. If a student engages in conduct that is similar to those examples and that people would normally think of as cheating, then that student has engaged in cheating in violation of the Code.

The words “means” before a list should be read as saying that the general category covers only the types of conduct in the list. In other words, the list is exclusive. For example, one of the
general categories is “Hazing Students.” The words “which means” come next, followed by a definition and three situations in which hazing may occur. A student may be found responsible for Hazing under the Code only if the conduct occurs in one of those three situations.

Nothing in the Standards of Responsible Conduct may be construed to apply to conduct or words that are protected by the First Amendment to the United States Constitution or by Article I of the Nebraska Constitution. Likewise, nothing in the Standards of Responsible Conduct may be construed in a manner that is inconsistent with the Board of Regents Policy, Commitment to Free Expression; Guide for Facilities Use; and Education. [link; update name and link as necessary]

A. Standards of Academic Integrity

Students are expected to approach and complete their academic work with integrity. They are expected to do their own work, to be honest in the statements they make, to refrain from harming others, to refrain from improperly helping others, and to follow the rules. Students must read instructions and syllabi carefully so that they know what their instructors expect in terms of academic integrity.

Students who are unsure whether or not particular conduct is appropriate should ask their instructors or university administrators. Failing to act with integrity is a violation of the Code. A student fails to act with integrity when they engage in or attempt to engage in any of the following conduct.

1. **Cheating**, which includes, but is not limited to:
   a. Copying from another student’s exam, assignment, or project.
   b. Using materials during an exam or for an assignment that are not authorized by the instructor.
   c. Using devices during an exam that are not authorized by the instructor.
   d. Taking any materials out of the exam room (for example, the exam itself or scratch paper) that the exam instructions prohibit students from taking.
   e. Making an electronic copy of part or all of an exam, unless the instructions authorize making a copy.
   f. Possessing a copy of an exam or assignment that the student knows or should have known that they are not authorized to have.
   g. Working on an exam or assignment with someone else, unless group work has been authorized by the instructor.
   h. Taking an exam for another student, or allowing their exam to be taken by someone else.
   i. Taking all or part of work that someone else prepared and submitting it as one’s own.
   j. Taking all or a substantial part of an assignment submitted for one course and submitting it in another course, without the authorization of the instructor for that course.

2. **Dishonesty, Falsification, and Fabrication**, which includes, but is not limited to:
a. Making false statements to avoid taking an exam or submitting an assignment at the scheduled time.
b. Making false statements to avoid a penalty for failing to take an exam or submit an assignment at the scheduled time.
c. Making up or purposefully misstating information or sources in any assignment or research project.
d. Engaging in plagiarism by presenting the words or ideas of another person as one’s own.
e. Making changes to a graded exam or assignment and then representing that the changes were part of the original exam or assignment.

3. **Harmful Academic Action Towards Others**, which includes, but is not limited to:
   a. Interfering with another person’s research or academic work.
   b. Knowingly making false charges that another student violated these Standards.

4. **Improperly Helping Others**, which includes, but is not limited to:
   a. Helping another student on an exam or an assignment when the student is not authorized to receive help.
   b. Knowingly helping another student violate these Standards, including, but not limited to, sharing an instructor’s teaching materials without permission.
   c. Unauthorized distribution, electronically or otherwise, of an instructor’s course materials.

5. **Failing to Follow the Rules**, which includes, but is not limited to:
   a. Failing to follow the instructions of an exam proctor.
   b. Failing to follow testing center rules.

B. **Standards of Responsible Conduct**

Students are expected to conduct themselves responsibly. Students must remember that they are members not only of the University community but also of the community in which the University is located. This means that students are expected to make responsible decisions about the use of drugs and alcohol, to behave appropriately as a member of the academic community, and to refrain from conduct that threatens the safety of the community.

Failing to act responsibly is a violation of this Code. Engaging in any of the following conduct is considered a failure to act responsibly:

1. **Using, Possessing, Manufacturing, Selling, or Distributing Illegal Drugs, Narcotics or Controlled Substances, except as expressly permitted by law.**

2. **Using, Possessing, Selling, or Distributing Prescription Drugs when not legally permitted or authorized.**
3. **Using, Possessing, or Distributing Drug Paraphernalia.**

4. **Being in the physical presence of unauthorized alcohol or in the physical presence of illegal drugs,** which includes, but is not limited to:

   a. Being in a residential room of a University residence hall or university-approved housing in which illegal drugs or unauthorized alcohol are present.
   b. Being on campus in a vehicle in which illegal drugs or alcohol are being used.
   c. Being off campus on University approved activities, or otherwise representing the University, in which illegal drugs or unauthorized alcohol are present.
   d. Being in the presence of illegal drugs or unauthorized alcohol in these locations may not be a violation if the student establishes they were unaware of the presence of illegal drugs or unauthorized alcohol.

5. **Misuse of Alcoholic Beverages,** which includes, but is not limited to:

   a. Using, possessing, or providing alcoholic beverages on campus without University authorization.
   b. Being intoxicated to the point of becoming incapacitated or posing a danger to oneself or others.
   c. Driving while under the influence of alcoholic beverages or drugs in violation of law.
   d. Possessing or consuming alcoholic beverages while under the age of twenty-one (21), except when expressly permitted by law.

6. **Providing Alcoholic Beverages to Underage Students at Off-Campus Parties and Events,** which includes, but is not limited to:

   a. Providing alcoholic beverages to underage individuals.
   b. Making alcoholic beverages available on premises that the students control when they know that underage individuals are likely to be present, the beverages are left in a place easily accessible to underage individuals, and some or all of the beverages are consumed by underage individuals.

   i) A student will be considered to have control of premises if they were on the premises at the time alcoholic beverages were furnished to underage individuals and

      (1) they are the lessee or owner of the premises,
      (2) they obtained authorization from the lessee or owner to use the premises, or
      (3) they have legal access to the premises.

   ii) A student will be considered the lessee if they lease the premises for any purpose, regardless of the length of the lease.
c. Purchasing or delivering alcoholic beverages for an event where some or all of the beverages are consumed by underage individuals when the student knew that underage individuals would likely be present and that the alcoholic beverages would likely be easily accessible to them.

d. Putting out alcoholic beverages at an event where some or all of the beverages are consumed by underage individuals when the student knew that underage individuals would likely be present and that the alcoholic beverages would likely be easily accessible to them.

7. **Engaging in, or attempting to engage in, behavior that may cause harm to an individual or property**, which includes, but is not limited to:

   a. Physical abuse or unwelcome contact, such as hitting, pushing, kicking, choking, biting, or spitting.
   b. Threatening to commit an act of violence for the purpose of terrorizing another person or persons.
   c. Threatening another person with imminent physical harm.
   d. Restraining another person, without legal authority to do so unless it can be shown that there was a reasonable basis to believe that restraining the person was necessary to protect the restrained person, self or others from physical harm.
   e. Harassing another person, by intentionally engaging in a course of conduct that serves no legitimate purpose and that would seriously terrify, threaten, or intimidate a reasonable person.
   f. Harassing another person due to their status as a member of a protected class in a manner that is so severe, persistent, or pervasive as to limit or deny a reasonable person’s ability to participate or benefit from the University’s programs, activities, or employment.
   g. Taking pictures or making recordings of another person without the person’s consent in any place where a person would have a reasonable expectation of privacy, including, but not limited to: the person’s bedroom; in the person’s living quarters in a residence hall; in a locker room; or in a restroom.
   h. Taking without permission, destroying, damaging, or vandalizing property that belongs to the University, to University employees, to a student organization, or to others.
   i. Taking money without permission that belongs to others.
   j. Accessing, transferring, altering, or destroying without authorization electronic files or devices that belong to the University, or other persons.
   k. Taking, duplicating, or using the identification card, keys, or credentials of another without authorization.
   l. Failing to comply with the campus tobacco policy.

8. **Engaging in Conduct that Disrupts Classes, University Operations, Activities, or Order**, which includes, but is not limited to:
a. Interfering with an instructor’s ability to conduct class by failing to follow the instructor’s rules or instructions regarding behavior.
b. Being present in a location on campus without proper authorization.
c. Obstructing, impeding, or blocking entrances to or hallways in University buildings, roads, sidewalks or windows on campus, or entrances to campus.
d. Yelling, screaming, or making loud noises with bullhorns or other such devices.
e. Engaging in protests, sit-ins, or demonstrations at times or in locations where those kinds of activities are not permitted.

9. **Failing to Comply with University Housing Policies**, which means:
   
a. Violating any student housing unit policy or regulation whether as a resident or visitor. Visit [campus housing website] for applicable policies and regulations.

10. **Hazing Students**, which means:
   
a. Any action taken or situation created that intentionally or recklessly endangers the physical or mental health or safety of a student when that activity is performed:

   i) in the course of a student organization member considering the student for membership, continued membership, or affiliation with the organization,

   ii) in the course of a student organization considering the student for membership, continued membership, or affiliation with the organization, or

   iii) in response, either in whole or in part, to an expression of interest by the student in becoming a member of the organization.

b. Hazing is a violation regardless of whether it occurs on or off campus.
c. Permission or approval of the student being hazed is not a defense to hazing.
d. Examples of hazing activity include, but are not limited to, paddling, beating, or branding a student, depriving a student of sleep for a prolonged period, sexually penetrating a student or touching the student in a lewd manner, subjecting the student to prolonged exposure to the elements, depriving the student of food or water, leaving the student in a remote location without a means of return, subjecting the student to conduct designed to shock the student, or having the student engage in criminal conduct, engage in humiliating conduct, perform prolonged calisthenics, consume items that are not normally consumed by people, consume items in quantities that are not normally consumed by people, or consume alcohol.

11. **Doing Private Acts in Public**, which includes, but is not limited to:

   a. Engaging in sexual acts such as intercourse or masturbation in public, exposing one’s private body parts in public, or urinating or defecating in public.
12. **Misusing University Computer and Network Systems**, which includes, but is not limited to:
   a. Engaging in conduct prohibited by Sections 5 and 6 of the Policy for Responsible Use of University Computers and Information Systems. (Executive Memorandum 16).

13. **Falsification**, which includes, but is not limited to:
   a. Knowingly providing false information to the University for the purpose of obtaining something of value, such as admission to the University or a University program, an award, a scholarship, an identification card, membership on an athletic team, or the use of University facilities.
      i) This Standard applies from the time of application for admission to the University, regardless of when the student actually enrolls.

14. **Engaging in Conduct that Creates a Threat to Community Safety**, which includes, but is not limited to:
   a. Possessing weapons in violation of Campus Weapons Policies. [link; update name and link as necessary]
   b. Using weapons to cause physical harm to others.
   c. Possessing or using fireworks.
   d. Making, possessing, or using false forms of identification such as driver licenses and University identification cards.
   e. Tampering with fire or safety equipment.
   f. Intentionally making false reports of fires, bombs, or other emergencies.
   g. Failing to comply with requests for identification or other lawful commands from emergency personnel, police officers, or University employees that are reasonably related to the employee’s job responsibilities.

15. **Failing to Comply with any University or Campus Policy, Rule or Regulation**, which means the violation of any University policy, rule, or regulation published in hard copy or available electronically on any University website. Electronic copy published on any University website shall supersede hard copy.

16. **Violation of Law**, which means:
   a. Engaging in conduct that is sufficient to constitute a violation of federal, state, or local law that causes, or could cause, harm to the campus community to the extent the University’s interests are distinctly and clearly involved.
17. **Abuse of University Disciplinary Proceedings**, which includes but is not limited to:
   a. Failing to comply with the notice from a Conduct Board or University official to appear for a meeting or hearing as part of the Disciplinary Proceedings.
   b. Knowingly falsifying, distorting, or misrepresenting information before a Conduct Board.
   c. Disrupting or interfering with the orderly conduct of a Conduct Board proceeding.
   d. Filing a frivolous or knowingly false report(s).
   e. Attempting to intimidate or coerce an individual from reporting potential violations of the Code, participating in an investigation or disciplinary proceeding, or otherwise making use of the Disciplinary Procedures.
   f. Attempting to influence the impartiality of a member of a Conduct Board prior to, and/or during the course of, the Conduct Board proceeding.
   g. Attempting to harass (verbal or physical) and/or intimidate a member of a Conduct Board prior to, during, and/or after a disciplinary proceeding for purposes of disruption of the conduct process.
   h. Failing to comply with the University response(s) imposed under the Student Code.

19. **Sexual misconduct or any other unwelcome sexual, sex based, or gender-based conduct** which includes, but is not limited to:
   a. Sexual assault
   b. Sexual harassment.
   c. Dating violence.
   d. Domestic violence.
   e. Stalking.

   All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in the University of Nebraska Response to Allegations of Student Sexual Misconduct,” adopted pursuant to Board of Regents Policy 5.3.3.

C. **Exception for Seeking Emergency Help**

   Students should seek emergency help for themselves or other individuals if they have been drinking alcohol or using illegal drugs and suffer a physical injury or have problems functioning.

   Those problems include difficulty walking, talking, breathing, or staying conscious. They also include being mentally confused, having a seizure, or being cold or pale. Students have died from alcohol poisoning and drug overdoses. Students should seek emergency assistance by contacting 911.
The University will not take disciplinary action against students for using or possessing alcohol, if the use or possession was part of the incident for which they received emergency help or sought emergency help for another person, or if they were involved in the care of that person. The University will not take disciplinary action against students for using or possessing illegal drugs or unauthorized prescription drugs if the use or possession was part of the incident for which they received emergency help or sought emergency help for another person, or they were in the immediate vicinity of that person.

The Conduct Officer will determine if the student is eligible for this exception after meeting with the student. Students may still be charged by law enforcement officials for violations of federal, state, or local laws. Additionally, the policy is not a means to excuse students from other violations of the Student Code.

As a condition of not taking action against them, however, the University may require students to meet with a Conduct Officer and to participate in an alcohol or drug educational program that is designed to help increase their awareness of their alcohol or drug-related behavior.

D. Responsibility of Student Organizations

1. A student organization is responsible for conduct that the organization engaged in, facilitated, or authorized, whether expressly or impliedly. Whether an organization engaged in, facilitated, or authorized conduct is a factual question that requires an evaluation of the totality of the circumstances to determine whether it is fair and reasonable to hold the organization itself responsible. The relevant circumstances include, but are not limited to, the following:

   a. Whether the conduct was planned, approved, or engaged in by one or more officers or authorized representatives of the organization who were acting in their capacities as officers or authorized representatives.
   b. Whether the conduct was the result of a policy or practice of the organization.
   c. Whether a significant number of members were involved or engaged in the conduct.
   d. Whether the conduct occurred at or in connection with an activity or event funded, sponsored, publicized, or advertised by the organization.
   e. Whether the conduct occurred at a location over which the organization had control at the time of the conduct.
   f. Whether the conduct occurred at an event that reasonable people would associate with the organization.
   g. Whether the officers or authorized representatives of the organization could have reasonably foreseen that the conduct could occur and, if so, whether they failed to take reasonable steps to prevent the conduct.
   h. Whether the conduct is attributable to the organization under the organization’s own policies, including local or national risk management guidelines.
SECTION III
University Responses to Violations of the Standards

If a student or student organization is found to be responsible for a violation of the Standards, the University’s response may involve requirements designed to educate the student about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University’s response may also involve sanctions to the student or the student organization for engaging in the conduct and to deter the student or student organization from engaging in the conduct in the future.

A. University’s Response

1. The University’s response may include one (1) or more of the following:

   a. **Written Warning**
      
      i) This is a warning by a Hearing Officer or the University Conduct Board that the student receiving the warning committed a violation of the Standards and that future violations may result in a harsher response.

      ii) The warning may also include advice on steps that the student may take to avoid future violations.

   b. **Probation for a specified period of time**
      
      i) Probation may include conditions that must be satisfied.

      ii) The conditions must be reasonably related to the violation or the reasons for the violation.

      (1) Examples of conditions for students include the completion of educational programs and behavioral evaluations.

      (2) Examples of conditions for student organizations include completing educational programs and adopting policies and procedures to minimize the risk of the wrongful conduct occurring in the future. Other examples include not engaging in specified recruitment practices holding specified events, or participating in specified events.

      iii) The failure to satisfy a condition of probation may be treated as an independent violation of the Standards of Responsible Conduct.

      iv) A violation of the Standards while a student or student organization is on probation may result in a more severe response to the new violation than if the new violation was considered in isolation.
d. **Expulsion from University Housing**
   
i) The student is permanently barred from living in or being present on the premises of any University residence hall or housing unit.

e. **Suspension from University Housing**
   
i) The student may not live in or be present on the premises of any University residence hall or housing unit for a specified period of time.
   
ii) Conditions may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.

f. **Mandatory Relocation**
   
i) The student is required to move to a different room, University residence hall, or housing unit.

g. **Loss of Privileges for a Specified Period of Time**
   
i) Loss of a privilege to engage in any activity or experience not required to satisfy graduation requirements, including but not limited to:

   1) Prohibition or limitation on the use of University electronic resources such as, internet access, email access, computers, or tablets.
   
   2) Prohibition or limitation on the use of University media resources, such as communal televisions, projectors, etc.
   
   3) Prohibition or limitation on the use of University wellness/recreation center equipment.
   
   4) Prohibition or limitation on on-campus dining.
   
   5) Prohibition or limitation on use of on-campus transportation.
   
   6) Prohibition or limitation on use of University purchasing cards or accounts.
   
   7) Prohibition or limitation on use of University keys and/or card access.
   
   8) Prohibition or limitation on the use of personal media devices.
   
   9) Restriction on access to campus.

h. **Restitution**
   
i) Requiring the student to return to the owner money or property that the student wrongfully took.
   
ii) Requiring the student to pay the owner for property destroyed or damaged.
i. **Performance of Service to the University Community**

   i) The service must be reasonable in type and duration.
   ii) When possible, the service should be designed to make amends for the violation, to educate the student about the harmful consequences of the violation, or to allow the student to develop their academic or professional skills.

j. **Completion of Educational Programs, Assignments, or Behavioral Evaluations that are reasonably related to the violation**

   i) These may include, but are not limited to, academic integrity programs, anger management programs, completing presentations or written assignments, substance abuse evaluations, and other such programs and evaluations that are designed to help the student identify and address factors that may have contributed to the violation. Students may be responsible for the costs or fees associated with any such programs or evaluations.

k. **Employment Restrictions**

   i) Prohibition or limitation on University student employment.

l. **Revocation of Admission and/or Degree**

   i) Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of the Standards in obtaining the degree, or for other serious violations committed by a student prior to graduation that may have resulted in suspension or expulsion.

m. **Withholding Degree**

   i) The University may permanently withhold awarding of a degree or withhold the award of a degree pending the completion of Disciplinary Procedures, including the completion of all University responses imposed.

n. **No Contact**

   i) A No Contact order may prohibit, but is not limited to, the following:

      1) Approaching one (1) or more specified individuals at any time.
      2) Calling one (1) or more specified individuals at any time.
      3) Sending via email or by any other means, any communication to one (1) or more specified individuals at any time.
(4) Contacting or communicating with one (1) or more specified individuals through a third-party.

ii) If the student subject to the No Contact order believes contact with one (1) or more of the specified individuals is necessary, any such contact must be made through the Student Conduct Office or with the expressed permission of a Conduct Officer.

o. Loss of Status as a Recognized Student Organization

i) The loss may be permanent or for a specified period of time.

ii) Conditions may be imposed on the organization for regaining its status at the end of the specified period, including the condition that the members comply with the Code of Conduct during the specified period.

p. Suspension for a Specified Period

i) Suspension is a temporary separation from the University of Nebraska.

ii) During the suspension period the student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. The University response may be enforced with a trespass action as necessary.

iii) A notation will be made on the student’s transcript but will be removed after the suspension period ends.

iv) Conditions, including the reapplication for admission, may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.

q. Expulsion

i) Expulsion is a permanent separation from the University of Nebraska.

ii) An expelled student is precluded from registration, class attendance or participation, and residence on campus.

iii) An expelled student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. This University response may be enforced with a trespass action as necessary.

iv) A notation will be made on the student’s transcript.

3. If there is a dispute about whether a student or a student organization complied with any of the conditions imposed as part of the response to a violation, the dispute must be resolved at a hearing before a Hearing Officer.

4. The factors relevant to the determination of the appropriate response(s) include, among others, the nature and seriousness of the conduct, the harm that the conduct caused or
might have caused, the student’s academic progress or experience, the student or student organization’s acceptance of responsibility for the conduct, the student or student organization’s efforts to conceal or avoid responsibility for the conduct, the student or student organization’s explanations for the conduct, the student or student organization’s prior record of violations, the interests of the University, and the imposition of any sanctions pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by civil authorities).

SECTION IV
Enforcement of the Standards

A. Definitions

1. **University Day.** This section contains various deadlines that are stated in days. The term “University Day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed. [link to calendar]

2. **E-Mail Address of Record.** This section also contains references to the “e-mail address of record.” That term means the student’s University assigned e-mail address. Because important notices may be sent to students by e-mail, it is extremely important that students make sure they check that email regularly.

B. The Persons Involved in Enforcement of the Standards

1. **Conduct Officer.** A Conduct Officer is responsible for investigating alleged violations of the Standards, for presenting the University’s information and position in hearings, and for exercising the discretion that the Code specifically grants to Conduct Officers. The Conduct Officer may propose administrative resolutions.

2. **Hearing Officer.** A Hearing Officer has the authority to hear and resolve allegations that a student or student organization violated the Standards and if the Officer determines that a violation occurred, for determining the University’s response. Unless otherwise agreed upon through an administrative resolution, a Hearing Officer may not designate suspension or expulsion as a response to a violation by a student or loss of status as a response to a violation by a student organization. Only the University Conduct Board may do so.

3. **University Conduct Board.** The University Conduct Board has the authority to hear and resolve charges that a student or a student organization violated the Standards and if the Board determines that a violation occurred, for determining the University’s response. The procedures for selecting the members of the Board and the requirements for a quorum are set out in Section VI.

4. **Appeals Officer or Board.** An Appeals Officer or Appeals Board may hear appeals authorized by this Code. The procedures for selecting members of the Appeals Board and the requirements for a quorum are set out in Section VI.
An appeal heard by the Appeals Board must be heard before an appeals panel of no fewer than three (3) members of the Appeals Board. The appeals panel shall select its own Chair. All members of the appeals panel possess voting privileges.

5. **Appointments.** Conduct Officers, Hearing Officers, and Appeals Officers are appointed by the Vice Chancellor responsible for student conduct or by their designee. A person may be appointed as a Hearing Officer, Conduct Officer, or Appeals Officer regardless of whether the person is an employee of the University. The person may be appointed for all types of cases or may be appointed for a particular case or type of case. Although a person may be appointed as a Hearing Officer, a Conduct Officer, and an Appeals Officer, the person may only serve as one of those in the same case.

C. **Investigating Potential Violations**

1. When the University receives information about a potential violation of the Standards, a Conduct Officer may conduct an investigation to determine if there is a reasonable basis to believe that a student or a student organization has engaged in conduct that violates the Standards.

2. In the course of the investigation, the Conduct Officer may contact the student or the officers of the student organization that is the subject of the investigation. Before discussing the alleged violation(s) with the student or officers, the Conduct Officer must state in writing:

   a. that the Conduct Officer is investigating an alleged violation of the Standards,
   b. what the alleged violation is,
   c. that the student or officer is not required to discuss the alleged violation with the Conduct Officer,
   d. that the student or officer has the right to be accompanied by an advisor when the student meets with the Conduct Officer, and
   e. that the student or the organization may choose as the advisor anyone, including an attorney, but that the student or the organization is responsible for any fees that the advisor may charge. The student’s advisor may provide guidance to the student, but may not otherwise directly participate in the conduct process.

3. The Conduct Officer must complete the investigation within thirty (30) University days after written notice about a possible violation was first received by the Conduct Officer. The Vice Chancellor responsible for student conduct or their designee may grant the Conduct Officer extensions of no more than an additional sixty (60) University days if the Conduct Officer applies in writing for an extension within the initial thirty (30) day period and shows that exceptional circumstances exist that warrant an extension of time. More than one (1) extension may be granted.

4. If the Conduct Officer determines that there is not a reasonable basis to believe that the student or student organization violated the Standards, the Conduct Officer should not take any further action in the matter.
5. If the Conduct Officer determines that there is a reasonable basis to believe that student or the student organization engaged in conduct that violates the Standards, the Conduct Officer has the discretion:

   a. to take no further action in the matter,
   b. to seek an administrative resolution of the matter, or
   c. to set the matter for hearing.

   In exercising discretion, the Conduct Officer should consider all the relevant circumstances, including the nature and seriousness of the alleged violation, any sanctions that may have been imposed pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by the civil authorities), the past conduct of the student or student organization, the ease or difficulty of proving the alleged violation, the interests of fairness, the interests of those harmed by the alleged violation, and the interests of the University.

6. If the Conduct Officer determines that suspension or expulsion may be an appropriate University response, and unless an administrative resolution is agreed upon, the Conduct Officer must set the matter for hearing before the University Conduct Board. If suspension or expulsion is not a potential University response, the matter will be set before a Hearing Officer unless either the Conduct Officer or the student requests the matter be set before a University Conduct Board.

   a. During the week preceding final examinations and the week(s) of final examinations, University breaks, and summer sessions a University Conduct Board may not be available. Accordingly, a Respondent may waive their right to a hearing before a University Conduct Board.

7. A matter that is set for hearing before a University Conduct Board must consist of no fewer than three (3) members of the Conduct Board, at least one (1) of whom must be a faculty member and at least one (1) of whom must be a student. The Chair of the Conduct Board is responsible for conducting the hearing and resolving any procedural and evidentiary issues that may arise. The Conduct Board shall select its own Chair. All members of Conduct Board possess voting privileges.

D. Instituting Proceedings

1. A Conduct Officer institutes a proceeding under this Code by sending a request for an informal meeting, an administrative resolution, or a notice of hearing to a student or student organization. The student or student organization against whom a Code violation has been alleged is referred to as the “Respondent.”

2. The request or notice of hearing must be in writing and sent by e-mail to the Respondent's e-mail address of record. If the Respondent is a student organization, the request or notice of hearing must be sent by e-mail to:
a. one of the officers of the organization at the officer's e-mail address of record
b. the organization’s faculty advisor of record, if any, or if the organization is a
d fraternity or sorority, the person listed as the chapter’s advisor, if any, in the
records maintained by the Office of Fraternity & Sorority Life.

3. The contents of the request are set out below in subsection E. The contents of the
notice are set out below in subsection F.

E. Informal Meeting

1. An informal meeting is an opportunity for the Respondent to discuss the alleged
misconduct with a Conduct Officer. During an informal meeting, the Conduct Officer may proceed
with administrative resolution of a complaint pursuant to Section F(1) if the Conduct Officer
determines administrative resolution is appropriate and is accepted by the Respondent.

2. A written request for an informal meeting must inform the Respondent:
   a. that the Conduct Officer intends to address an alleged violation(s) of the
   Standards,
   b. what the alleged violation(s) is,
   c. that the student or officer is not required to discuss the alleged violation(s) with
   the Conduct Officer,
   d. that the student or officer has the right to be accompanied by an advisor when
   the student meets with the Conduct Officer, and
   e. that the student or the organization may choose as the advisor anyone, including
   an attorney, but that the student or the organization is responsible for any fees
   that the advisor may charge. The student’s advisor may provide guidance to the
   student, but may not otherwise directly participate in the conduct process. The
   process shall not be unduly delayed based on the availability of the
   Respondent’s advisor.

F. Administrative Resolutions

1. An administrative resolution is an agreement between the University, through the
Conduct Officer, and the Respondent in which:
   a. the Respondent admits the violation and agrees to the response(s) stated in the
   agreement or
   b. the Respondent does not admit the violation but agrees to the responses stated
   in the agreement. If the parties reach an agreement, the agreement must be in
   writing and signed by the parties. An electronic signature is sufficient.

2. A written request for an administrative resolution must contain:
   a. an explanation of what an administrative resolution is,
b. a statement of the charge(s) against the Respondent, including the time and place of the alleged violation(s), and

c. a statement of the response(s) proposed by the Conduct Officer. The request must also explain what the Respondent must do to accept or reject the proposal and inform the Respondent that the matter may be set for hearing if the Respondent rejects the proposal. If the parties fail to reach an administrative resolution, the Conduct Officer has the discretion to take no further action in the matter or to set the matter for hearing.

3. If the Respondent does not respond to the written request for an administrative resolution within five (5) University days, and unless the University’s proposed response is suspension or expulsion, the proposed administrative resolution will be deemed accepted by the Respondent. The Conduct Officer may grant the Respondent an extension of time to respond to the Administrative Resolution, upon the request of the Respondent and at the sole discretion of the Conduct Officer.

4. The Conduct Officer may propose an administrative resolution at any time prior to the beginning of a hearing before a Hearing Officer or the University Conduct Board. A proposal for an administrative resolution that is made after a notice of hearing is sent may be made orally or in writing.

G. Hearings

A hearing is an opportunity for the parties to be heard before a Hearing Officer or the University Conduct Board. A University Conduct Board will hear matters that may result in suspension or expulsion. All other matters will be heard by a single Hearing Officer, unless a University Conduct Board is requested by the Conduct Officer or the Respondent. If a matter is set for a hearing, a written notice of hearing must be sent regardless of whether a written request for an administrative resolution was previously sent.

Notice of Hearing

1. The notice of hearing for a student must contain the following information:

   a. Source of the misconduct complaint(s).
   b. Statement of alleged facts constituting misconduct under the Code or other policy.
   c. Citation of the specific provision(s) of the Code or other policy alleged to have been violated.
   d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented.
   e. Date, time and place of the hearing before the Hearing Officer or Conduct Board. Each hearing shall be scheduled at least five (5) University days after the date the notice has been sent.
   f. A statement that the student or student organization accused of misconduct may be accompanied by legal counsel or other advisor at the hearing before the
Conduct Board, to be provided at the expense of the student or student organization, and that such legal counsel or advisor may advise the student or student organization, but may not directly participate in the hearing.

\( g. \) That the student or student organization accused of misconduct is under no obligation to make any statement at the hearing relevant to the alleged misconduct, and that refusal to make a statement will not be considered as an indication of responsibility.

\( h. \) That the student or student organization accused of misconduct has the right to inspect any pertinent information the Conduct Officer intends to present at the hearing, no fewer than five (5) University days prior to the hearing, in the Office of Student Conduct and Community Standards and that the student or student organization will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.

\( i. \) A statement that if the student or student organization intends to present evidence, including witnesses, that information must be provided to the Conduct Officer no fewer than two (2) University days in advance of the hearing.

2. The notice of hearing must be sent at least five (5) University days before the hearing date. The hearing must be held no later than thirty (30) University days after the notice of hearing was sent. The time limits in this paragraph may be lengthened or shortened if the parties agree to do so. The time limits may also be lengthened if one of the parties makes a written request to the Vice Chancellor responsible for student conduct and the Vice Chancellor or their designee determines that there is a good reason for doing so. Under no circumstances may the hearing be held more than sixty (60) University days after the notice of hearing is sent.

**Disqualification**

3. The notice of hearing must be provided to the Hearing Officer or to the members of the hearing panel at least three (3) University days before the hearing so that the officer or members can decide whether they need to disqualify themselves.

4. Hearing Officers or panel members must disqualify themselves if they believe that they cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officers or members as being unable to decide the matter fairly and impartially.

5. The name of the Hearing Officer or a list of the names of the members of the hearing panel must be provided to the Respondent at least three (3) University days before the hearing so that the Respondent can decide whether to challenge the Hearing Officer or any member of the hearing panel on grounds of lack of fairness or impartiality. The list of names of the members of the hearing panel must identify the Conduct Board Chair (“the Chair”) and must also state the member’s status (faculty, staff, or student). The e-mail address of the Hearing Officer or the Chair must also be provided to the Respondent.
6. The Respondent may make a challenge by sending an e-mail to the Conduct Officer and to the Hearing Officer or the Chair in which the Respondent states the factual basis for challenging the impartiality or fairness of the officer or member. The e-mail must be sent no later than two (2) University days before the hearing. The failure to make a timely challenge to the officer or member waives the challenge unless the Respondent shows, as determined by the Vice Chancellor responsible for student conduct or their designee, that there are extraordinary circumstances that excuse the Respondent’s failure.

7. If the Respondent challenges the Hearing Officer, the officer must withdraw from the proceeding if the officer believes that the officer cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officer as being unable to decide the matter fairly and impartially.

8. If the Respondent challenges a member of the hearing panel, the Chair must promptly forward the Respondent’s e-mail to the members of the panel. The member who is the subject of the challenge must withdraw from the proceeding if the member believes that the member cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the member as being unable to decide the matter fairly and impartially. If the member does not withdraw from the proceeding, the other members of the hearing panel may disqualify the member if they conclude by a majority vote that the standard for disqualification has been met.

9. If the Hearing Officer withdraws from the proceeding, the hearing must be conducted by a different Hearing Officer and the name of that officer must be promptly provided to the Respondent. If a Conduct Board member withdraws or is disqualified from the proceeding, the member must be replaced by a new Conduct Board member and the name of the new Conduct Board member must be promptly provided to the Respondent.

**Pre-hearing Conference**

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

**Recording & Conducting the Hearing**

11. The electronic or printed items that the Conduct Officer plans to use at the hearing may be made available to the Hearing Officer or Conduct Board for review before the hearing. The Respondent, however, must be given the opportunity to review the items before they are made available to the Hearing Officer or Conduct Board no fewer than five (5) University days in advance of the hearing. Any items that are made available to the Hearing Officer or Conduct Board must be presented as evidence at the hearing. If the Respondent intends to present evidence, including witnesses, that information must be provided to the Conduct Officer no fewer than two (2) University days in advance of the hearing. Any evidence not disclosed within the deadlines set forth in this paragraph will only be considered at the sole discretion of the Hearing Officer or Chair of the Conduct Board. Regents By-Law 5.4(f) provides that the “decision of the [conduct] board must be based solely upon evidence introduced at the hearing.”
12. The Conduct Board shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University. The Vice Chancellor responsible for student conduct or their designee has the authority to decide which recording means will be used.

13. At the beginning of the hearing, the Hearing Officer or Chair should state for the record:
   a. the date, time, and place and
   b. their name and role as the Chair or Hearing Officer.

14. If the hearing is before a hearing panel, the Chair should:
   a. have the other members of the Conduct Board identify themselves and
   b. state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.

15. The Hearing Officer or Chair should then identify the other persons present, ask the Conduct Officer to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).

16. The Hearing Officer or Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by both the Conduct Officer and the Respondent. Both the Conduct Officer and the Respondent have the right to call witnesses and present their respective cases. The Hearing Officer or Chair has the discretion to allow the use of a question-and-answer format or allow a witness to make an oral statement about what the witness knows about the matter. The Hearing Officer or the members of the hearing panel may then ask questions to clarify what the witness said or to elicit more detailed information.

17. The Hearing Officer or Chair has the discretion to allow the parties to question the witnesses directly or to require the parties to submit suggested questions for the Hearing Officer or Chair to ask. In exercising this discretion, the Hearing Officer or Chair should consider all the relevant circumstances, including whether there is animosity between the Respondent and the witness, whether the charges involve violence, threats, or harassment of the witness by the Respondent, and whether direct questioning would be more efficient or would better enable the Respondent to present their information.

18. The Hearing Officer or Chair has the discretion to:
   a. allow the parties to make opening statements, closing statements, or both, with reasonable time limits,
   b. allow witnesses to testify by videoconferencing technology,
   c. require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify, and
d. schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.

19. The Respondent has the right to be present for the hearing. If the Respondent is a student organization, then one of its officers has the right to be present for the hearing. The hearing is closed to the public.

20. The Conduct Officer has the burden of demonstrating the alleged violation(s) by the greater weight of the evidence. The greater weight of the evidence means evidence sufficient to make the alleged violation(s) more likely true than not true. If the evidence is evenly balanced, or if it weighs in favor of the Respondent, then the Respondent is not responsible for the alleged violation(s).

21. The Conduct Officer will present evidence first, followed by the Respondent. Courtroom rules of evidence do not apply. Evidence may be presented if:

   a. it is relevant to the charges, the University response, or the credibility of the witnesses and
   b. it is sufficiently reliable that a reasonable person would take it into account in making an important decision. Evidence may be excluded if it merely repeats evidence that has already been presented. The Hearing Officer or Chair will be solely responsible for the determination of the admissibility of evidence.

22. The Respondent’s advisor may not speak on behalf of the Respondent during the hearing and may not directly participate in any aspect of the hearing. The Respondent, however, may consult with the Respondent’s advisor during the hearing. The Hearing Officer or Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

Hearing Stages

23. If the Respondent is present and contests the charge(s), a hearing must be conducted in two (2) stages. At the end of each stage a Conduct Board must go into closed session to deliberate and make its decisions by majority vote. If the Respondent is contesting only the appropriate response, the hearing will move immediately to the second stage.

   a. The first stage is to decide whether the Respondent is responsible for the violation. If the Respondent is a student organization, the Hearing Officer or Conduct Board must also conclude that it is more likely than not that the student organization engaged in, facilitated, or authorized the wrongful conduct, either expressly or impliedly.

      i) If the Hearing Officer or Conduct Board decides that the Respondent is not responsible, the hearing is over.
b. The second stage is to decide the appropriate response(s). The hearing will move to the second stage only if the Hearing Officer or Conduct Board determines that the Respondent is responsible or if the Respondent admits the charges. The second stage shall be conducted immediately after the Conduct Board decides the Respondent is responsible. Only evidence that is relevant to the issue of the appropriate response(s) may be presented during the second stage.

24. At the conclusion of the hearing, the Conduct Board must go into closed session to deliberate and make its decision. The decision must be made by a majority vote.

25. If the Respondent fails to appear at the hearing, the Hearing Officer or Conduct Board shall proceed with the hearing if the Hearing Officer or a quorum of the hearing panel members are present.

Notice of Decision

26. No later than seven (7) University days after the hearing, the Respondent must be notified by letter of the decision(s) and response(s), if any. The letter must inform the Respondent of the right to appeal and include a copy of subsection G. The letter must also inform the Respondent of the name and e-mail address of the person to whom the documents required to appeal must be sent. The person must be the Vice Chancellor responsible for student conduct or their designee.

27. The letter must be sent to the Respondent’s e-mail address of record. If the Respondent is a student organization, then the letter must be sent to one of the officers at the officer’s e-mail address of record and to the organization’s faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter’s advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life.

28. In the case of a crime of violence, the University shall provide to the victim the final results of any institutional disciplinary proceeding against the alleged perpetrator. Crimes of violence include:

   a. arson;
   b. assault offenses;
   c. burglary;
   d. criminal homicide – manslaughter by negligence;
   e. criminal homicide-murder and nonnegligent manslaughter;
   f. destruction, damage or vandalism of property;
   g. kidnapping; and
   h. robbery.

Effective Date of Response & Request to Suspend Response
29. The response to a violation takes effect on the day when the letter of decision is sent. The Respondent may request that the response be suspended while the appeal is pending by e-mailing or hand delivering a letter to the Vice Chancellor responsible for student conduct or their designee no later than five University days after the letter of decision was sent. In the letter, the Respondent should state that they are appealing the decision, explain how the Respondent will be harmed if the response is not suspended, and also explain why suspending the response will not adversely affect the University or other persons. The Respondent should also attach a copy of the letter of decision.

30. The Vice Chancellor or their designee should promptly review the letter and decide whether to grant or deny the request. In making the decision, the Vice Chancellor or their designee should consider whether the harm that the Respondent may suffer if the response is not suspended outweighs the harm that the University and other persons may suffer if the response is suspended. Before making the decision, the Vice Chancellor or their designee may request that the Conduct Officer explain why they believe that the request should be granted or denied.

31. If the request is granted but the Respondent waives their right of appeal, the response will be immediately reinstated. Waiver of the right of appeal is discussed below in subsection H.

H. Appeals

1. The Respondent may appeal the decision of the Hearing Officer or University Conduct Board to the Appeals Officer unless the Respondent requests the appeal be heard by an Appeals Board. An appeal by the Respondent is limited to the following grounds:
   a. the evidence presented at the hearing was insufficient to allow a reasonable person to conclude that the charges were more likely true than not;
   b. the response was clearly excessive in light of all the circumstances; or
   c. the Hearing Officer or University Conduct Board failed to follow the procedures and as a result of the failure, there is a substantial likelihood that the decision is wrong.

2. Evidence that was not presented at the hearing may not be considered on appeal. Newly discovered evidence may be grounds for a rehearing. Newly discovered evidence is discussed below in subsection J.

3. In order to appeal, a Respondent must send an e-mail to the person identified in the letter of decision and attach a letter that explains in detail the reasons why the decision should be overturned within ten (10) University days of the date of the letter of decision. A Respondent who does not comply with this section waives the right of appeal.

4. Upon receipt of an appeal the Appeals Officer or Chair of the Appeals Board will correspond with the parties regarding the Respondent’s appeal. The Conduct Officer may send an e-mail to both the Respondent and to the Appeals Officer or Chair and attach a letter that explains in detail the reasons why the decision should or should not be affirmed. The e-mail must be sent by the date specified by the Appeals Officer or Chair in their correspondence.
5. The Appeals Officer or Chair has the discretion to request the Respondent and the Conduct Officer to make an oral presentation. The presentation may be made to the Appeals Officer or the Appeals Board in person, by telephone, or by videoconferencing technology. The Appeals Officer or the Chair should inform the parties beforehand of any time limitations on their presentations and also inform them that the Appeals Officer or any member of the Appeals Board may ask the parties questions during or after their presentations, and that the Respondent’s advisor, if any, may not make a presentation. If there is a presentation, the University will record the presentation and any subsequent questions.

6. The Appeals Officer or Appeals Board must decide the appeal within twenty (20) University days after the receipt of the notice of appeal. Upon notice to the parties, the Appeals Officer or Chair may extend the deadline for the date of the decision letter by up to twenty (20) University days. The decision may affirm the decision being appealed, overturn the decision being appealed and specify that the charges be dismissed or that a new hearing be held, or modify any University response that was clearly excessive. The decision of the Appeals Officer or Appeals Board is final.

7. The Respondent and the Conduct Officer must be notified of the decision by an e-mail sent to the Conduct Officer and the Respondent at their e-mail addresses of record. If the Respondent is a student organization, then the email must be sent to one of the officers at the officer’s e-mail address of record and to the organization’s advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter’s advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life. The letter must inform the Conduct Officer and Respondent that the decision is final.

I. Effect on Graduation or Transcript Request

The University may withhold a degree or transcript until conduct proceedings (including appeals) have ended. The University should confer the degree or release the transcript after all investigations and proceedings have ended unless the response to the violation affects the student’s eligibility for the degree (for example, the student is expelled or must complete an educational program prior to receiving the degree).

J. New Evidence

1. The Respondent or Conduct Officer may seek a rehearing if the Respondent or Conduct Officer discovers new evidence after the hearing. To obtain a rehearing, the Respondent or Conduct Officer must meet three requirements:

   a. the evidence is in fact new,
   b. the evidence could not have been discovered with reasonable diligence before the hearing, and
   c. there is a reasonable basis to believe that the new evidence would have changed the decision(s) and/or response(s).
2. The Respondent or Conduct Officer must explain in a letter to the Vice Chancellor responsible for student conduct or their designee why the three (3) requirements are met. The letter must be emailed to the Vice Chancellor or their designee no later than sixty (60) University days after the letter of decision was sent to the Respondent.

3. If the Vice Chancellor or their designee determines that the requirements have not been met, then the request must be denied.

4. If the Vice Chancellor or their designee determines that the requirements have been met, then a new hearing must be held before a Hearing Officer or Conduct Board. If suspension or expulsion was sought in the original hearing, however, the new hearing must be held before a Conduct Board.

5. The new hearing may be held before the same Hearing Officer or Conduct Board that originally heard the matter or before a different Hearing Officer or Conduct Board. The decision in the new hearing must be based on the recording of the original hearing and the new evidence presented at the new hearing.

6. After the expiration of the sixty-day (60) period, a student who was expelled may seek a rehearing by sending a letter by certified mail to the Vice Chancellor or their designee. In that letter, the student must explain why the three (3) requirements listed above are satisfied and also explain why it would be manifestly unjust not to grant the student a new hearing. The letter must be sent no later than one year after the letter of decision was sent to the student.

7. If the Chancellor or their designee determines that the requirements have not been met, then the request must be denied. The decision of the Chancellor or their designee is final. If the Chancellor determines that the requirements have been satisfied, then a new hearing must be held before a Conduct Board.

SECTION V
Temporary Suspensions

A. Grounds

1. The Vice Chancellor responsible for student conduct or their designee may temporarily suspend a student if there is credible information that the student’s conduct or presence on campus presents a clear threat to the physical safety of individuals, or is so disruptive that temporary suspension is necessary to preserve the rights of other students to pursue an education. A student may be temporarily suspended for the reasons stated in this paragraph even though the student’s conduct may not violate the Student Code of Conduct or Appendix A to the Code (Response to Allegations of Student Sexual Misconduct).

2. In determining whether to suspend a student temporarily, the Vice Chancellor or their designee should consider whether measures other than suspension would be adequate to address the threat to physical safety or the right of individuals to pursue an education. Those measures include, among others:
a. requiring the student to leave University Housing or to move to a different room or residence hall,
b. preventing the student from attending class,
c. limiting the areas on campus in which the student may be present, and
d. prohibiting the student from having contact with one or more specified individuals.

3. If one or more of those measures would be adequate, then the Vice Chancellor or their designee should require that they be implemented instead of suspending the student temporarily. A student may request at any time to meet with the Vice Chancellor or their designee to contest the implementation or continued implementation of the measures.

4. If a student is temporarily suspended, the Vice Chancellor or their designee must provide the student with a Notice of Temporary Suspension. The notice must be sent to the student’s e-mail address of record and must:

a. state the factual basis for the student’s temporary suspension and explain why the student’s conduct or presence on campus presents a clear threat, significant risk, or is so disruptive that temporary suspension is necessary; merely reciting the language of the Code is insufficient,
b. state that the student has a right to a meeting with the Vice Chancellor or their designee within three (3) University days after the temporary suspension becomes effective to present information to show that the requirements for a temporary suspension have not been satisfied and that the temporary suspension should therefore be lifted,
c. state the time, date, and place of the meeting with the Vice Chancellor or his or designee and state that the student may be accompanied by an adult advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge,
d. state that after the expiration of the three (3)-day period, a student may seek to have the temporary suspension lifted by making a Request for Reinstatement, and
e. include a copy of Section V of the Code.

5. After the expiration of the three (3)-day period, a student who has been temporarily suspended may seek reinstatement by making a Request for Reinstatement (“the Request”) on the ground that:

a. the requirements for a temporary suspension were not met when the student was temporarily suspended and are not currently met or
b. circumstances have changed such that the requirements for a temporary suspension are no longer met.

6. The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request must be sent to the Vice Chancellor responsible
for student conduct or their designee by e-mail or certified mail or may be hand-delivered to the
Vice Chancellor’s office.

7. The Vice Chancellor or their designee must make a decision on the Request as soon
as reasonably practicable. Before making a decision, the Vice Chancellor or their designee has the
discretion to seek additional information, to ask a Conduct Officer to review and comment on the
Request, or to schedule a meeting with the student and their advisor.

8. If the temporary suspension was based on alleged conduct that constitutes a
violation of the Code and formal proceedings have not been instituted against a student who has
been temporarily suspended, proceedings must be instituted within five (5) University days of the
effective date of the temporary suspension. The conduct process must be resolved within twenty
(20) University days of the effective date of the temporary suspension. The Vice Chancellor or
their designee may extend the time limit for the hearing for up to an additional fifteen (15)
University days if the parties agree to an extension or if either party establishes that extraordinary
circumstances exist that warrant an extension. The Vice Chancellor or their designee may extend
the time limit for the hearing for a longer period if the student consents.

9. The fact that a student was temporarily suspended should not be taken into account
by the Hearing Officer or Conduct Board in determining whether the student violated the Code.

SECTION VI
Miscellaneous Procedural Matters

A. Inter-Institutional Authority

1. If University students or student organizations engage in conduct that violates the
Standards on any University campus or in a course offered by another University campus, the
University campuses may enter into an agreement whereby:

   a. the University campuses agree which campus will conduct an investigation in
      whole or in part, institute formal proceedings, and conduct those proceedings
      and
   b. if the proceedings result in the issuance of a University response, which campus
      will enforce the University response.

B. University Conduct Board Membership and Quorum

1. The Vice Chancellor responsible for student conduct of each University institution
will specify the number, qualifications, term, and selection process for members of the University
Conduct Board.

2. The Vice Chancellor responsible for student conduct at each University institution
must determine whether the institution will have an Appeals Officer, an Appeals Board, or both.
If the Vice Chancellor determines that the institution will have an Appeals Board, then the Vice
Chancellor for each institution will specify the number, qualifications, term, and selection process for the members of the Board.

3. The Vice Chancellor responsible for student conduct must specify the number of members that a Conduct Board or Appeals Board must have and, if the number is more than three (3), the number that will constitute a quorum.

C. Interpretations of the Code

1. Words in this Code should be given their ordinary meaning unless the context indicates that a different meaning was intended.

2. Any question of interpretation or application of the Code shall be referred to the Vice Chancellor responsible for student conduct or their designee.

D. Amendments

1. The Board of Regents may amend this Code at any time, in whole or in part. There may be times when unexpected issues arise that require prompt action or that involve errors or omissions in the Code. Examples include a change in federal, state, or local law, the adoption of a new Campus or University policy, the repeal of an existing Campus or University policy, the discovery of a drafting error, or the failure to anticipate a particular situation or type of conduct.

2. If an unexpected issue arises, the Code may be amended pursuant to the following procedure:
   a. First, the Provost of the University of Nebraska must approve the amendment.
   b. Second, the General Counsel of the University of Nebraska must approve the amendment.
   c. Third, the amendment must be reported to the Board of Regents at the next regularly scheduled meeting of the Board.

3. The Provost and the General Counsel may approve an amendment only if each of them separately determines that:
   a. the content of the amendment is appropriate and reasonably necessary and
   b. the subject matter of the amendment either requires prompt action or involves minor changes that correct errors or omissions in a manner consistent with the purpose and scope of the Code. An amendment takes effect when both the Provost and the General Counsel have approved the amendment. The Board has the authority to rescind any such amendment when the amendment is reported to the Board.

E. Effective Date

Faculty Senate Agenda 5/13/2020 - agenda attachment - pg. 41
The provisions of this Code apply to cases in which formal charges are brought after the date on which this Code was approved by the Board of Regents. Amendments to this Code apply to cases in which formal charges are brought after the date that the amendment takes effect.

F. Periodic Review

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

Student Code of Conduct (“Code”)

Students at the University of Nebraska are members of an academic community in which academic integrity and responsible conduct are essential for the community to function. To ensure that students know what is expected of them, the University has adopted the Standards of Academic Integrity and Responsible Conduct (“Standards”).

- Section I - Persons & Organizations Subject to the Standards
- Section II - Standards of Academic Integrity and Responsible Conduct
- Section III - University Responses to a Violation of the Standards
- Section IV - Enforcement of Standards
- Section V - Temporary Suspension
- Section VI - Miscellaneous Procedural Matters

All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in the University of Nebraska Response to Allegations of Student Sexual Misconduct,” adopted pursuant to Board of Regents Policy 5.3.3.

SECTION I

Persons & Organizations Subject to the Standards

A. Students

1. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals.

2. All students are subject to the Standards of Academic Integrity and Responsible Conduct as set forth in this Code while they are enrolled as an undergraduate student or a graduate student.

3. For purposes of the Standards, students are considered to be enrolled starting one (1) week before the first day of classes of the first semester or session for which they have registered for classes, or when they engage in University sponsored activities, whichever occurs first. A student’s enrollment ends when they graduate, withdraw from the University, or fail to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University.

4. As a general rule, the Standards do not apply to graduate students when the graduate students are fulfilling their employment responsibilities, but the Standards of Academic Integrity apply to conduct that is related to the courses in which graduate students are enrolled. Further, as a general rule, the Standards apply to graduate students with assistantships, but they do not apply to conduct that is related to teaching responsibilities. Therefore, the Standards do not affect graduate student academic freedom.

5. The persons and organizations that are subject to the Standards are set out in Section I. The Standards themselves are set out in Section II. The locations in which the Standards apply and the grounds for holding student organizations responsible for violations are also set out in Section II. The possible responses to violations of the Standards are set out in Section III. The procedures for enforcing the Standards are set out in Section IV (to be developed and implemented on a campus-by-campus basis). The grounds and procedures for temporary suspensions, including but not limited to interim measures, are set out in Section V. Miscellaneous procedural provisions are set out in Section VI. Those include provisions relating to the membership of the appropriate 

6. Address

7. Conduct

8. Section
a. The Standards of Responsible Conduct apply to students enrolled at the College of Law, but students at the College of Law are subject to the Law College Honor Code and not the Standards of Academic Integrity set forth in this Code.

b. The Standards of Responsible Conduct do not apply to post-doctoral fellows and medical/health profession residents not enrolled in credit courses.

5. Students who are accused of committing a violation of the Standards while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.

B. Organizations

The Standards apply to recognized student organizations, which are organizations that have been authorized by the University to use University facilities. Any student organization that is registered with the University, including student clubs, student organizations operating online, and fraternities and sororities, or similar programs, is a recognized student organization for purposes of the Code.

C. Effect on Academic Sanctions

The University may address academic misconduct through proceedings under the Code as well as through proceedings implemented by an instructor or academic department. Specifically, imposition of academic sanctions on a student by an instructor or academic program does not prevent the University from instituting proceedings against the student under the Code.

In addition, the Code does not prevent an academic program from imposing academic sanctions on students who engage in unprofessional conduct as defined by program specific policies or professional licensure requirements.

D. Locations in which the Standards Apply

1. The term “on-campus” includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems. The term “off-campus” means any location that is not on-campus.

2. The Standards of Academic Integrity apply regardless of where the conduct occurs.

3. The Student Code of Conduct applies to conduct that occurs on-campus and, in the situations set out below, to conduct that occurs off-campus.
a. Pursuant to Regents By-Law 5.5, the Student Code of Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law.

b. The Student Code of Conduct applies to conduct that occurs off-campus in the following situations:

i) The Code states that it applies to conduct that occurs off-campus.

ii) The conduct occurs in or on the grounds of a university-approved housing unit.

iii) The conduct occurs at events or during travel authorized, funded, or sponsored by the University.

iv) The conduct occurs at events or during travel funded or sponsored by a student organization.

v) The conduct poses a risk to the health and safety of individuals and application of the Code is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future.

vi) The conduct poses a serious risk to the health or safety of individuals and is of the type that the student could easily engage in on-campus.

vii) The conduct was intentional and caused, or attempted to cause, physical injury to a university employee or another student.

viii) The conduct could, or was intended to, cause harm on-campus.

ix) A conduct officer:

1) determines that the conduct in a particular matter distinctly and clearly implicates the University’s interests,

2) prepares a written explanation of the interests and how the conduct implicates them, and

3) provides the written explanation to the student or student organization.

SECTION II

Standards of Academic Integrity and Responsible Conduct

The Standards are all structured in the same way. They contain a general category of conduct that violates the Code, followed by a list of specific types of conduct. The list is not exhaustive and does not reflect all conduct that may be in violation of the Code. The word “include(s)” before a list should be read as saying that the types of conduct in the list are examples of conduct that is covered by the general category rather than an exclusive list. For example, the first violation that appears below is “Cheating.” The words “which includes” come next, followed by ten (10) examples. If a student engages in conduct that is similar to those examples and that people would normally think of as cheating, then that student has engaged in cheating in violation of the Code.

The words “means” before a list should be read as saying that the general category covers only the types of conduct in the list. In other words, the list is exclusive. For example, one of the
general categories is “Hazing Students.” The words “which means” come next, followed by a definition and three situations in which hazing may occur. A student may be found responsible for Hazing under the Code only if the conduct occurs in one of those three situations.

Nothing in the Standards of Responsible Conduct may be construed to apply to conduct or words that are protected by the First Amendment to the United States Constitution or by Article I of the Nebraska Constitution. Likewise, nothing in the Standards of Responsible Conduct may be construed in a manner that is inconsistent with the Board of Regents Policy, Commitment to Free Expression; Guide for Facilities Use; and Education. [link; update name and link as necessary]

A. Standards of Academic Integrity

Students are expected to approach and complete their academic work with integrity. They are expected to do their own work, to be honest in the statements they make, to refrain from harming others, to refrain from improperly helping others, and to follow the rules. Students must read instructions and syllabi carefully so that they know what their instructors expect in terms of academic integrity.

Students who are unsure whether or not particular conduct is appropriate should ask their instructors or university administrators. Failing to act with integrity is a violation of the Code. A student fails to act with integrity when they engage in or attempt to engage in any of the following conduct.

1. **Cheating**, which includes, but is not limited to:
   
   a. Copying from another student’s exam, assignment, or project.
   
   b. Using materials during an exam or for an assignment that are not authorized by the instructor.
   
   c. Using devices during an exam that are not authorized by the instructor.
   
   d. Taking any materials out of the exam room (for example, the exam itself or scratch paper) that the exam instructions prohibit students from taking.
   
   e. Making an electronic copy of part or all of an exam, unless the instructions authorize making a copy.
   
   f. Possessing a copy of an exam or assignment that the student knows or should have known that they are not authorized to have.
   
   g. Working on an exam or assignment with someone else, unless group work has been authorized by the instructor.
   
   h. Taking an exam for another student, or allowing their exam to be taken by someone else.
   
   i. Taking all or part of work that someone else prepared and submitting it as one’s own.
   
   j. Taking all or a substantial part of an assignment submitted for one course and submitting it in another course, without the authorization of the instructor for that course.

2. **Dishonesty, Falsification, and Fabrication**, which includes, but is not limited to:
Making false statements to avoid taking an exam or submitting an assignment at the scheduled time.

b. Making false statements to avoid a penalty for failing to take an exam or submit an assignment at the scheduled time.
c. Making up or purposefully misstating information or sources in any assignment or research project.
d. Engaging in plagiarism by presenting the words or ideas of another person as one’s own.
e. Making changes to a graded exam or assignment and then representing that the changes were part of the original exam or assignment.

3. **Harmful Academic Action Towards Others**, which includes, but is not limited to:
   a. **Interfering with** another person’s research or academic work.
   b. Knowingly making false charges that another student violated these Standards.

4. **Improperly Helping Others**, which includes, but is not limited to:
   a. Helping another student on an exam or an assignment when the student is not authorized to receive help.
   b. Knowingly helping another student violate these Standards, including, but not limited to, sharing an instructor’s teaching materials without permission.
   c. Unauthorized distribution, electronically or otherwise, of an instructor’s course materials.

5. **Failing to Follow the Rules**, which includes, but is not limited to:
   a. Failing to follow the instructions of an exam proctor.
   b. Failing to follow testing center rules.

**B. Standards of Responsible Conduct**

Students are expected to conduct themselves responsibly. Students must remember that they are members not only of the University community but also of the community in which the University is located. This means that students are expected to make responsible decisions about the use of drugs and alcohol, to behave appropriately as a member of the academic community, and to refrain from conduct that threatens the safety of the community.

Failing to act responsibly is a violation of this Code. Engaging in any of the following conduct is considered a failure to act responsibly:

1. **Using, Possessing, Manufacturing, Selling, or Distributing Illegal Drugs, Narcotics or Controlled Substances, except as expressly permitted by law.**

2. **Using, Possessing, Selling, or Distributing Prescription Drugs when not legally permitted or authorized.**
3. Using, Possessing, or Distributing Drug Paraphernalia.

4. Being in the physical presence of unauthorized alcohol or in the physical presence of illegal drugs, which includes, but is not limited to:

   a. Being in a residential room of a University residence hall or university-approved housing in which illegal drugs or unauthorized alcohol are present.
   b. Being on campus in a vehicle in which illegal drugs or alcohol are being used.
   c. Being off campus on University approved activities, or otherwise representing the University, in which illegal drugs or unauthorized alcohol are present.
   d. Being in the presence of illegal drugs or unauthorized alcohol in these locations may not be a violation if the student establishes they were unaware of the presence of illegal drugs or unauthorized alcohol.

5. Misuse of Alcoholic Beverages, which includes, but is not limited to:

   a. Using, possessing, or providing alcoholic beverages on campus without University authorization.
   b. Being intoxicated to the point of becoming incapacitated or posing a danger to oneself or others.
   c. Driving while under the influence of alcoholic beverages or drugs in violation of law.
   d. Possessing or consuming alcoholic beverages while under the age of twenty-one (21), except when expressly permitted by law.

6. Providing Alcoholic Beverages to Underage Students at Off-Campus Parties and Events, which includes, but is not limited to:

   a. Providing alcoholic beverages to underage individuals.
   b. Making alcoholic beverages available on premises that the students control when they know that underage individuals are likely to be present, the beverages are left in a place easily accessible to underage individuals, and some or all of the beverages are consumed by underage individuals.

   i) A student will be considered to have control of premises if they were on the premises at the time alcoholic beverages were furnished to underage individuals and

   (1) they are the lessee or owner of the premises;
   (2) they obtained authorization from the lessee or owner to use the premises, or
   (3) they have legal access to the premises.

   ii) A student will be considered the lessee if they lease the premises for any purpose, regardless of the length of the lease.
c. Purchasing or delivering alcoholic beverages for an event where some or all of the beverages are consumed by underage individuals when the student knew that underage individuals would likely be present and that the alcoholic beverages would likely be easily accessible to them.

d. Putting out alcoholic beverages at an event where some or all of the beverages are consumed by underage individuals when the student knew that underage individuals would likely be present and that the alcoholic beverages would likely be easily accessible to them.

7. Engaging in, or attempting to engage in, behavior that may cause harm to an individual or property, which includes, but is not limited to:

   a. Physical abuse or unwelcome contact, such as hitting, pushing, kicking, choking, biting, or spitting.

   b. Threatening to commit an act of violence for the purpose of terrorizing another person or persons.

   c. Threatening another person with imminent physical harm.

   d. Restraining another person, without legal authority to do so unless it can be shown that there was a reasonable basis to believe that restraining the person was necessary to protect the restrained person, self or others from physical harm.

   e. Harassing another person, by intentionally engaging in a course of conduct that serves no legitimate purpose and that would seriously terrify, threaten, or intimidate a reasonable person.

   f. Harassing another person due to their status as a member of a protected class in a manner that is so severe, persistent, or pervasive as to limit or deny a reasonable person’s ability to participate or benefit from the University’s programs, activities, or employment.

   g. Taking pictures or making recordings of another person without the person’s consent in any place where a person would have a reasonable expectation of privacy, including, but not limited to: the person’s bedroom; in the person’s living quarters in a residence hall; in a locker room; or in a restroom.

   h. Taking without permission, destroying, damaging, or vandalizing property that belongs to the University, to University employees, to a student organization, or to others.

   i. Taking money without permission that belongs to others.

   j. Accessing, transferring, altering, or destroying without authorization electronic files or devices that belong to the University, or other persons.

   k. Taking, duplicating, or using the identification card, keys, or credentials of another without authorization.

   l. Failing to comply with the campus tobacco policy.

8. Engaging in Conduct that Disrupts Classes, University Operations, Activities, or Order, which includes, but is not limited to:

   a. Hosting a gathering, activity, or event, on or off campus, where individuals in attendance are permitted to engage in actions or conduct that violate University policy, create a nuisance, or disturb the peace of others.
a. Interfering with an instructor’s ability to conduct class by failing to follow the
instructor’s rules or instructions regarding behavior.
b. Being present in a location on campus without proper authorization.
c. Obstructing, impeding, or blocking entrances to or hallways in University
buildings, roads, sidewalks or windows on campus, or entrances to campus.
d. Yelling, screaming, or making loud noises with bullhorns or other such devices.
e. Engaging in protests, sit-ins, or demonstrations at times or in locations where
those kinds of activities are not permitted.

9. **Failing to Comply with University Housing Policies**, which means:

a. Violating any student housing unit policy or regulation whether as a resident or
visitor. Visit [campus housing website] for applicable policies and regulations.

10. **Hazing Students**, which means:

a. Any action taken or situation created that intentionally or recklessly endangers
the physical or mental health or safety of a student when that activity is
performed:

i) in the course of a student organization member considering the student for
membership, continued membership, or affiliation with the organization,

ii) in the course of a student organization considering the student for
membership, continued membership, or affiliation with the organization,
or

iii) in response, either in whole or in part, to an expression of interest by the
student in becoming a member of the organization.

b. Hazing is a violation regardless of whether it occurs on or off campus.
c. Permission or approval of the student being hazed is not a defense to hazing.
d. Examples of hazing activity include, but are not limited to, paddling, beating,
branding a student, depriving a student of sleep for a prolonged period,
sexually penetrating a student or touching the student in a lewd manner,
subjecting the student to prolonged exposure to the elements, depriving the
student of food or water, leaving the student in a remote location without a
means of return, subjecting the student to conduct designed to shock the student,
or having the student engage in criminal conduct, engage in humiliating
conduct, perform prolonged calisthenics, consume items that are not normally
consumed by people, consume items in quantities that are not normally
consumed by people, or consume alcohol.

11. **Doing Private Acts in Public**, which includes, but is not limited to:

a. Engaging in sexual acts such as intercourse or masturbation in public, exposing
one’s private body parts in public, or urinating or defecating in public.
12. **Misusing University Computer and Network Systems**, which includes, but is not limited to:
   a. Engaging in conduct prohibited by Sections 5 and 6 of the Policy for Responsible Use of University Computers and Information Systems. (Executive Memorandum 16).

13. **Falsification**, which includes, but is not limited to:
   a. Knowingly providing false information to the University for the purpose of obtaining something of value, such as admission to the University or a University program, an award, a scholarship, an identification card, membership on an athletic team, or the use of University facilities.

   This Standard applies from the time of application for admission to the University, regardless of when the student actually enrolls.

14. **Engaging in Conduct that Creates a Threat to Community Safety**, which includes, but is not limited to:
   a. Possessing weapons in violation of Campus Weapons Policies. [link; update name and link as necessary]
   b. Using weapons to cause physical harm to others.
   c. Possessing or using fireworks.
   d. Making, possessing, or using false forms of identification such as driver licenses and University identification cards.
   e. Tampering with fire or safety equipment.
   f. Intentionally making false reports of fires, bombs, or other emergencies.
   g. Failing to comply with requests for identification or other lawful commands from emergency personnel, police officers, or University employees that are reasonably related to the employee’s job responsibilities.

15. **Failing to Comply with any University or Campus Policy, Rule or Regulation**, which means the violation of any University policy, rule, or regulation published in hard copy or available electronically on any University website. Electronic copy published on any University website shall supersede hard copy.

16. **Violation of Law**, which means:
   a. Engaging in conduct that is sufficient to constitute a violation of federal, state, or local law that causes, or could cause, harm to the campus community to the extent the University’s interests are distinctly and clearly involved.
17. **Abuse of University Disciplinary Proceedings**, which includes but is not limited to:
   a. **Failing** to comply with the notice from a Conduct Board or University official to appear for a meeting or hearing as part of the Disciplinary Proceedings.
   b. **Knowingly falsifying, distorting, or misrepresenting** information before a Conduct Board.
   c. **Disrupting or interfering** with the orderly conduct of a Conduct Board proceeding.
   d. **Filing a frivolous or knowingly false report(s)**.
   e. Attempting to **intimidate or coerce** an individual from reporting potential violations of the Code, participating in an investigation or disciplinary proceeding, or otherwise making use of the Disciplinary Procedures.
   f. Attempting to influence the impartiality of a member of a Conduct Board prior to, and/or during the course of, the Conduct Board proceeding.
   g. Attempting to **harass** (verbal or physical) and/or **intimidate** a member of a Conduct Board prior to, during, and/or after a disciplinary proceeding for purposes of disruption of the conduct process.
   h. **Failing** to comply with the University response(s) imposed under the Student Code.

19. **Sexual misconduct or any other unwelcome sexual, sex based, or gender based conduct** which includes, but is not limited to:
   a. Sexual assault.
   b. Sexual harassment.
   c. Dating violence.
   d. Domestic violence.
   e. Stalking.

   All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in the University of Nebraska Response to Allegations of Student Sexual Misconduct, adopted pursuant to Board of Regents Policy 5.3.3.

C. **Exception for Seeking Emergency Help**

Students should seek emergency help for themselves or other individuals if they have been drinking alcohol or using illegal drugs and suffer a physical injury or have problems functioning.

Those problems include difficulty walking, talking, breathing, or staying conscious. They also include being mentally confused, having a seizure, or being cold or pale. Students have died from alcohol poisoning and drug overdoses. Students should seek emergency assistance by contacting 911.
The University will not take disciplinary action against students for using or possessing alcohol, if the use or possession was part of the incident for which they received emergency help or sought emergency help for another person, or if they were involved in the care of that person. The University will not take disciplinary action against students for using or possessing illegal drugs or unauthorized prescription drugs if the use or possession was part of the incident for which they received emergency help or sought emergency help for another person, or they were in the immediate vicinity of that person.

The Conduct Officer will determine if the student is eligible for this exception after meeting with the student. Students may still be charged by law enforcement officials for violations of federal, state, or local laws. Additionally, the policy is not a means to excuse students from other violations of the Student Code.

As a condition of not taking action against them, however, the University may require students to meet with a Conduct Officer and to participate in an alcohol or drug educational program that is designed to help increase their awareness of their alcohol or drug-related behavior.

D. Responsibility of Student Organizations

A student organization is responsible for conduct that the organization engaged in, facilitated, or authorized, whether expressly or impliedly. Whether an organization engaged in, facilitated, or authorized conduct is a factual question that requires an evaluation of the totality of the circumstances to determine whether it is fair and reasonable to hold the organization itself responsible. The relevant circumstances include, but are not limited to, the following:

a. Whether the conduct was planned, approved, or engaged in by one or more officers or authorized representatives of the organization who were acting in their capacities as officers or authorized representatives.

b. Whether the conduct was the result of a policy or practice of the organization.

c. Whether a significant number of members were involved or engaged in the conduct.

d. Whether the conduct occurred at or in connection with an activity or event funded, sponsored, publicized, or advertised by the organization.

e. Whether the conduct occurred at a location over which the organization had control at the time of the conduct.

f. Whether the conduct occurred at an event that reasonable people would associate with the organization.

g. Whether the officers or authorized representatives of the organization could have reasonably foreseen that the conduct could occur and, if so, whether they failed to take reasonable steps to prevent the conduct.

h. Whether the conduct is attributable to the organization under the organization’s own policies, including local or national risk management guidelines.
SECTION III

University Responses to Violations of the Standards

If a student or student organization is found to be responsible for a violation of the Standards, the University’s response may involve requirements designed to educate the student about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University’s response may also involve sanctions to the student or the student organization for engaging in the conduct and to deter the student or student organization from engaging in the conduct in the future.

A. University’s Response

The University’s response may include one (1) or more of the following:

a. Written Warning
   i) This is a warning by a Hearing Officer or the University Conduct Board that the student receiving the warning committed a violation of the Standards and that future violations may result in a harsher response.
   ii) The warning may also include advice on steps that the student may take to avoid future violations.

b. Probation for a specified period of time
   i) Probation may include conditions that must be satisfied.
   ii) The conditions must be reasonably related to the violation or the reasons for the violation.

   (1) Examples of conditions for students include the completion of educational programs and behavioral evaluations.
   (2) Examples of conditions for student organizations include completing educational programs and adopting policies and procedures to minimize the risk of the wrongful conduct occurring in the future. Other examples include not engaging in specified recruitment practices, holding specified events, or participating in specified events.
   iii) The failure to satisfy a condition of probation may be treated as an independent violation of the Standards of Responsible Conduct.
   iv) A violation of the Standards while a student or student organization is on probation may result in a more severe response to the new violation than if the new violation was considered in isolation.

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(Deleted: 2. Suspension is a temporary separation...
d. Expulsion from University Housing

   i) The student is permanently barred from living in or being present on the premises of any University residence hall or housing unit.

e. Suspension from University Housing

   i) The student may not live in or be present on the premises of any University residence hall or housing unit for a specified period of time.
   
   ii) Conditions may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.

f. Mandatory Relocation

   i) The student is required to move to a different room, University residence hall, or housing unit.

g. Loss of Privileges for a Specified Period of Time

   i) Loss of a privilege to engage in any activity or experience not required to satisfy graduation requirements, including but not limited to:

   1) Prohibition or limitation on the use of University electronic resources such as, internet access, email access, computers, or tablets.
   
   2) Prohibition or limitation on the use of University media resources, such as communal televisions, projectors, etc.
   
   3) Prohibition or limitation on the use of University wellness/recreation center equipment.
   
   4) Prohibition or limitation on on-campus dining.
   
   5) Prohibition or limitation on use of on-campus transportation.
   
   6) Prohibition or limitation on use of University purchasing cards or accounts.
   
   7) Prohibition or limitation on use of University keys and/or card access.
   
   8) Prohibition or limitation on the use of personal media devices.
   
   9) Restriction on access to campus.

h. Restitution

   i) Requiring the student to return to the owner money or property that the student wrongfully took.
   
   ii) Requiring the student to pay the owner for property destroyed or damaged.
i. Performance of Service to the University Community
   i) The service must be reasonable in type and duration.
   ii) When possible, the service should be designed to make amends for the violation, to educate the student about the harmful consequences of the violation, or to allow the student to develop their academic or professional skills.

j. Completion of Educational Programs, Assignments, or Behavioral Evaluations that are reasonably related to the violation
   i) These may include, but are not limited to, academic integrity programs, anger management programs, completing presentations or written assignments, substance abuse evaluations, and other such programs and evaluations that are designed to help the student identify and address factors that may have contributed to the violation. Students may be responsible for the costs or fees associated with any such programs or evaluations.

k. Employment Restrictions
   i) Prohibition or limitation on University student employment.

l. Revocation of Admission and/or Degree
   i) Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of the Standards in obtaining the degree, or for other serious violations committed by a student prior to graduation that may have resulted in suspension or expulsion.

m. Withholding Degree
   i) The University may permanently withhold awarding of a degree or withhold the award of a degree pending the completion of Disciplinary Procedures, including the completion of all University responses imposed.

n. No Contact
   i) A No Contact order may prohibit, but is not limited to, the following:
      1) Approaching one (1) or more specified individuals at any time.
      2) Calling one (1) or more specified individuals at any time.
      3) Sending via email or by any other means, any communication to one (1) or more specified individuals at any time.
(4) Contacting or communicating with one (1) or more specified individuals through a third-party.

ii) If the student subject to the No Contact order believes contact with one (1) or more of the specified individuals is necessary, any such contact must be made through the Student Conduct Office or with the expressed permission of a Conduct Officer.

o. Loss of Status as a Recognized Student Organization

i) The loss may be permanent or for a specified period of time.

ii) Conditions may be imposed on the organization for regaining its status at the end of the specified period, including the condition that the members comply with the Code of Conduct during the specified period.

p. Suspension for a Specified Period

i) Suspension is a temporary separation from the University of Nebraska.

ii) During the suspension period the student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. The University response may be enforced with a trespass action as necessary.

iii) A notation will be made on the student’s transcript but will be removed after the suspension period ends.

iv) Conditions, including the reapplication for admission, may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.

q. Expulsion

i) Expulsion is a permanent separation from the University of Nebraska.

ii) An expelled student is precluded from registration, class attendance or participation, and residence on campus.

iii) An expelled student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. This University response may be enforced with a trespass action as necessary.

iv) A notation will be made on the student’s transcript.

3. If there is a dispute about whether a student or a student organization complied with any of the conditions imposed as part of the response to a violation, the dispute must be resolved at a hearing before a Hearing Officer.

4. The factors relevant to the determination of the appropriate response(s) include, among others, the nature and seriousness of the conduct, the harm that the conduct caused or
might have caused, the student’s academic progress or experience, the student or student organization’s acceptance of responsibility for the conduct, the student or student organization’s efforts to conceal or avoid responsibility for the conduct, the student or student organization’s explanations for the conduct, the student or student organization’s prior record of violations, the interests of the University, and the imposition of any sanctions pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by civil authorities).

SECTION IV
Enforcement of the Standards

A. Definitions

1. University Day. This section contains various deadlines that are stated in days. The term “University Day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed. [link to calendar]

2. E-Mail Address of Record. This section also contains references to the “e-mail address of record.” That term means the student’s University assigned e-mail address. Because important notices may be sent to students by e-mail, it is extremely important that students make sure they check that email regularly.

B. The Persons Involved in Enforcement of the Standards

1. Conduct Officer. A Conduct Officer is responsible for investigating alleged violations of the Standards, for presenting the University’s information and position in hearings, and for exercising the discretion that the Code specifically grants to Conduct Officers. The Conduct Officer may propose administrative resolutions.

2. Hearing Officer. A Hearing Officer has the authority to hear and resolve allegations that a student or student organization violated the Standards and if the Officer determines that a violation occurred, for determining the University’s response. Unless otherwise agreed upon through an administrative resolution, a Hearing Officer may not designate suspension or expulsion as a response to a violation by a student or loss of status as a response to a violation by a student organization. Only the University Conduct Board may so.

3. University Conduct Board. The University Conduct Board has the authority to hear and resolve charges that a student or a student organization violated the Standards and if the Board determines that a violation occurred, for determining the University’s response. The procedures for selecting the members of the Board and the requirements for a quorum are set out in Section VI.

4. Appeals Officer or Board. An Appeals Officer or Appeals Board may hear appeals authorized by this Code. The procedures for selecting members of the Appeals Board and the requirements for a quorum are set out in Section VI.
An appeal heard by the Appeals Board must be heard before an appeals panel of no fewer than three members of the Appeals Board. The appeals panel shall select its own Chair. All members of the appeals panel possess voting privileges.

5. Appointments. Conduct Officers, Hearing Officers, and Appeals Officers are appointed by the Vice Chancellor responsible for student conduct or by their designee. A person may be appointed as a Hearing Officer, Conduct Officer, or Appeals Officer regardless of whether the person is an employee of the University. The person may be appointed for all types of cases or may be appointed for a particular case or type of case. Although a person may be appointed as a Hearing Officer, a Conduct Officer, and an Appeals Officer, the person may only serve as one of those in the same case.

C. Investigating Potential Violations

1. When the University receives information about a potential violation of the Standards, a Conduct Officer may conduct an investigation to determine if there is a reasonable basis to believe that a student or a student organization has engaged in conduct that violates the Standards.

2. In the course of the investigation, the Conduct Officer may contact the student or the officers of the student organization that is the subject of the investigation. Before discussing the alleged violation(s) with the student or officers, the Conduct Officer must state in writing:
   a. that the Conduct Officer is investigating an alleged violation of the Standards,
   b. what the alleged violation is,
   c. that the student or officer is not required to discuss the alleged violation with the Conduct Officer,
   d. that the student or officer has the right to be accompanied by an advisor when the student meets with the Conduct Officer, and
   e. that the student or the organization may choose as the advisor anyone, including an attorney, but that the student or the organization is responsible for any fees that the advisor may charge. The student’s advisor may provide guidance to the student, but may not otherwise directly participate in the conduct process.

3. The Conduct Officer must complete the investigation within thirty (30) University days after written notice about a possible violation was first received by the Conduct Officer. The Vice Chancellor responsible for student conduct or their designee may grant the Conduct Officer extensions of no more than an additional sixty (60) University days if the Conduct Officer applies in writing for an extension within the initial thirty (30) day period and shows that exceptional circumstances exist that warrant an extension of time. More than one (1) extension may be granted.

4. If the Conduct Officer determines that there is not a reasonable basis to believe that the student or student organization violated the Standards, the Conduct Officer should not take any further action in the matter.
5. If the Conduct Officer determines that there is a reasonable basis to believe that a student or the student organization engaged in conduct that violates the Standards, the Conduct Officer has the discretion:

a. to take no further action in the matter,

b. to seek an administrative resolution of the matter, or

c. to set the matter for hearing.

In exercising discretion, the Conduct Officer should consider all the relevant circumstances, including the nature and seriousness of the alleged violation, any sanctions that may have been imposed pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by the civil authorities), the past conduct of the student or student organization, the ease or difficulty of proving the alleged violation, the interests of fairness, the interests of those harmed by the alleged violation, and the interests of the University.

6. If the Conduct Officer determines that suspension or expulsion may be an appropriate University response, and unless an administrative resolution is agreed upon, the Conduct Officer must set the matter for hearing before the University Conduct Board. If suspension or expulsion is not a potential University response, the matter will be set before a Hearing Officer unless either the Conduct Officer or the student requests the matter be set before a University Conduct Board.

a. During the week preceding final examinations and the week(s) of final examinations, University breaks, and summer sessions a University Conduct Board may not be available. Accordingly, a Respondent may waive their right to a hearing before a University Conduct Board.

7. A matter that is set for hearing before a University Conduct Board must consist of no fewer than three members of the Conduct Board, at least one of whom must be a faculty member and at least one of whom must be a student. The Chair of the Conduct Board is responsible for conducting the hearing and resolving any procedural and evidentiary issues that may arise. The Conduct Board shall select its own Chair. All members of Conduct Board possess voting privileges.

D. Instituting Proceedings

1. A Conduct Officer institutes a proceeding under this Code by sending a request for an informal meeting, an administrative resolution, or a notice of hearing to a student or student organization. The student or student organization against whom a Code violation has been alleged is referred to as the “Respondent.”

2. The request or notice of hearing must be in writing and sent by e-mail to the Respondent’s e-mail address of record. If the Respondent is a student organization, the request or notice of hearing must be sent by e-mail to
a. one of the officers of the organization at the officer's e-mail address of record

and

b. the organization’s faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter’s advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life.

3. The contents of the request are set out below in subsection E. The contents of the notice are set out below in subsection F.

E. Informal Meeting

1. An informal meeting is an opportunity for the Respondent to discuss the alleged misconduct with a Conduct Officer. During an informal meeting, the Conduct Officer may proceed with administrative resolution of a complaint pursuant to Section F(1) if the Conduct Officer determines administrative resolution is appropriate and is accepted by the Respondent.

2. A written request for an informal meeting must inform the Respondent:

   a. that the Conduct Officer intends to address an alleged violation(s) of the Standards,

   b. what the alleged violation(s) is,

   c. that the student or officer is not required to discuss the alleged violation(s) with the Conduct Officer,

   d. that the student or officer has the right to be accompanied by an advisor when the student meets with the Conduct Officer,

   e. that the student or the organization may choose as the advisor anyone, including an attorney, but that the student or the organization is responsible for any fees that the advisor may charge. The student’s advisor may provide guidance to the student, but may not otherwise directly participate in the conduct process. The process shall not be unduly delayed based on the availability of the Respondent’s advisor.

F. Administrative Resolutions

1. An administrative resolution is an agreement between the University, through the Conduct Officer, and the Respondent in which:

   a. the Respondent admits the violation and agrees to the response(s) stated in the agreement or

   b. the Respondent does not admit the violation but agrees to the responses stated in the agreement. If the parties reach an agreement, the agreement must be in writing and signed by the parties. An electronic signature is sufficient.

2. A written request for an administrative resolution must contain

   a. an explanation of what an administrative resolution is,
a. a statement of the charge(s) against the Respondent, including the time and place of the alleged violation(s), and

b. a statement of the response(s) proposed by the Conduct Officer. The request must also explain what the Respondent must do to accept or reject the proposal and inform the Respondent that the matter may be set for hearing if the Respondent rejects the proposal. If the parties fail to reach an administrative resolution, the Conduct Officer has the discretion to take no further action in the matter or to set the matter for hearing.

3. If the Respondent does not respond to the written request for an administrative resolution within five (5) University days, and unless the University’s proposed response is suspension or expulsion, the proposed administrative resolution will be deemed accepted by the Respondent. The Conduct Officer may grant the Respondent an extension of time to respond to the Administrative Resolution, upon the request of the Respondent and at the sole discretion of the Conduct Officer.

4. The Conduct Officer may propose an administrative resolution at any time prior to the beginning of a hearing before a Hearing Officer or the University Conduct Board. A proposal for an administrative resolution that is made after a notice of hearing is sent may be made orally or in writing.

G. Hearings

A hearing is an opportunity for the parties to be heard before a Hearing Officer or the University Conduct Board. A University Conduct Board will hear matters that may result in suspension or expulsion. All other matters will be heard by a single Hearing Officer, unless a University Conduct Board is requested by the Conduct Officer or the Respondent. If a matter is set for a hearing, a written notice of hearing must be sent regardless of whether a written request for an administrative resolution was previously sent.

Notice of Hearing

1. The notice of hearing for a student must contain the following information:

a. Source of the misconduct complaint(s).

b. Statement of alleged facts constituting misconduct under the Code or other policy.

c. Citation of the specific provision(s) of the Code or other policy alleged to have been violated.

d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented.

e. Date, time and place of the hearing before the Hearing Officer or Conduct Board. Each hearing shall be scheduled at least five (5) University days after the date the notice has been sent.

f. A statement that the student or student organization accused of misconduct may be accompanied by legal counsel or other advisor at the hearing before the
Conduct Board, to be provided at the expense of the student or student organization, and that such legal counsel or advisor may advise the student or student organization, but may not directly participate in the hearing.

g. That the student or student organization accused of misconduct is under no obligation to make any statement at the hearing relevant to the alleged misconduct, and that refusal to make a statement will not be considered as an indication of responsibility.

h. That the student or student organization accused of misconduct has the right to inspect any pertinent information the Conduct Officer intends to present at the hearing, no fewer than five (5) University days prior to the hearing, in the Office of Student Conduct and Community Standards and that the student or student organization will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.

i. A statement that if the student or student organization intends to present evidence, including witnesses, that information must be provided to the Conduct Officer no fewer than two (2) University days in advance of the hearing.

2. The notice of hearing must be sent at least five (5) University days before the hearing date. The hearing must be held no later than thirty (30) University days after the notice of hearing was sent. The time limits in this paragraph may be lengthened or shortened if the parties agree to do so. The time limits may also be lengthened if one of the parties makes a written request to the Vice Chancellor responsible for student conduct and the Vice Chancellor or their designee determines that there is a good reason for doing so. Under no circumstances may the hearing be held more than sixty (60) University days after the notice of hearing is sent.

Disqualification

3. The notice of hearing must be provided to the Hearing Officer or to the members of the hearing panel at least three (3) University days before the hearing so that the officer or members can decide whether they need to disqualify themselves.

4. Hearing Officers or panel members must disqualify themselves if they believe that they cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officers or members as being unable to decide the matter fairly and impartially.

5. The name of the Hearing Officer or a list of the names of the members of the hearing panel must be provided to the Respondent at least three (3) University days before the hearing so that the Respondent can decide whether to challenge the Hearing Officer or any member of the hearing panel on grounds of lack of fairness or impartiality. The list of names of the members of the hearing panel must identify the Conduct Board Chair (“the Chair”) and must also state the member’s status (faculty, staff, or student). The e-mail address of the Hearing Officer or the Chair must also be provided to the Respondent.
6. The Respondent may make a challenge by sending an e-mail to the Conduct Officer and to the Hearing Officer or the Chair in which the Respondent states the factual basis for challenging the impartiality or fairness of the officer or member. The e-mail must be sent no later than two (2) University days before the hearing. The failure to make a timely challenge to the officer or member waives the challenge unless the Respondent shows, as determined by the Vice Chancellor responsible for student conduct or their designee, that there are extraordinary circumstances that excuse the Respondent’s failure.

7. If the Respondent challenges the Hearing Officer, the officer must withdraw from the proceeding if the officer believes that the officer cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officer as being unable to decide the matter fairly and impartially.

8. If the Respondent challenges a member of the hearing panel, the Chair must promptly forward the Respondent’s e-mail to the members of the panel. The member who is the subject of the challenge must withdraw from the proceeding if the member believes that the member cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the member as being unable to decide the matter fairly and impartially. If the member does not withdraw from the proceeding, the other members of the hearing panel may disqualify the member if they conclude by a majority vote that the standard for disqualification has been met.

9. If the Hearing Officer withdraws from the proceeding, the hearing must be conducted by a different Hearing Officer and the name of that officer must be promptly provided to the Respondent. If a Conduct Board member withdraws or is disqualified from the proceeding, the member must be replaced by a new Conduct Board member and the name of the new Conduct Board member must be promptly provided to the Respondent.

Pre-hearing Conference

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

Recording & Conducting the Hearing

11. The electronic or printed items that the Conduct Officer plans to use at the hearing may be made available to the Hearing Officer or Conduct Board for review before the hearing. The Respondent, however, must be given the opportunity to review the items before they are made available to the Hearing Officer or Conduct Board no fewer than five (5) University days in advance of the hearing. Any items that are made available to the Hearing Officer or Conduct Board must be presented as evidence at the hearing. If the Respondent intends to present evidence, including witnesses, that information must be provided to the Conduct Officer no fewer than two (2) University days in advance of the hearing. Any evidence not disclosed within the deadlines set forth in this paragraph will only be considered at the sole discretion of the Hearing Officer or Chair of the Conduct Board. Regents By-Law 5.4(f) provides that the “decision of the [conduct] board must be based solely upon evidence introduced at the hearing.”
12. The Conduct Board shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University. The Vice Chancellor responsible for student conduct or their designee has the authority to decide which recording means will be used.

13. At the beginning of the hearing, the Hearing Officer or Chair should state for the record:
   a. the date, time, and place and
   b. their name and role as the Chair or Hearing Officer.

14. If the hearing is before a hearing panel, the Chair should:
   a. have the other members of the Conduct Board identify themselves and
   b. state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.

15. The Hearing Officer or Chair should then identify the other persons present, ask the Conduct Officer to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).

16. The Hearing Officer or Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by both the Conduct Officer and the Respondent. Both the Conduct Officer and the Respondent have the right to call witnesses and present their respective cases. The Hearing Officer or Chair has the discretion to allow the use of a question-and-answer format or allow a witness to make an oral statement about what the witness knows about the matter. The Hearing Officer or the members of the hearing panel may then ask questions to clarify what the witness said or to elicit more detailed information.

17. The Hearing Officer or Chair has the discretion to allow the parties to question the witnesses directly or to require the parties to submit suggested questions for the Hearing Officer or Chair to ask. In exercising this discretion, the Hearing Officer or Chair should consider all the relevant circumstances, including whether there is animosity between the Respondent and the witness, whether the charges involve violence, threats, or harassment of the witness by the Respondent, and whether direct questioning would be more efficient or would better enable the Respondent to present their information.

18. The Hearing Officer or Chair has the discretion to:
   a. allow the parties to make opening statements, closing statements, or both, with reasonable time limits,
   b. allow witnesses to testify by videoconferencing technology,
   c. require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify, and
d. schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.

19. The Respondent has the right to be present for the hearing. If the Respondent is a student organization, then one of its officers has the right to be present for the hearing. The hearing is closed to the public.

20. The Conduct Officer has the burden of demonstrating the alleged violation(s) by the greater weight of the evidence. The greater weight of the evidence means evidence sufficient to make the alleged violation(s) more likely true than not true. If the evidence is evenly balanced, or if it weighs in favor of the Respondent, then the Respondent is not responsible for the alleged violation(s).

21. The Conduct Officer will present evidence first, followed by the Respondent. Courtroom rules of evidence do not apply. Evidence may be presented if:

   a. it is relevant to the charges, the University response, or the credibility of the witnesses and;

   b. it is sufficiently reliable that a reasonable person would take it into account in making an important decision. Evidence may be excluded if it merely repeats evidence that has already been presented. The Hearing Officer or Chair will be solely responsible for the determination of the admissibility of evidence.

22. The Respondent’s advisor may not speak on behalf of the Respondent during the hearing and may not directly participate in any aspect of the hearing. The Respondent, however, may consult with the Respondent’s advisor during the hearing. The Hearing Officer or Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

**Hearing Stages**

23. If the Respondent is present and contests the charges, a hearing must be conducted in two stages. At the end of each stage a Conduct Board must go into closed session to deliberate and make its decisions by majority vote. If the Respondent is contesting only the appropriate response, the hearing will move immediately to the second stage.

23.1 The first stage is to decide whether the Respondent is responsible for the violation. If the Respondent is a student organization, the Hearing Officer or Conduct Board must also conclude that it is more likely than not that the student organization engaged in, facilitated, or authorized the wrongful conduct, either expressly or impliedly.

23.2 If the Hearing Officer or Conduct Board decides that the Respondent is not responsible, the hearing is over.
b. The second stage is to decide the appropriate response(s). The hearing will move to the second stage only if the Hearing Officer or Conduct Board determines that the Respondent is responsible or if the Respondent admits the charges. The second stage shall be conducted immediately after the Conduct Board decides the Respondent is responsible. Only evidence that is relevant to the issue of the appropriate response(s) may be presented during the second stage.

24. At the conclusion of the hearing, the Conduct Board must go into closed session to deliberate and make its decision. The decision must be made by a majority vote.

25. If the Respondent fails to appear at the hearing, the Hearing Officer or Conduct Board shall proceed with the hearing if the Hearing Officer or a quorum of the hearing panel members are present.

Notice of Decision

26. No later than seven (7) University days after the hearing, the Respondent must be notified by letter of the decision(s) and response(s), if any. The letter must inform the Respondent of the right to appeal and include a copy of subsection G. The letter must also inform the Respondent of the name and e-mail address of the person to whom the documents required to appeal must be sent. The person must be the Vice Chancellor responsible for student conduct or their designee.

27. The letter must be sent to the Respondent’s e-mail address of record. If the Respondent is a student organization, then the letter must be sent to one of the officers at the officer’s e-mail address of record and to the organization’s faculty advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter’s advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life.

28. In the case of a crime of violence, the University shall provide to the victim the final results of any institutional disciplinary proceeding against the alleged perpetrator. Crimes of violence include:

a. arson;
b. assault offenses;
c. burglary;
d. criminal homicide – manslaughter by negligence;
e. criminal homicide-murder and nonnegligent manslaughter;
f. destruction, damage or vandalism of property;
g. kidnapping; and
h. robbery.

Effective Date of Response & Request to Suspend Response
29. The response to a violation takes effect on the day when the letter of decision is sent. The Respondent may request that the response be suspended while the appeal is pending by e-mailing or hand delivering a letter to the Vice Chancellor responsible for student conduct or their designee no later than five University days after the letter of decision was sent. In the letter, the Respondent should state that they are appealing the decision, explain how the Respondent will be harmed if the response is not suspended, and also explain why suspending the response will not adversely affect the University or other persons. The Respondent should also attach a copy of the letter of decision.

30. The Vice Chancellor or their designee should promptly review the letter and decide whether to grant or deny the request. In making the decision, the Vice Chancellor or their designee should consider whether the harm that the Respondent may suffer if the response is not suspended outweighs the harm that the University and other persons may suffer if the response is suspended. Before making the decision, the Vice Chancellor or their designee may request that the Conduct Officer explain why they believe that the request should be granted or denied.

31. If the request is granted but the Respondent waives their right of appeal, the response will be immediately reinstated. Waiver of the right of appeal is discussed below in subsection H.

H. Appeals

1. The Respondent may appeal the decision of the Hearing Officer or University Conduct Board to the Appeals Officer unless the Respondent requests the appeal be heard by an Appeals Board. An appeal by the Respondent is limited to the following grounds:
   a. the evidence presented at the hearing was insufficient to allow a reasonable person to conclude that the charges were more likely true than not;
   b. the response was clearly excessive in light of all the circumstances; or
   c. the Hearing Officer or University Conduct Board failed to follow the procedures and as a result of the failure, there is a substantial likelihood that the decision is wrong.

2. Evidence that was not presented at the hearing may not be considered on appeal. Newly discovered evidence may be grounds for a rehearing. Newly discovered evidence is discussed below in subsection J.

3. In order to appeal, a Respondent must send an e-mail to the person identified in the letter of decision and attach a letter that explains in detail the reasons why the decision should be overturned within ten (10) University days of the date of the letter of decision. A Respondent who does not comply with this section waives the right of appeal.

4. Upon receipt of an appeal the Appeals Officer or Chair of the Appeals Board will correspond with the parties regarding the Respondent’s appeal. The Conduct Officer may send an e-mail to both the Respondent and to the Appeals Officer or Chair and attach a letter that explains in detail the reasons why the decision should or should not be affirmed. The e-mail must be sent by the date specified by the Appeals Officer or Chair in their correspondence.
5. The Appeals Officer or Chair has the discretion to request the Respondent and the Conduct Officer to make an oral presentation. The presentation may be made to the Appeals Officer or the Appeals Board in person, by telephone, or by videoconferencing technology. The Appeals Officer or the Chair should inform the parties beforehand of any time limitations on their presentations and also inform them that the Appeals Officer or any member of the Appeals Board may ask the parties questions during or after their presentations, and that the Respondent’s advisor, if any, may not make a presentation. If there is a presentation, the University will record the presentation and any subsequent questions.

6. The Appeals Officer or Appeals Board must decide the appeal within twenty (20) University days after the receipt of the notice of appeal. Upon notice to the parties, the Appeals Officer or Chair may extend the deadline for the date of the decision letter by up to twenty (20) University days. The decision may affirm the decision being appealed, overturn the decision being appealed and specify that the charges be dismissed or that a new hearing be held, or modify any University response that was clearly excessive. The decision of the Appeals Officer or Appeals Board is final.

7. The Respondent and the Conduct Officer must be notified of the decision by an e-mail sent to the Conduct Officer and the Respondent at their e-mail addresses of record. If the Respondent is a student organization, then the email must be sent to one of the officers at the officer’s e-mail address of record and to the organization’s advisor of record, if any, or if the organization is a fraternity or sorority, the person listed as the chapter’s advisor, if any, in the records maintained by the Office of Fraternity & Sorority Life. The letter must inform the Conduct Officer and Respondent that the decision is final.

I. Effect on Graduation or Transcript Request

The University may withhold a degree or transcript until conduct proceedings (including appeals) have ended. The University should confer the degree or release the transcript after all investigations and proceedings have ended unless the response to the violation affects the student’s eligibility for the degree (for example, the student is expelled or must complete an educational program prior to receiving the degree).

J. New Evidence

1. The Respondent or Conduct Officer may seek a rehearing if the Respondent or Conduct Officer discovers new evidence after the hearing. To obtain a rehearing, the Respondent or Conduct Officer must meet three requirements:
   a. the evidence is in fact new,
   b. the evidence could not have been discovered with reasonable diligence before the hearing, and
   c. there is a reasonable basis to believe that the new evidence would have changed the decision(s) and/or response(s).
2. The Respondent or Conduct Officer must explain in a letter to the Vice Chancellor responsible for student conduct or their designee why the three (3) requirements are met. The letter must be emailed to the Vice Chancellor or their designee no later than sixty (60) University days after the letter of decision was sent to the Respondent.

3. If the Vice Chancellor or their designee determines that the requirements have not been met, then the request must be denied.

4. If the Vice Chancellor or their designee determines that the requirements have been met, then a new hearing must be held before a Hearing Officer or Conduct Board. If suspension or expulsion was sought in the original hearing, however, the new hearing must be held before a Conduct Board.

5. The new hearing may be held before the same Hearing Officer or Conduct Board that originally heard the matter or before a different Hearing Officer or Conduct Board. The decision in the new hearing must be based on the recording of the original hearing and the new evidence presented at the new hearing.

6. After the expiration of the sixty-day (60) period, a student who was expelled may seek a rehearing by sending a letter by certified mail to the Vice Chancellor or their designee. In that letter, the student must explain why the three (3) requirements listed above are satisfied and also explain why it would be manifestly unjust not to grant the student a new hearing. The letter must be sent no later than one year after the letter of decision was sent to the student.

7. If the Chancellor or their designee determines that the requirements have not been met, then the request must be denied. The decision of the Chancellor or their designee is final. If the Chancellor determines that the requirements have been satisfied, then a new hearing must be held before a Conduct Board.

SECTION V
Temporary Suspensions

A. Grounds

1. The Vice Chancellor responsible for student conduct or their designee may temporarily suspend a student if there is credible information that the student’s conduct or presence on campus presents a clear threat to the physical safety of individuals, or is so disruptive that temporary suspension is necessary to preserve the rights of other students to pursue an education. A student may be temporarily suspended for the reasons stated in this paragraph even though the student’s conduct may not violate the Student Code of Conduct or Appendix A to the Code (Response to Allegations of Student Sexual Misconduct).

2. In determining whether to suspend a student temporarily, the Vice Chancellor or their designee should consider whether measures other than suspension would be adequate to address the threat to physical safety or the right of individuals to pursue an education. Those measures include, among others,
1. The Vice Chancellor or their designee may require a student to:
   a. require the student to leave University Housing or to move to a different room or residence hall,
   b. prevent the student from attending class,
   c. limit the areas on campus in which the student may be present, and
   d. prohibit the student from having contact with one or more specified individuals.

3. If one or more of those measures would be adequate, then the Vice Chancellor or their designee should require that they be implemented instead of suspending the student temporarily. A student may request at any time to meet with the Vice Chancellor or their designee to contest the implementation or continued implementation of the measures.

4. If a student is temporarily suspended, the Vice Chancellor or their designee must provide the student with a Notice of Temporary Suspension. The notice must be sent to the student’s e-mail address of record and must:
   a. state the factual basis for the student’s temporary suspension and explain why the student’s conduct or presence on campus presents a clear threat, significant risk, or is so disruptive that temporary suspension is necessary; merely reciting the language of the Code is insufficient,
   b. state that the student has a right to a meeting with the Vice Chancellor or their designee within three (3) University days after the temporary suspension becomes effective to present information to show that the requirements for a temporary suspension have not been satisfied and that the temporary suspension should therefore be lifted,
   c. state the time, date, and place of the meeting with the Vice Chancellor or his or her designee and state that the student may be accompanied by an adult advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge,
   d. state that after the expiration of the three (3)-day period, a student may seek to have the temporary suspension lifted by making a Request for Reinstatement, and
   e. include a copy of Section V of the Code.

5. After the expiration of the three (3)-day period, a student who has been temporarily suspended may seek reinstatement by making a Request for Reinstatement (“the Request”) on the ground that:
   a. the requirements for a temporary suspension were not met when the student was temporarily suspended and are not currently met or
   b. circumstances have changed such that the requirements for a temporary suspension are no longer met.

6. The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request must be sent to the Vice Chancellor responsible
for student conduct or their designee by e-mail or certified mail or may be hand-delivered to the Vice Chancellor’s office.

7. The Vice Chancellor or their designee must make a decision on the Request as soon as reasonably practicable. Before making a decision, the Vice Chancellor or their designee has the discretion to seek additional information, to ask a Conduct Officer to review and comment on the Request, or to schedule a meeting with the student and their advisor.

8. If the temporary suspension was based on alleged conduct that constitutes a violation of the Code and formal proceedings have not been instituted against a student who has been temporarily suspended, proceedings must be instituted within five (5) University days of the effective date of the temporary suspension. The conduct process must be resolved within twenty (20) University days of the effective date of the temporary suspension. The Vice Chancellor or their designee may extend the time limit for the hearing for up to an additional fifteen (15) University days if the parties agree to an extension or if either party establishes that extraordinary circumstances exist that warrant an extension. The Vice Chancellor or their designee may extend the time limit for the hearing for a longer period if the student consents.

9. The fact that a student was temporarily suspended should not be taken into account by the Hearing Officer or Conduct Board in determining whether the student violated the Code.

SECTION VI
Miscellaneous Procedural Matters

A. Inter-Institutional Authority

1. If University students or student organizations engage in conduct that violates the Standards on any University campus or in a course offered by another University campus, the University campuses may enter into an agreement whereby:

a. the University campuses agree which campus will conduct an investigation in whole or in part, institute formal proceedings, and conduct those proceedings and
b. if the proceedings result in the issuance of a University response, which campus will enforce the University response.

B. University Conduct Board Membership and Quorum

1. The Vice Chancellor responsible for student conduct of each University institution will specify the number, qualifications, term, and selection process for members of the University Conduct Board.

2. The Vice Chancellor responsible for student conduct at each University institution must determine whether the institution will have an Appeals Officer, an Appeals Board, or both. If the Vice Chancellor determines that the institution will have an Appeals Board, then the Vice
Chancellor for each institution will specify the number, qualifications, term, and selection process for the members of the Board.

The Vice Chancellor responsible for student conduct must specify the number of members that a Conduct Board or Appeals Board must have and, if the number is more than three (3), the number that will constitute a quorum.

C. Interpretations of the Code

1. Words in this Code should be given their ordinary meaning unless the context indicates that a different meaning was intended.

2. Any question of interpretation or application of the Code shall be referred to the Vice Chancellor responsible for student conduct or their designee.

D. Amendments

1. The Board of Regents may amend this Code at any time, in whole or in part. There may be times when unexpected issues arise that require prompt action or that involve errors or omissions in the Code. Examples include a change in federal, state, or local law, the adoption of a new Campus or University policy, the repeal of an existing Campus or University policy, the discovery of a drafting error, or the failure to anticipate a particular situation or type of conduct.

2. If an unexpected issue arises, the Code may be amended pursuant to the following procedure:
   a. First, the Provost of the University of Nebraska must approve the amendment.
   b. Second, the General Counsel of the University of Nebraska must approve the amendment.
   c. Third, the amendment must be reported to the Board of Regents at the next regularly scheduled meeting of the Board.

3. The Provost and the General Counsel may approve an amendment only if each of them separately determines that:
   a. the content of the amendment is appropriate and reasonably necessary and
   b. the subject matter of the amendment either requires prompt action or involves minor changes that correct errors or omissions in a manner consistent with the purpose and scope of the Code. An amendment takes effect when both the Provost and the General Counsel have approved the amendment. The Board has the authority to rescind any such amendment when the amendment is reported to the Board.

E. Effective Date
The provisions of this Code apply to cases in which formal charges are brought after the date on which this Code was approved by the Board of Regents. Amendments to this Code apply to cases in which formal charges are brought after the date that the amendment takes effect.

F. Periodic Review

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