

Northeastern Illinois University exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general well being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. All parties involved in the teaching/learning process should exercise their freedom with responsibility. Students have the responsibility to know and obey the rules, policies, and regulations that govern our University.

Any student who violates the University's rules, policies, and regulations will be subject to disciplinary proceeding. **All Students Are Guaranteed The Right of Due Process.**

### **STUDENT CONDUCT CODE DISCIPLINARY PROCEEDING**

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Disciplinary proceedings are administrative, and accordingly, shall not be governed by strict rules of evidence as are applicable in a court of law. Administrative proceedings are developed for University governance, and are distinct and separate from criminal and civil litigation. Misconduct charges will be governed by the procedures outlined by this University Student Conduct Code. However, in the event that a student's behavior causes or threatens to cause harm to the student, other persons, or property, or creates a pattern of extreme disruption, or indicates an extreme inability to cope with their own needs, and also suggests the possibility of a mental disorder, the Policy on Involuntary Administrative Withdrawal will be used to determine: a) whether or not, from the available information, a student is suffering from a mental disorder and b) the appropriate course of action.

Both academic and non-academic misconduct proceedings may be initiated as the result of a single event or series of events. Both parties, the student and the person bringing the charge(s), may present evidence. Oral and documentary evidence may be submitted to the Judicial Hearing Officer or Judicial Hearing Committee hearing the charge(s). Such evidence shall be of the kind on which responsible persons are accustomed to rely in serious matters.

Upon the submission of a disciplinary complaint, a temporary hold is placed on the accused student's academic records by the Office of the Dean of Students. The hold will be removed at the conclusion of the disciplinary proceeding. No changes to the student's academic records will be permitted during this period without the approval of the Dean of Students or designee. This does not prevent the student from examining his or her academic records. The student will be notified of the placement and removal of the hold, along with all relevant University personnel.

**Inquiries regarding initiating a complaint should be directed to the Office of the Dean of Students.**

### **ACTS OF MISCONDUCT**

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A student is subject to University discipline for participating or conspiring in the following acts of misconduct.

#### **ACADEMIC**

Academic misconduct is an offense against the University. Acts of academic misconduct include but are not limited to:

1. **Cheating.** Use or attempted use of any unauthorized assistance in taking an exam, test, quiz, or other assignment. (Please note, cheating on exams includes all required University, state, and/or national assessment exams.)
2. **Encouraging Academic Dishonesty.** Intentionally or knowingly helping or attempting to persuade and/or influence another to violate the University's rules, policies, and regulations governing academic integrity.
3. **Fabrication.** Deliberate falsification or design of any material or excerpt in an academic assignment or exercise.

4. **Plagiarism.** Appropriation or imitation of the language, ideas, and thoughts of another author and representation of them as one's original work. This includes (1) paraphrasing another's ideas or conclusions without acknowledgement; (2) lifting of entire paragraphs, chapters, etc. from another's work; and (3) submission as one's own work, any work prepared by another person or agency.

If the student's observed conduct or apparent behavior is such as to lead to suspicion of academic misconduct, the faculty member in whose course the alleged infraction occurred may adjust the grade downward (including F - failure) for the test, paper, or course, or other course related activity in question. In such instances the faculty member shall notify the student, the Department/Unit Head, the Dean of the College and the Office of the Dean of Students of the reason for such action in writing. The student has the right to appeal the grade (see Grade Appeal Policy).

If the faculty member in whose course the alleged infraction occurred perceives the alleged act of academic misconduct as warranting additional or other action (beyond adjusting the grade downward for the test, paper, or course or other course related activity in question), she/he shall file a complaint with the University Examiner to initiate the Student Conduct Code procedure and notify the appropriate college dean. **NOTE:** Should this procedure be used, and should there be a formal hearing, the Judicial Hearing Officer, Office of the Dean of Students, shall notify in writing the appropriate Chair and Dean in writing of the outcome.

### **NON-ACADEMIC**

Non-academic misconduct is an act that violates the University's rules, policies, and regulations while **on campus as well as during off-campus functions sponsored or supervised by the University.** Violations of this type include but are not limited to:

1. Furnishing false information to the University.
2. Forgery, alteration, misuse or misrepresentation of documents or records.
3. Obstruction or disruption of authorized University activities and functions on or off campus. In instances of alleged disruption within classrooms, when faculty want to file a complaint against a student they must utilize the Classroom Disruption Policy as found in the Policy and Procedures Guide available in the Office of the Dean of Students and on the internet at [www.neiu.edu/DeanSt.htm](http://www.neiu.edu/DeanSt.htm) (See University Policy and Procedures: Classroom Disruption Policy). The University Student Conduct Code may be employed for allegations of classroom disruption when either the faculty member or department head determines that further action is warranted. (See the Policy and Procedures document for details.)
4. Physical abuse of another person or conduct which threatens or endangers another.
5. Theft of property, possession of stolen property, or damage to property of the University, a member of the University community, or a visitor to the campus.
6. Unauthorized entrance into or use of University facilities.
7. Violation of University regulations including, but not limited to, registration of organizations, manner and place of public expression.
8. Manufacture, delivery, sale, use, possession, or distribution of either narcotic or dangerous drugs, except as permitted by law and University regulations.
9. Possession, consumption, or distribution of alcoholic beverages on University property or at University sponsored activities except in accordance with the University policy.
10. Lewd, obscene, or disruptive conduct, or racial/ethnic, homophobic or other legally prohibited harassment.
11. Unauthorized possession of weapons.
12. Failure to comply with the direction of any authorized University representative, acting appropriately in the performance of his/her duties.
13. All forms of hazing.
14. Intentionally intimidating, impelling, threatening, or humiliating any member of the University community through conduct that violates the University's Policy on Sexual Harassment, including prohibited conduct caused by homophobia.
15. Violation of the terms of any disciplinary sanction imposed in accordance with this Policy.

16. Behavior which causes or threatens to cause harm to the student, other persons, or property, or creates a pattern of extreme disruption, or indicates an extreme inability of a student to cope with her/his own needs, and also suggests the possibility of a mental disorder. In such instances, the Policy on Involuntary Administrative Withdrawal will be used to determine: a) whether or not, from the available information, a student is suffering from a mental disorder and b) the appropriate course of action.
17. Misuse or unauthorized use of computer technologies, including hardware, software, computer interfaces, University data bases, internet and electronic-mail applications, et cetera. This section shall also apply to allegations of academic misconduct where computer technologies were utilized.

## **FACT FINDING CONFERENCE**

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When a student is *formally*\* charged with violating the University's rules, policies, and/or regulations and if the alleged conduct might result in the imposing of a disciplinary sanction, a Fact Finding Conference shall be conducted by the University Examiner to determine whether further proceedings are warranted.

*(\*) Formal complaints must be submitted in writing to the University Examiner, Office of the Dean of Students. The complaint must be submitted within 45 working days of the detection of the alleged misconduct, exclusive of periods when classes are not in session. This time limit does not apply to complaints filed under the NEIU discrimination grievance procedure with the Affirmative Action Office.*

### 1. Fact Finding Conference

- 1.1 The University Examiner shall initiate an investigation, which includes a Fact Finding Conference with the student.
- 1.2 The University Examiner may include in the Fact Finding Conference the person who made the charge(s).
- 1.3 The student will be given at least five (5) working days' notice to appear for the conference.
- 1.4 The notice will contain information on:
  - a. the alleged infraction
  - b. the nature of evidence submitted and by whom
  - c. the time and place of the Fact Finding Conference
- 1.5 Failure of the student to appear at the Fact Finding Conference or to contact the University Examiner shall constitute an admission to the charge(s). In such instances, referral will be made to the Judicial Hearing Officer who may take action without hearing the student.
- 1.6 Failure of the complainant to appear at the Fact Finding Conference or to contact the University Examiner shall constitute a withdrawal of the complaint.
- 1.7 Upon request, the student may see all documents, statements, or other evidence which is on file in the University Examiner's Office prior to or during the scheduled Fact Finding Conference.
- 1.8 At the conclusion of the fact finding process, the University Examiner, within a period of five (5) working days, shall decide:
  - a. no further action will be taken at this time. If new and convincing evidence is later presented, further consideration may be warranted **OR**,
  - b. further action will be taken by the University Examiner. This may occur in less serious matters if the student admits to the allegation and agrees with the University Examiner as to an appropriate sanction of either Official Warning or Disciplinary Probation, which may include restitution, and/or additional restrictions and/or requirements **OR**,
  - c. further action will be taken through the formal hearing process. Such a decision will be made if the student admits to the charge(s) or denies the charge(s), but circumstances warrant further investigation. In such instances, the student may elect to have the proceedings conducted by:
    - the Judicial Hearing Officer,
    - or
    - the Judicial Hearing Committee

- d. If the student refuses to select how she/he wants the proceedings conducted, the case will be heard by the Judicial Hearing Officer.

## **JUDICIAL HEARING**

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2. Judicial Hearing Officer or Judicial Hearing Committee, Office of the Dean of Students, convening Hearing (based upon student's request)
  - 2.1 The Judicial Hearing Officer, or
  - 2.2 The Judicial Hearing Committee. The Judicial Hearing Officer chairs this committee, composed of six (6) students selected by the Student Senate and three (3) faculty selected by the Faculty Senate. A majority of the Judicial Hearing Committee must be present for the hearing to be convened. If a majority is not present, the hearing will be continued to another date to be scheduled as soon as possible.
  - 2.3 If the Judicial Hearing Officer believes that a fair and impartial hearing cannot be held before the Judicial Hearing Committee, the Judicial Hearing Officer may direct that the hearing be held before an ad hoc committee selected as follows:
    - a. Student Membership Selection

A pool of fifteen (15) students will be randomly selected by the computer from those currently enrolled students. The Hearing Officer will fairly and impartially select six (6) students from this pool to be on the committee. If a student selected is ineligible or declines to serve, the Judicial Hearing Officer will select another from the pool until a committee is formed.
    - b. Faculty Membership Selection

A pool of seven (7) faculty will be randomly selected from the full time teaching faculty. The Judicial Hearing Officer will fairly and impartially select from this pool the three (3) faculty to be on this committee. If a faculty member is ineligible or declines to serve, another faculty member will be selected from the pool until a Committee is formed.
  - 2.4. The Judicial Hearing Officer shall conduct a fair and impartial hearing to determine whether or not the charge(s) is sustained.
3. PROCEDURE
  - 3.1 The Judicial Hearing Officer shall schedule and convene a hearing with the student and person bringing the charge(s) within fifteen (15) working days following the Fact Finding Conference **or** as soon as is reasonably possible. The hearing shall be closed unless otherwise determined by the Hearing Officer. The student and the person bringing the charge(s) will be notified in writing on the date, time, and place of the scheduled hearing.
  - 3.2 The student and person bringing the charge(s) should be present at the hearing. Both shall have an opportunity to speak and ask questions.
    - a. If the student fails to appear, the Judicial Hearing Officer may proceed without information from the student.
    - b. If the person bringing the charge(s) fails to appear, the Hearing Officer may proceed without that person.
    - c. Either party may request one postponement. Such postponement must be applied for in writing at least forty-eight (48) hours prior to the hearing and will only be granted for good cause at the discretion of the Judicial Hearing Officer.
  - 3.3 Either party may bring an advisor to the hearing. In such instances, the Judicial Hearing Officer must be provided, in writing, the name of the advisor at least forty-eight (48) hours prior to the hearing. The advisor's participation is expressly limited to offering advice to their respective party.

- 3.4 Either party may bring witness(es) to the hearing to testify and each party may question the witness(es) called by the other.
  - a. The Judicial Hearing Officer must be provided the name(s) of the witness(es) in writing at least forty-eight (48) hours prior to the hearing.
  - b. This listing must also include a short description of the information to be presented by each proposed witness.
  - c. The Judicial Hearing Officer may exclude witnesses if the information to be presented is repetitive or not relevant to the allegation.

**Please Note:** It is the responsibility of each party to inform their witness(es) of the date, time, and place of the hearing. It is also the responsibility of each party to inform their witness(es) of any changes in date, time, and/or place of the hearing.

- 3.5 If the hearing is conducted by the Judicial Hearing Committee, the following procedures will be followed:
  - a. At the conclusion of the presentation of evidence, the interested parties will be excused and the Judicial Hearing Committee will conduct a closed session for deliberation.
  - b. A simple majority vote of those present will decide whether the charge(s) is sustained or not. The Judicial Hearing Officer shall vote to break a tie.
  - c. This Committee shall prepare and submit to the Hearing Officer written findings of fact, and a recommendation of its decision regarding the charge(s) and sanction, if any.
  - d. The Judicial Hearing Officer shall determine whether to impose the Committee's recommendation or modify it.
- 3.6 If the decision by the Judicial Hearing Officer or the Judicial Hearing Committee hearing is to sustain the charge(s), it must be based upon a preponderance of the evidence. (A preponderance of the evidence is that which indicates that the occurrence of the alleged misconduct is more probable than its non-occurrence or vice versa.)
- 3.7 If the charge(s) is sustained, the Judicial Hearing Officer shall decide the appropriate sanction as described under Disciplinary Sanctions.
- 3.8 Any prior sanctions imposed on the student in question shall be duly noted in the recommendation or determination of an appropriate sanction(s) for subsequent sustained charges.
- 3.9 The Judicial Hearing Officer shall notify all appropriate parties of her/his decision in writing within ten (10) working days or as soon as is reasonably possible thereafter.

#### 4. APPEAL PROCESS

- 4.1 The student, who has a sustained charge(s), may appeal the Judicial Hearing Officer's decision in writing to the Appeals Officer, Office of the Dean of Students within ten (10) working days following the notification of the disciplinary sanction.
- 4.2 The student shall support the appeal by an accompanying statement specifying the grounds for the appeal and setting forth in detail the facts upon which the appeal is based. The issues to be reviewed on appeal shall be limited to whether:
  - a. The sanction is appropriate and/or,
  - b. The proper procedures were followed.
- 4.3 The Appeals Officer shall consider the record of the hearing together with any written material in the file and/or may solicit information from others.
- 4.4 The Appeals Officer may modify or affirm the disciplinary sanction.
- 4.5 The Appeals Officer shall notify the involved parties in writing of the results of the appeal within ten (10) working days of receipt of the appeal or as soon as is reasonably possible.
- 4.6 The Appeals Officer's decision shall be final.

**NOTE: Sanctions remain in effect during the appeal process.**

## **DISCIPLINARY SANCTIONS**

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Students found to have committed an act(s) of misconduct may be subject to any of the following sanctions which shall take effect immediately upon imposition, unless otherwise stated in writing. When appropriate, any sanction may include restitution.

1. **Official Warning** - notification that the student has committed an act(s) of misconduct and warning that another offense may result in the imposition of a more serious sanction. Some restrictions may be imposed .
2. **Disciplinary Probation** - a disciplinary status which does not interfere with the student's right to enroll in and attend classes, but which includes some restrictions and/or requirements for a specific period of time as determined in the particular case.
3. **Suspension** - a denial of the privilege of continuing or enrolling as a student and denial of any and all rights and privileges conferred in student status for a specified period of time. Additional restrictions and/or requirements as determined in the particular case may be imposed. At the termination of the suspension, and fulfillment of any restrictions and/or requirements that were imposed, the student will be entitled to resume her/his education without meeting any special academic entrance requirements.
4. **Expulsion** - a permanent denial of the privilege of continuing or enrolling as a student and permanent denial of any and all rights and privileges conferred in student status.

**Please Note:** If it is perceived that the student has not complied with an imposed sanction, the Judicial Hearing Officer shall be notified in writing. The Judicial Hearing Officer shall schedule and conduct a formal hearing following Sections **2.1 - 3.9** of this policy to determine, based on the preponderance of evidence, whether or not the student is in compliance with the imposed sanction. If the result of this review confirms that a sanction has been violated, the Judicial Hearing Officer may impose a more severe sanction. The student may appeal the Judicial Hearing Officer's decision according to the appeal provisions of the policy: Sections **4.1 - 4.6**.

## **IMMEDIATE TEMPORARY SANCTIONS**

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In the event of misconduct which causes or threatens to cause bodily injury or property damage, or which obstructs or disrupts University activities or authorized activities on the campus, the Judicial Hearing Officer may immediately impose an immediate temporary sanction. If requested by the student in writing, the Judicial Hearing Officer shall convene the Judicial Hearing Committee to consider the continued imposition of the temporary sanction. The Judicial Hearing Committee shall hear the case within forty-eight (48) hours after the filing of such request, or as soon as is reasonably possible. The Judicial Hearing Committee may affirm the decision of the Judicial Hearing Officer or recommend to the Dean of Students its modification or reversal, in which case the Dean of Students shall make the final decision and notify the student in writing.

## **ADDITIONAL INFORMATION**

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Copies of the University Student Conduct Code as well as other University policies and procedures pertaining to students are available in the Office of the Dean of Students as well as on the internet at [www.neiu.edu/DeanSt.htm](http://www.neiu.edu/DeanSt.htm). Questions should be forwarded to the Dean's office by calling 773-442-4610.

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