

IOWA STATE UNIVERSITY

Policy Library

[Home](#)[About](#)[Policy Index](#)[Feedback](#)

Student Disciplinary Regulations (Code of Conduct)

Effective: August 21, 2000

Updated/Revised: October 10, 2018

Contact: [Dean of Students Office - Division of Student Affairs](#)

Contents

- [1. Statement of Philosophy](#)
 - [2. Rights and Responsibilities](#)
 - [3. Offices and Their Functions](#)
 - [4. Student Conduct Code](#)
 - [5. Process](#)
 - [6. Appeals](#)
 - [7. Reinstatement](#)
 - [8. Records of Disciplinary Actions](#)
 - [9. Amendment](#)
- [Resources](#)
-

1. Statement of Philosophy

Iowa State University is an institution that encourages the intellectual and personal growth of its students as scholars and citizens. As an educational institution, the university recognizes that the transmission of knowledge, the pursuit of truth, and the development of individuals require the free exchange of ideas, self-expression, and the challenging of beliefs and customs.

In order to maintain an environment where these goals can be achieved safely and equitably, the university promotes civility, respect and integrity among all members of the community. The university strives to guide the educational community by establishing the Student Disciplinary Regulations including a Student Conduct Code and student disciplinary system that promotes individual and social responsibility. Choosing to join the Iowa State University community obligates each member to a code of civilized behavior. Individuals, student organizations and campus organizations are expected to observe the policies, rules, and regulations of Iowa State University, the City of Ames, the State of Iowa, and the United States of America. University policies have been designed to protect individuals and the campus community and create an environment conducive to achieving the academic mission of the institution.

The purposes of the Student Disciplinary Regulations are to set forth the specific authority and responsibility of the university in maintaining social discipline, to establish guidelines that facilitate a just and civil campus community, and to outline the educational process for determining student and student/campus organization responsibility for alleged violations of university regulations. This student disciplinary process will follow established procedures for ensuring fundamental fairness and an educational experience that facilitates the development of the individual and of the student/campus organization. [top](#)

2. Rights and Responsibilities

Students have certain rights as members of the university community in addition to those constitutional and statutory rights and privileges provided by the State of Iowa and the United States of America, and nothing in this document shall be construed so as to violate students' constitutional rights. Students have the responsibility not to deny these rights to the other members of the university community. Student rights and responsibilities at Iowa State University are listed and explained here.

[2.1 Student Rights and Responsibilities](#)

[2.2 Complainant Rights and Responsibilities](#)

[2.3 Respondent Rights and Responsibilities](#)

[2.4 Rights and Responsibilities of Witnesses and Other Persons Reporting Violations](#)

2.1 Student Rights and Responsibilities

A. All Iowa State University students have the right to:

1. Have access to academic and non-academic university policies.
2. Express themselves through academic work within the guidelines of the university rules and regulations. The right to expression does not affect the responsibility of the university and its faculty to evaluate based upon genuine academic criteria such as relevance, coherence, creativity and quality of academic work.
3. Participate in university-sponsored activities and services free from harassment and discrimination.
4. Join any organization without fear of charges being brought solely on the basis of membership.
5. Expect that the university will not create and keep records that reflect beliefs, political activity, and associations except for information provided by students. The university may maintain counseling, health, law enforcement and disciplinary records which can be released only by expressed consent, a court order or as otherwise permitted by law.
6. Petition for change in academic or non-academic regulations, procedures, or practices.
7. Be protected from ex post facto (after the fact) regulations. An ex post facto rule is a rule created after an act has occurred, in order to be applied to the prior act.
8. Due process in the student disciplinary process, as required by applicable law and as described in section 5, below.
9. Be informed of and comment during the process of formulating non-academic regulations, procedures, or practices of the university.

B. Subject to the rights indicated above, students and recognized student/campus organizations have the responsibility to:

1. Respect the personal and property rights of the university community and all its members.
2. Represent themselves and their organizations truthfully and accurately in their interaction with official university functions.
3. Accept the consequences of and learn from their actions. [top](#)

2.2 Complainant Rights and Responsibilities

A. Complainants are persons who submit complaints of possible misconduct under these regulations and/or were the target of, or were affected by, the reported misconduct of the accused student or student/campus organization. In addition to the rights of all students contained in section 2.1, complainants have the following rights:

1. To be provided with information concerning counseling, mental health and other medical services available on campus and in the community.
2. To decide whether or not to notify law enforcement authorities and/or to file a report of misconduct with the **Office of Student Conduct (OSC)**.
3. To be informed about the status of the disciplinary case pending in the OSC.

4. To make a statement of how the alleged conduct has affected them at the time of any disciplinary hearing. If the complainant is a member of the university community at the time of a request for reinstatement by a student who committed a violation against the complainant, the complainant has a right to provide a statement for or against reinstatement.
 5. To make a statement of their opinion as to an appropriate sanction if a student or student/campus organization is found responsible for misconduct.
 6. To know the final result of their complaint. The final result includes the name of the accused student, whether the accused student was found responsible or not, and any sanction that was imposed.
 7. To participate in the student disciplinary process as required by applicable law and as described in section 5, below.
 8. To be free from retaliation and harassment due to reporting misconduct as described in section 4.2.30, below.
 9. Complainants reporting sexual misconduct, sexual assault, sexual harassment, stalking, and/or intimate partner violence also have the rights provided by applicable law and the university's [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students policy](#).
- B. In addition to the responsibilities of all students contained in section 2.1, complainants who participate in the university's processes have the responsibility to cooperate in providing accurate information regarding the alleged conduct, including providing documents and other forms of evidence if requested.

2.3 Respondent Rights and Responsibilities

- A. Respondents are persons who are responding to complaints of possible misconduct under these regulations and/or are accused of engaging in misconduct prohibited by these regulations. In addition to the rights of all students contained in section 2.1, respondents have the following rights:
1. Respondents shall be provided information concerning counseling, mental health or medical services available on campus and in the community.
 2. To be informed about the status of the disciplinary case pending in the OSC.
 3. Respondents may make a statement of how the alleged conduct and the disciplinary process has affected them at the time of any disciplinary hearing. If a respondent is separated from the university and later seeks reinstatement, the respondent has a right to provide a statement regarding their reinstatement.
 4. Respondents may make a statement of their opinion as to an appropriate sanction if they are found responsible for misconduct.
 5. To know the final result of the case. The final results include the name of the accused student, whether the accused student was found responsible or not and any sanction that was imposed.
 6. Respondents have the right to participate in the student disciplinary process as required by law and as described in section 5, below.
 7. Respondents have the right to be free of any form of retaliation or harassment due to their involvement in the disciplinary process.
 8. Respondents responding to reports of sexual misconduct, sexual assault, sexual harassment, stalking, and/or intimate partner violence also have the rights provided by law and the university's [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students policy](#).
- B. In addition to the responsibilities of all students contained in section 2.1, respondents have the responsibility to cooperate in providing accurate information regarding the alleged conduct, including providing documents and physical evidence if requested.

2.4 Rights and Responsibilities of Witnesses and Other Persons Reporting Violations

- A. In addition to the rights of all students contained in section 2.1, witnesses and other persons who participate in the Student Disciplinary Regulations process have the following rights:

1. Witnesses and other persons who have information regarding potential misconduct may report it to the OSC.
 2. Witnesses and other persons who report potential misconduct or otherwise participate in the disciplinary process have the right to be free from retaliation and harassment due to their involvement in the disciplinary process, as described in section 4.2.30, below.
- B. In addition to the responsibilities of all students contained in section 2.1, witnesses and other persons who are students and report violations of these Student Disciplinary Regulations have the responsibility to cooperate in providing accurate information regarding the alleged misconduct, including providing documents and other forms of evidence if requested. [top](#)
-

3. Offices and Their Functions

- [3.1 Board of Regents, State of Iowa](#)
 - [3.2 President](#)
 - [3.3 Senior Vice President for Student Affairs](#)
 - [3.4 Dean of Students](#)
 - [3.5 Office of Student Conduct \(OSC\)](#)
 - [3.6 Office of Student Conduct \(OSC\) Administrator](#)
 - [3.7 Office of Equal Opportunity and Title IX Coordinator](#)
 - [3.8 Residence Student Conduct \(RSC\) Coordinator](#)
 - [3.9 Residence Area Directors](#)
 - [3.10 Student Conduct Hearing Board \(SCHB\)](#)
 - [3.11 Other Conduct Bodies at ISU](#)
 - [3.12 Student Accessibility Services](#)
-

3.1 Board of Regents, State of Iowa

The Board of Regents, State of Iowa, governs the Regent universities, including Iowa State University. Persons who have exhausted their appeal rights within Iowa State University may appeal to the Board of Regents. Regent policies and rules govern such appeals. [top](#)

3.2 President

The Board of Regents has delegated to the President of Iowa State University general authority over the university. Responsibility for student conduct has been delegated to the Senior Vice President for Student Affairs.

3.3 Senior Vice President for Student Affairs

The Senior Vice President for Student Affairs is the chief officer responsible for the university Student Disciplinary Regulations. The Senior Vice President may review and modify sanctions determined by an appeal panel to be outside the university's sanction range for typical violations, should this be appropriate based on the totality of the circumstances. See section 6, Appeals. The Senior Vice President's action on appeal will be the final decision of the university, subject to an appeal to the Board of Regents.

3.4 Dean of Students

The Dean of Students oversees the operation of the OSC and the various hearing bodies. The Dean of Students receives recommendations from the SCHB. The Dean of Students may review and modify sanctions determined by an appeal panel to be outside the university's sanction range for typical violations, should this be appropriate based on the totality of the

circumstances. See section 6, Appeals. The Dean of Students' action on an appeal will be the final decision of the university, subject to an appeal to the Board of Regents.

The Dean of Students notifies students and student/campus organizations of the outcome of SCHB cases and appeals of sanctions, when applicable. [top](#)

3.5 Office of Student Conduct (OSC)

The staff of the OSC is responsible for:

- A. Receiving reports of misconduct.
 - B. Investigating allegations of misconduct, or assigning a case to another unit for investigation.
 - C. Determining if allegations represent a potential university policy violation.
 - D. Classifying cases as Level 1 or Level 2.
 - E. Referring cases to the proper hearing board, preparing and presenting agreed resolutions, or in the cases of Level 2 violations, holding administrative hearings and assigning sanctions. See section 5.8.
 - F. Issuing notices of hearing.
 - G. Maintaining records regarding disciplinary actions.
 - H. Informing relevant parties of the final outcome of the disciplinary process.
 - I. Training the members of the hearing boards and administrators of the Student Disciplinary Regulations.
-

3.6 Office of Student Conduct (OSC) Administrator

The OSC Administrator or designee oversees the activities of the OSC and coordinates with the **Residence Student Conduct (RSC)** Coordinator, the Greek Judicial representatives, the Office of Equal Opportunity and the hearing boards.

The OSC Administrator reviews all reports received to assure that they are properly assigned for investigation. The OSC Administrator has the authority to assume responsibility for any case. After investigation, if it is determined that the case should go to a hearing, the OSC determines the proper hearing body to hear the matter. The OSC Administrator is responsible for maintaining all records of disciplinary and investigations by the OSC.

3.7 Office of Equal Opportunity and Title IX Coordinator

The university has designated the director of the **Office of Equal Opportunity (OEO)** to administer the university's [Discrimination and Harassment policy](#). The OEO director is also the Title IX Coordinator for the university and is charged with administering the university's [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students](#) policy and procedures. Those policies govern complaints of discrimination, harassment, sexual misconduct, sexual assault, sexual harassment, stalking, and intimate partner violence, and nothing in these regulations should be read to contradict or supersede those policies. [top](#)

3.8 Residence Student Conduct (RSC) Coordinator

The RSC Coordinator works with the OSC to determine whether the case will be handled in the residence conduct system or by the OSC.

A student charged with violating the policies of the Department of Residence may request that the RSC Coordinator hear the case as an administrative hearing. The RSC Coordinator may delegate authority to Residence Area Directors to hold administrative hearings and hear cases.

The RSC Coordinator will refer appeals of RSC decisions to the Office of Student Conduct, which will assign an appeal panel for review.

3.9 Residence Area Directors

- A. For purposes of the university Student Disciplinary Regulations, Residence Area Directors are those employees within the Department of Residence with responsibility to manage student disciplinary matters within the different university housing areas.
- B. Within the residence conduct system, Residence Area Directors are responsible for:
1. Receiving reports of misconduct, and forwarding them to the RSC Coordinator.
 2. Investigating allegations of misconduct.
 3. Issuing notices of hearing.
 4. Conducting administrative hearings when delegated by the RSC Coordinator.
 5. Filing records regarding disciplinary actions with the RSC Coordinator.
 6. Informing relevant parties of the final outcome of the disciplinary process. [top](#)

3.10 Student Conduct Hearing Board (SCHB)

The Student Conduct Hearing Board (SCHB) hears Level 1 cases, which are student disciplinary cases that may result in suspension or expulsion from the university. The SCHB may also hear Level 2 cases (cases where suspension or expulsion from the university is not a potential sanction) which have been referred by the OSC. The SCHB hears cases in boards of five persons each, at least two of whom are students. The SCHB makes its recommendation to the Dean of Students.

Members of the SCHB are also selected for appeal panels. Appeal panels consist of three panel members drawn from the full membership of the SCHB.

The SCHB is composed of faculty members identified by the members of the university community and the Faculty Senate, staff members identified by the Senior Vice President for Student Affairs and staff councils, graduate students identified by the Graduate and Professional Student Senate and the Office of the Dean of Students, and undergraduate students identified by the Student Government and the Office of the Dean of Students. All appointments are subject to the approval of the Senior Vice President for Student Affairs.

All appointments are for a two-year term and may be extended or reappointed if the member is willing to serve, unless the member has been removed by the appointing authority. If a vacancy occurs on the committee, the nominating authority will replace that member with an interim member to complete the term, or a new member appointed by the Dean of Students Office as a replacement. All chairpersons (individual or joint) are approved by the Senior Vice-President for Student Affairs and are from members of the general faculty or the professional and scientific staff. This appointment shall be for a three-year term and may be extended or reappointed. Two faculty/staff and two students selected from the full membership of the SCHB and the hearing board chair will constitute the hearing board for each case.

3.11 Other Student Conduct Bodies at ISU

Other student conduct related bodies exist within student or campus organizations with the authority to resolve internal disputes within the organization and between its members. These conduct bodies do not have jurisdiction to resolve alleged violations under the university's Student Disciplinary Regulations unless the OSC Administrator determines not to pursue the matter as a disciplinary proceeding under the university Student Disciplinary Regulations. Reports involving alleged violations of other university policies may be referred to the appropriate university office(s) for investigation and/or adjudication.

3.12 Student Accessibility Services

Iowa State University is committed to providing equity in access to the university's activities, programs, and services, including the student disciplinary process. Students requesting accommodations due to disability are required to meet with staff in Student Accessibility Services (SAS) to establish eligibility and learn about related processes. Eligible students will be provided with a Notification Letter and reasonable accommodations will be arranged after timely delivery of the Notification Letter to the Office of Student Conduct (OSC). Students are encouraged to contact SAS and deliver Notification Letters as soon as possible. Students requesting accommodations for the disciplinary process should alert the OSC staff member administering the matter as applicable deadlines may be reasonably extended to ensure adequate time for assessment through the SAS interactive process.

SAS, a unit in the Dean of Students Office, is located in room 1076 Student Services Building or online at www.sas.iastate.edu. Contact SAS by email at accessibility@iastate.edu or by phone at 515-294-7220 for additional information. [top](#)

4. Student Conduct Code

Students and recognized student/campus organizations are entitled to all the rights and protections enjoyed by members of the university community and are subject to obligations by virtue of this membership. Students and recognized student/campus organizations also are subject to all civil and criminal laws.

[4.1 General Definitions and Standards](#)

[4.2 Prohibited Conduct](#)

4.1 General Definitions and Standards

The following general definitions and standards apply to violations of the Student Conduct Code.

[4.1.1 Campus](#)

[4.1.2 Off Campus Violations](#)

[4.1.3 Seriousness of Infractions](#)

[4.1.4 Complicity \(Aiding or Assisting\)](#)

[4.1.5 Attempt](#)

[4.1.6 Organizational Responsibility](#)

[4.1.7 Persons Subject to Student Disciplinary Regulations](#)

[4.1.8 Effect on Payment of Fees](#)

[4.1.9 Simultaneous Criminal Proceedings](#)

4.1.1 Campus

Conduct on campus, in potential violation of the conduct regulations, is subject to these regulations and potential disciplinary sanctions. For the purposes of the conduct regulations, the campus includes the geographic confines of the university, including its land, institutional roads and buildings, its leased premises, common areas at leased premises, the property, facilities and leased premises of organizations affiliated with the university, such as the Memorial Union, university housing, and university-recognized housing, and roads and pathways immediately adjacent to campus, as reportable under the Jeanne Clery Act. University housing includes all types of university residence housing such as halls and apartments, as well as university-recognized housing which includes fraternity and sorority chapter dwellings.

4.1.2 Off Campus Violations

Conduct off campus, in potential violation of the conduct regulations, that takes place during official functions of the university, and/or incidents that affect a clear and distinct interest of the university, regardless of their location, are subject to these regulations and potential disciplinary sanctions. Specifically included within the university's interest are violations that:

- A. Involve conduct directed at other members of the university community;
- B. Disrupt educational or other functions of the university;
- C. Occur during or at university-sponsored events;
- D. Occur during the events of organizations affiliated with the university, including the events of student/campus organizations;
- E. Occur during a Study Abroad Program or other university-related international travel;
- F. Involve the use of university-owned or provided resources; or
- G. Otherwise contribute to the creation or continuation of an unsafe, disruptive, discriminatory, or hostile environment within the Ames or university community. [top](#)

4.1.3 Seriousness of Infractions

- A. A violation of any provision of the conduct regulations will be regarded as more serious if:
 1. The conduct involves threatened or actual physical injury to another person, or endangers other persons;
 2. The conduct is willful or intentional;
 3. The conduct results in, contributes to or enhances the severity of a public disorder, group violence or a mass disturbance that involves conduct in violation of section 4.2.13;
 4. The conduct involves interference with safety officials (police, fire and emergency medical responders) in the performance of their work;
 5. The conduct involves the use of drugs, alcohol or medicine to incapacitate a student's ability to give consent to participate in an activity;
 6. The same or similar conduct is repeated; or
 7. The conduct impairs another's ability to continue their education and/or participate in or benefit from university programs and services.
- B. A violation of any provision of the conduct regulations will be regarded as less serious if:
 1. Immediately after the conduct, and before being notified that disciplinary action may take place, the violator takes significant measures to correct their conduct or lessen the damage caused;
 2. In the case of group violence or mass disturbance, the violator can show that their actions were consistently directed to quelling the riot or mass disturbance; or
 3. The violator was encouraged or coerced to act in an uncharacteristic manner.

4.1.4 Complicity (Aiding or Assisting)

Students and student/campus organizations that act with the purpose of aiding, abetting, facilitating, promoting, or encouraging others in violating university conduct regulations are subject to disciplinary sanction under these regulations.

4.1.5 Attempt

A student or student/campus organization may be disciplined for attempting to violate the Student Conduct Code, even though the attempt is not successful. [top](#)

4.1.6 Organizational Responsibility

A recognized student or campus organization may be held responsible for misconduct when:

- A. Its officers or other leadership use or knowingly allow the use of the facilities, resources, membership or name of the student/campus organization for actions that are a violation of the Student Conduct Code;
- B. The leadership of the student/campus organization encourages a violation of the Student Conduct Code by its members; or
- C. A significant number of members of the student/campus organization engage in concerted action which violates the Student Conduct Code and the leadership of the student/campus organization knows or should have reasonably known of a violation by its members and takes no action to stop the violation.

4.1.7 Persons Subject to Student Disciplinary Regulations

The Student Disciplinary Regulations apply to all individuals who are students of ISU (enrolled in a university course) at the time of the alleged policy violation. Individuals admitted to ISU at the time of the alleged policy violation may also be subject to these regulations if they matriculate at ISU. In addition, recognized student/campus organizations are subject to these regulations.

Authority to defer or revoke admission before matriculation rests with the university's Admissions Conduct Committee (ACC). Admission may be deferred or revoked for fraud, misrepresentation, material omission of fact, dishonesty, violation of university standards in the application for admission, violation of university academic and/or misconduct standards, or any other pre-matriculation misconduct.

4.1.8 Effect on Payment of Fees

Disciplinary action shall not affect payment of tuition and fees, nor will refunds of fees be granted. Exceptions may be granted in the case of a delay, not the fault of the student or student/campus organization, that causes the student to incur tuition or fees which could have been reasonably avoided.

4.1.9 Simultaneous Criminal Proceedings

A complaint may be instituted against an accused student charged with conduct that potentially violates both the Student Conduct Code in these Student Disciplinary Regulations and federal, state or local criminal law. In this situation the university reserves the right to move forward with the student disciplinary investigative and adjudication process at the same time the criminal process is proceeding. In cases affecting the safety of campus (including cases involving sexual misconduct, harassment, assault, stalking, and threats of violence), the university will move forward with investigation and adjudication unless all parties, including the university, agree to suspension of the university process, or the prosecuting authority handling the criminal matter requests suspension of the university process. In such cases, the university will suspend its process for a reasonable amount of time if it deems measures to preserve safety are sufficiently enacted under the circumstances. [top](#)

4.2 Prohibited Conduct

The following are violations of the Student Conduct Code and are subject to disciplinary sanctions by the university. Each violation is numbered for ease of reference and may be referred to as "SDR section X."

- 4.2.1 [Academic and Research Misconduct](#)
- 4.2.2 [Misuse of Alcoholic Beverages and Controlled Substances](#)
- 4.2.3 [Assault, Injury and Threat](#)
- 4.2.4 [Indecent Exposure](#)
- 4.2.5 [Sexual Misconduct, Sexual and/or Gender Based Harassment, Sexual Assault, Sexual Intimidation and Sexual Exploitation](#)
- 4.2.6 [Intimate Partner Violence](#)
- 4.2.7 [Discrimination](#)
- 4.2.8 [Discriminatory Harassment](#)
- 4.2.9 [Stalking](#)
- 4.2.10 [Public Urination](#)
- 4.2.11 [Hazing](#)
- 4.2.12 [Disruption of Rights](#)
- 4.2.13 [Public Disorder, Group Violence and Mass Disturbance](#)
- 4.2.14 [Contempt](#)
- 4.2.15 [Endangerment](#)
- 4.2.16 [Fire or Safety Violations](#)
- 4.2.17 [Possession or Misuse of Weapons](#)
- 4.2.18 [Unlawful Entry or Trespassing](#)
- 4.2.19 [Theft or Damage to Property or Services](#)
- 4.2.20 [Bribery and Extortion](#)
- 4.2.21 [Gambling](#)

- 4.2.22 [Misuse of Identification and Falsification](#)
- 4.2.23 [Misuse of Keys or Access Cards](#)
- 4.2.24 [Misuse of Technology Resources](#)
- 4.2.25 [Unauthorized Sale of Others' Intellectual Works](#)
- 4.2.26 [Violations of Conditions of Recognition](#)
- 4.2.27 [Violation of Department of Residence Regulations](#)
- 4.2.28 [Violation of Study Abroad Regulations](#)
- 4.2.29 [Violation of Regents Uniform Rules of Personal Conduct](#)
- 4.2.30 [Violation of ISU Non-Retaliation Against Persons Reporting Misconduct Policy](#)
- 4.2.31 [Violation of Any Local, State, or Federal Law](#)

4.2.1 Academic and Research Misconduct

A. Academic Misconduct. The academic work of all students must comply with all university policies on academic honesty. Examples of academic misconduct are:

1. Attempting to use unauthorized information in the completion of an exam or assignment;
2. Submitting as one's own work, themes, reports, drawings, laboratory notes, computer programs or other products prepared by another person;
3. Knowingly assisting another student in obtaining or using unauthorized information or materials; or,
4. Plagiarism.

Academic honesty policies are included in the policy on Academic Dishonesty, policies and procedures on Academic Misconduct Investigations, and the Acceptable Use of Information Technology Resources policy. Additional information on academic dishonesty is available in the Iowa State University Catalog (see Resources below). In addition, students are responsible for following ethical standards adopted by the various colleges and departments.

B. Research Misconduct. Students must also comply with the university policy on Research Misconduct. The policy prohibits research misconduct, which is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.

C. In addition, students are responsible for adhering to expectations in course syllabi and on coursework and exams, and for following directions given by faculty, instructors, and testing center regulations related to assignments and exams.

4.2.2 Misuse of Alcoholic Beverages and Controlled Substances

A. Policies and Laws. Students and student/campus organizations are subject to ISU's alcohol policies and federal, state, and local laws. Violations of the policies or laws include, but are not limited to, the illegal possession, use, manufacture, distribution, or sale of alcoholic beverages or controlled substances both on and off campus. Members of the university community are accountable for their own actions and are expected to make responsible, lawful decisions regarding the use of alcohol. Alcohol must only be used in ways that neither harm nor degrade the individual or the university community. Students under the legal age may not use altered or falsified identification to procure alcohol.

B. Supplying Alcohol to Persons Underage. Students and student/campus organizations may not supply alcoholic beverages to persons who are not of legal age to possess or consume alcoholic beverages. This section will apply to persons or organizations who intentionally, knowingly, recklessly or negligently supply alcohol to persons underage. For example, a person or organization that holds or sponsors an event/activity and fails to take reasonable measures to assure that persons under the legal age are not receiving and/or drinking alcohol is in violation of this section. This rule will not apply in those cases where alcoholic beverages are consumed in a private residence with the knowledge, consent and presence of the parent or guardian, or where the underage recipient handles alcoholic beverages in the course of employment by a licensed seller of alcoholic beverages, as provided under Iowa Code §123.47. [top](#)

4.2.3 Assault, Injury and Threat

Assault, injury or threat is an act that:

- A. Is intended to cause pain or injury to another;
- B. Is intended to result in physical contact which is insulting or offensive to another;
- C. Is intended to place another in fear of immediate physical contact that will be painful, injurious, insulting or offensive;
- D. Involves pointing any firearm or simulated firearm toward another;
- E. Involves the display, in a threatening manner, of any dangerous weapon toward another; or
- F. Involves making a threat intended to cause another person to fear for their safety or physical well-being.

4.2.4 Indecent Exposure

Indecent exposure, defined as intentionally, in a public place where other persons are present, exposing your genitals under circumstances where the exposure is reasonably likely to offend, annoy or alarm another person is prohibited.

4.2.5 Sexual Misconduct, Sexual and/or Gender Based Harassment, Sexual Assault, Sexual Intimidation and Sexual Exploitation

Sexual misconduct, sexual and/or gender based harassment, sexual assault, sexual intimidation and sexual exploitation are prohibited forms of misconduct. These forms of misconduct are governed by the university's comprehensive [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students policy](#).

Nothing in these regulations shall be read to contradict or supersede that policy with respect to those forms of misconduct.

As detailed in the applicable policy, sexual misconduct is any unwelcome and unreasonable behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. Sexual misconduct may include, but is not limited to, the following examples of prohibited conduct as further defined in the [applicable policy](#):

- Sexual assault;
- Sexual exploitation;
- Sexual and/or gender-based harassment;
- Sexual intimidation;
- Intimate partner violence;
- Stalking.

4.2.6 Intimate Partner Violence

Intimate partner violence is a prohibited form of misconduct. Intimate partner violence is governed by the university's comprehensive [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to intimate partner violence.

Intimate partner violence is any act of violence or threatened act of violence that occurs between persons who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.

Intimate partner violence may include, but is not limited to, the following behaviors:

- Intimate partner violence includes "dating violence" and "domestic violence" as defined by the Violence Against Women Act (VAWA) and the State of Iowa Code (see Iowa Code § 236.2).
- Consistent with Iowa law, "domestic violence" includes assault (as defined by Iowa Code § 708.1) between family or household members who resided together at the time of the assault; assault between separated spouses or persons divorced from each other and not residing together at the time of the assault; assault between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time;

assault between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.

Consistent with federal law, the university will evaluate the existence of an intimate relationship based upon the complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved. [top](#)

4.2.7 Discrimination

Discrimination is a prohibited form of misconduct. Discrimination is governed by the university's comprehensive [Discrimination and Harassment policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to discrimination.

Discrimination, as defined by applicable policy, is any adverse treatment of an individual or group of identifiable individuals based on their "protected status" or perceived protected status, including age, color, creed, disability, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, and/or U.S. veteran status. This is identified as "adverse treatment" discrimination.

- Discriminatory conduct may also include facially neutral conduct that has the unjustifiable effect of disproportionately impacting individuals based on their protected status. This is identified as "adverse impact" discrimination.
- Discriminatory conduct may also include failing to provide reasonable accommodation, consistent with state and federal law, to qualified individuals based on disability and/or religion. This is identified as "failure to accommodate" discrimination.

4.2.8 Harassment and Discriminatory Harassment

Discriminatory harassment is a prohibited form of misconduct. Discriminatory harassment is governed by the university's comprehensive [Discrimination and Harassment policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to discriminatory harassment.

Discriminatory harassment is a form of discrimination that occurs when unwelcome behavior based on protected status or perceived protected status is sufficiently severe, persistent, or pervasive to unreasonably interfere with, limit, or deprive an individual's or group of identifiable individuals' ability to participate in University employment or educational programs and activities from both a subjective and objective perspective. Harassing conduct may be verbal, written, electronic, and/or physical in nature.

General harassment (e.g., harassment not based on protected status) is prohibited by these regulations. Any act meeting the definition of harassment under [Iowa Code § 708.7](#) is a violation of these regulations.

4.2.9 Stalking

Stalking is a prohibited form of misconduct. Stalking is governed by the university's comprehensive [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students policy](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to stalking.

Stalking is a course of conduct (i.e., more than a single act) directed at a specific person that would cause a reasonable person (under similar circumstances and with similar identities to the complainant) to fear for their own safety or the safety of others or suffer substantial emotional distress.

4.2.10 Public Urination

Urinating in public is prohibited. [top](#)

4.2.11 Hazing

Hazing is any intentional, knowing, or reckless action, request, or creation of circumstances that:

- A. Endangers the health or safety of any individual;
- B. Causes or presents a substantial risk of physical injury, serious mental distress, or personal humiliation to any individual; or
- C. Involves the destruction or removal of public or private property in connection with initiation or admission into, or continued membership in, any group affiliated with the university, including but not limited to, any student, campus, fraternal, academic, honorary, athletic, or military organization.

It is not a defense to the violation of this section that the hazing participant provided explicit or implied consent. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this section.

4.2.12 Disruption of Rights

Disruption of rights could involve any of the following:

- A. Intentional disruption, obstruction or denial of access to university services, facilities or programs;
- B. Intentional interference with the rights, privacy, privileges, health and safety of persons on campus;
- C. Interference with emergency evacuation procedures;
- D. Intentional or knowing interference with academic pursuits;
- E. Disorderly conduct;
- F. Disturbing the peace; or
- G. Inciting others to do acts that are restricted above. [top](#)

4.2.13 Public Disorder, Group Violence and Mass Disturbance

Misconduct under these regulations includes the following actions related to public disorder, group violence and mass disturbance:

- A. Participating in group behavior that involves damage to property, actual violence or threatened damage to property or violence;
- B. Inciting a group toward immediate violent behavior;
- C. Defying or refusing to obey police orders to disperse a group engaged in violent actions;
- D. Obstructive or dangerous behaviors such as assault, throwing items, starting or stoking fire, or creating barricades or other hazards as part of a riot or mass disturbance; or
- E. Interfering with police, fire and emergency medical personnel in carrying out their duties during a riot or mass disturbance.

Students charged with participating in or encouraging acts of violence during a riot or mass disturbance are subject to immediate interim suspension under section 5.5.2.

4.2.14 Contempt

Contempt is defined as the following:

- A. Failure to appear before any university adjudicatory or regulatory body as summoned;
- B. Failure to comply with any disciplinary sanctions or interim actions;
- C. Failure to comply with the directive of authorized university officials or police officers;
- D. Failure to identify oneself or to show an identification card when requested to do so by authorized university officials or police officers; or
- E. Providing, procuring, or seeking to procure, false testimony or evidence in any university or administrative process. [top](#)

4.2.15 Endangerment

The creation of a hazard, endangering the physical safety of self or others by engaging in a dangerous activity or using hazardous materials or chemicals is prohibited.

4.2.16 Fire or Safety Violations

Fire or safety violations are:

- A. Arson or attempt at arson;
- B. Tampering with, damaging or misusing fire/safety equipment, emergency exits, barriers or signs;
- C. Falsely reporting or setting alarms for fire, explosion or other emergencies on campus (for example, bomb threats);
- D. Interfering with law enforcement, fire safety officials, or university officials who are engaged in discharging a safety-related duty;
- E. Possession or unauthorized use of fireworks, explosive devices, or other flammable materials; or
- F. Failure to evacuate a university facility when the fire alarm has been sounded.

4.2.17 Possession or Misuse of Weapons

Possession of weapons, unless authorized by the university, is a violation.

- A. A weapon is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death or injury when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the possessor intends to inflict death or injury upon another, and which, when so used, is capable of inflicting death or injury upon another, is a weapon.
- B. Weapons include any pistol, revolver, shotgun, machine gun, rifle or other firearm, BB or pellet gun, **electrical projectile**, bomb, grenade, mine or other explosive or incendiary device, ammunition, archery equipment, dagger, stiletto, switchblade knife, or knife having a blade exceeding five inches in length. Residents of university housing may possess knives having a blade exceeding five inches for cooking purposes.
- C. A "weapon" also means an object that is not an instrument capable of inflicting death or injury but closely resembles such an instrument (for example, a realistic toy, replica, imitation weapon or look-a-like gun that is reasonably capable of being mistaken for a real weapon) or the student used the object in a manner that created the impression that the object was such an instrument (for example, wrapping a hand in a towel to create the appearance of a gun).

Additional details are available in the [Firearms and Other Weapons Policy](#).

4.2.18 Unlawful Entry or Trespassing

Unauthorized or attempted unauthorized entry, occupation or use of any leased or university-owned or controlled property, equipment or facilities is a violation. This applies to university housing, which includes all types of university residence housing such as halls and apartments, and also includes university-recognized housing which includes fraternity and sorority chapter dwellings. It is a violation to enter restricted areas of the university such as restricted research areas, restricted or closed offices, and utility tunnels. Remaining in or on premises after permission to remain has been revoked also is trespassing. [top](#)

4.2.19 Theft or Damage to Property or Services

Actual or attempted unauthorized taking, use, misappropriation, or damage to property or services owned or maintained by the university, property owned or controlled by recognized student organizations, by a member of the university or Ames communities, by any person or visitor on campus, or by any person attending a university-sponsored event is a violation. The knowing possession of stolen property is also a violation.

4.2.20 Bribery and Extortion

- A. Bribery is the offering, giving, receiving, or soliciting of anything of value to influence action as an official or in discharge of legal or public duty.

- B. Extortion is the attempt to obtain property, services or benefits from another induced by wrongful use of actual or threatened force, violence, fear or coercion, or false pretense.

4.2.21 Gambling

As provided by Iowa law, the following are prohibited:

- A. Bookmaking; or
- B. Placing a bet or accepting wagers for a fee outside licensed gambling locations.

4.2.22 Misuse of Identification and Falsification

Improper actions of identification or falsification are:

- A. Providing inaccurate identifying information to authorized officials with reason to request such information;
- B. Allowing another person to use identifying information of a different person for the purpose of accessing university services or misleading authorized officials;
- C. Knowingly misleading university officials, police officers, faculty, staff and organizations affiliated with the university in the conduct of their official duties;
- D. Tampering with official records, documents, identification cards; or
- E. Forgery.

4.2.23 Misuse of Keys or Access Cards

This violation is defined as unauthorized possession, duplication or use of keys or cards that permit access to any university or university-related services, vehicles, or premises, including university housing. [top](#)

4.2.24 Misuse of Technology Resources

Students and student/campus organizations are subject to ISU's Acceptable Use of Information Technology Resources policy. See Resources below. Examples of technology misuse may include, but are not limited to:

- A. Accessing, damaging or altering records, programs or databases without permission;
- B. Accessing or disclosing another user's private files without permission;
- C. Unlawful copying of, or improperly using or distributing copyrighted material;
- D. Use of university computing facilities for personal financial gain without permission of the university; or
- E. Sending or posting obscene, harassing or threatening material via an ISU account.

4.2.25 Unauthorized Sale of Others' Intellectual Works

Course-related presentations are owned by the presenter. Students may take written notes or make other recordings for educational purposes, but specific written permission to sell the notes or recordings must be obtained from the presenter. Failure to secure permission is a violation of these conduct regulations.

4.2.26 Violation of Conditions of Recognition

Recognized student and campus organizations may be disciplined for failing to meet conditions of recognition of student/campus organizations as established by the university. In addition to these disciplinary regulations, recognized student/campus organizations not in compliance with university regulations relating to student/campus organizations may be denied privileges by the office responsible for administering such conditions until they comply with conditions of recognition.

4.2.27 Violation of Department of Residence Regulations

Members of the university housing community are subject to the following additional rules and regulations from the Department of Residence Contract Terms and Conditions and Policy Handbook:

- A. The terms of their residence contract, which are separately enforceable pursuant to the terms of the contract; and
- B. Rules and regulations adopted within the living unit in accordance with the bylaws of the student residence governments. [top](#)

4.2.28 Violation of Study Abroad Regulations

Students who participate in an ISU Study Abroad Program are subject to the following additional rules and regulations:

- A. Rules and regulations adopted by the ISU Study Abroad Center and provided to each student in the Study Abroad Code of Conduct (see Resources below);
- B. The laws of the host country in which the student is traveling or living; and
- C. The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying.

4.2.29 Violation of Regents Uniform Rules of Personal Conduct

The Board of Regents, State of Iowa, has adopted Uniform Rules of Personal Conduct applicable to the public universities under their jurisdiction. See 681 IAC §9.1. A violation of the Uniform Rules of Personal Conduct is also a violation of this Student Conduct Code.

4.2.30 Violation of ISU Non-Retaliation Against Persons Reporting Misconduct Policy

Retaliation is any adverse action or threat of adverse action taken against an individual or group of individuals for making a good faith report of misconduct under these regulations, for opposing in a reasonable manner an act believed to constitute a violation of these regulations, or for participating in an investigation or proceeding under these regulations. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from reporting misconduct and/or from participating in any investigation or proceeding under these regulations. Retaliation is an independent violation of these regulations and may be present even where there is a finding of “no responsibility” on the underlying report. The university strictly prohibits retaliation, and will take steps to prevent retaliation, and will impose sanctions on anyone or any group who is found to have engaged in retaliation. Concerns about potential retaliation should be immediately reported to the Office of Student Conduct and/or the Office of Equal Opportunity.

Retaliation may include, but is not limited to, the following behaviors:

- Any action that has a materially adverse effect on a person’s employment, including refusal to hire, demotion, suspension, discharge, compensation, work assignments, evaluations and/or benefits.
- Any action that has a materially adverse effect on a person’s academics, including grades, evaluations, class selection, advancement, academic standing, reprimands, or participation in any University program, activity or benefit.
- Retaliation can take many forms, including, adverse action or violence, verbal or physical abuse, threats, harassment, and intimidation.
- Retaliation may be taken directly against the person who engaged in protected activity and/or against that person’s close family.

4.2.31 Violation of Any Local, State, or Federal Law

Students and student/campus organizations are expected to abide by the laws and regulations applicable to other citizens. Any action or conduct that meets the definition of a crime under any local, state, or federal law, subject to 4.1.1 or 4.1.2 (meeting the distinction for violations on or off campus), is prohibited by these regulations. A violation of this section may be shown by preponderance of the evidence, by documentation of a final determination, or by any type of guilty plea. [top](#)

5. Process

- [5.1 Reports of Disciplinary Misconduct](#)
 - [5.2 Investigation of Disciplinary Misconduct](#)
 - [5.3 Classification and Formal Complaints](#)
 - [5.4 Giving Notice](#)
 - [5.5 Interim Actions](#)
 - [5.6 Agreed Resolutions](#)
 - [5.7 Procedures and Sanctions in Level 1 Cases](#)
 - [5.8 Procedures and Sanctions in Level 2 Cases](#)
 - [5.9 Procedures During a Study Abroad Program](#)
-

5.1 Reports of Disciplinary Misconduct

The student disciplinary process normally begins with the filing of a report by a complainant or a person who has observed or is aware of alleged student misconduct, or receipt of a report from staff, faculty, police, or other authority or administrator identifying misconduct. Misconduct reports should be submitted as soon as possible after the misconduct event occurs. Although there is no time limit on the reporting of misconduct, the university may ultimately be unable to adequately investigate if too much time has passed or if the students involved have graduated. Reports of sexual misconduct, sexual assault, sexual exploitation, sexual and/or gender-based harassment, sexual intimidation, intimate partner violence, stalking proceed under the [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students policy](#). Reports of discrimination and/or harassment based on protected status proceed under the [Discrimination and Harassment policy](#).

Misconduct reports may be filed by providing a written statement of the nature of the alleged violation to the following offices:

- A. For all matters: the OSC, who may forward to the appropriate office
- B. For sexual misconduct, sexual assault, sexual exploitation, sexual and/or gender-based harassment, sexual intimidation, intimate partner violence, stalking and discrimination: the Office of Equal Opportunity
- C. For university housing matters: the RSC Coordinator or Residence Area Directors

The person who receives a misconduct report shall provide a copy of the report to the OSC Administrator within a reasonable time after receipt.

For allegations of academic dishonesty against students, consult the Iowa State University Catalog for information relating to procedures prior to referral for disciplinary action. In the case of allegations of violation of the College of Veterinary Medicine Interclass Honor Code, cases may be brought under these procedures, or under the separate procedures of the College of Veterinary Medicine. Consult the College of Veterinary Medicine Student Handbooks. For allegations of research misconduct, consult the university's Research Misconduct policy for information relating to the procedures for handling such allegations. [top](#)

5.2 Investigation of Disciplinary Misconduct

When the OSC receives a report, a copy shall be filed centrally in the OSC. The OSC Administrator will determine who will investigate the alleged violation except for matters involving--

- 4.2.5 Sexual Misconduct, Sexual and/or Gender Based Harassment, Sexual Assault, Sexual Intimidation and Sexual Exploitation;
- 4.2.6 Intimate Partner Violence;
- 4.2.7 Discrimination;
- 4.2.8 Discriminatory Harassment; and/or
- 4.2.9 Stalking.

Investigations of these matters will be determined by the Office of Equal Opportunity.

The OSC Administrator and the Office of Equal Opportunity have the authority to initiate an investigation in the absence of a report, if they become aware of possible misconduct by a student or student/campus organization.

If it appears an investigation is warranted, the OSC or the Office of Equal Opportunity may schedule initial meetings with the complainant or with the accused student or student/campus organization to provide information as to 1) the allegations; 2) the possible hearing processes; 3) the student's or student/campus organization's rights; and 4) possible outcomes of the process. The complainant's initial meeting shall be separate from the initial meeting with the accused student. Failure of an accused student or the officers of an accused student/campus organization to appear for the initial meeting may result in placement of a hold on registration or records as provided under section 5.5.1. Failure to respond to a request for an initial meeting, or failure to appear for an initial meeting, will not prevent an investigation from proceeding.

Upon completing the investigation, the OSC Administrator will consult with the investigating office and determine if there is cause to believe a violation has occurred and whether the violation is classified as a Level 1 or Level 2 violation. [top](#)

5.3 Classification and Formal Complaints

The OSC will review all reports to determine whether there is sufficient evidence for charges and whether those charges are at the Level 1 or Level 2 classification.

5.3.1 Formal Complaint in Level 1 Cases

A Level 1 case is defined as any violation of the Student Disciplinary Regulations which may result in a sanction up to and including suspension or expulsion. In a Level 1 case, a formal complaint will be provided to a student or student/campus organization and will include:

- A. Any provision of the Student Conduct Code which appears to have been violated;
- B. A summary of grounds for the alleged violation;
- C. A specific date by which the student or student/campus organization must schedule an appointment and review the evidence contained in the student's disciplinary file; and
- D. A description of the hearing options available to the student or student/campus organization. The options include a hearing before the SCHB under section 5.7.1, waiving an SCHB hearing and requesting an administrative hearing before the OSC under section 5.7.1.

In a Level 1 case, a notice of hearing will be provided to a student or student/campus organization at least seven (7) calendar days before the hearing is held. The complainant shall be provided a copy of the formal complaint and notice of hearing at the same time as the accused student.

5.3.2 Formal Complaint in Level 2 Cases

A Level 2 case is defined as any violation of the Student Disciplinary Regulations which may result in a sanction up to and including Deferred Suspension. Level 2 cases cannot result in a student being suspended or expelled from the institution. In a Level 2 case, a Formal Complaint will be provided to a student or student/campus organization and will include:

- A. Any provision of the Student Conduct Code which appears to have been violated;
- B. A summary of grounds for the alleged violation; and
- C. A specific date by which the student and/or organization must schedule a hearing with the office responsible for hearing the formal complaint.

In a Level 2 case, a notice of hearing will be provided to a student or student/campus organization at least five calendar days before the hearing is held. The complainant shall be informed of the formal complaint and notice of hearing at the same time as the accused student. [top](#)

5.4 Giving Notice

Notice is given to students via email, which is the primary means the university has for contacting students. Additionally, notice may also be given to students living on or off campus by United States mail to the student's last known address. Notice may also be sent to a student's hometown address. Student/campus organizations may be given notice by email to an officer of the organization as listed in the organization's last registration or request for recognition.

Note that when the day by which some action must be taken falls between terms, or within the weeks of Thanksgiving or spring break, the action will normally be postponed to the first day after the break or the beginning of the next term. However, the university may require, upon prior notification of the student, that extenuating circumstances warrant action and/or response during these days.

5.5 Interim Actions

The following interim actions may be taken prior to the final adjudication of a case after an allegation of misconduct has been reported.

5.5.1 Hold on Registration and Records

- A. The OSC Administrator or Dean of Students may place a hold on the accused student's registration, transcripts, new awards of financial aid and/or other university records until the case is adjudicated when the following circumstances occur:
 1. The student has failed to respond promptly to requests for information from the investigating office;
 2. The student has failed to appear for the initial meeting with the OSC Administrator or for any hearing;
 3. The alleged conduct is such that, if true, may pose a threat of harm to persons or property; or
 4. The student is scheduled to graduate prior to the adjudication of the case.
- B. When a student has pre-registered for a term after the one in which the hold is placed, the OSC Administrator or Dean of Students may also revoke the registration of a student.
- C. If there are allegations of misconduct relating to the qualifications of a student to graduate, such as allegations of academic fraud or serious allegations of misconduct, the OSC Administrator or Dean of Students may delay graduation until the charges are determined.
- D. The decision to place a hold on registration, to revoke registration, or to delay graduation may be appealed to the Dean of Students or the Senior Vice President for Student Affairs. The OSC Administrator or Dean of Students may impose reasonable conditions on release of the hold. [top](#)

5.5.2 Interim Suspension

The OSC Administrator or Dean of Students may order that a student be immediately excluded from classes, university facilities (including university housing), and/or denied privileges and ability to participate in activities and programs when the student's continued presence may constitute a significant danger to safety or property. The student will receive a written notice stating the reasons for the interim suspension and the time and place of the hearing to be held within two business days. The hearing will be before the Dean of Students.

At the time of the hearing, the university shall show probable cause why interim suspension is warranted, and the student shall have the opportunity to show why interim suspension is not warranted. If it appears that the student's behavior indicates medical withdrawal is warranted, the OSC Administrator or Dean of Students may initiate medical withdrawal as provided in the Iowa State University Catalog under "Interim or Medical Withdrawal." Hearings regarding continued suspension and medical withdrawal will be held under that policy (see Resources below).

5.5.3 Interim Suspension of Organizational Privileges

The OSC Administrator or Dean of Students may order that a student/campus organization be immediately denied university privileges and be excluded from activities on the campus when the student/campus organization's continued presence on the campus creates a continuing danger to persons or property or constitutes an ongoing threat of disruption

to the academic process. The student/campus organization will receive a written notice stating the reasons for the interim suspension and the time and place of the hearing to be held within five business days. The hearing will be before the Dean of Students. At the time of the hearing, the university shall show probable cause why interim suspension is warranted, and the student/campus organization shall have the opportunity to show why interim suspension is not warranted.

5.5.4 Restricted Contact Notice

In cases involving allegations of assault, injury, sexual misconduct, harassment, threats of such conduct, and/or where there is reason to believe continued contact between the accused and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the OSC Administrator, the director of Residence or director of Public Safety may require that the parties be subject to restrictions on contact with specific persons. The relevant student(s) will receive written notice of, and reasons for, the Restricted Contact Notice.

In addition to this internal university Restricted Contact Notice, individuals are advised that other similar options exist under Iowa law pursuant to civil and criminal proceedings. If criminal domestic abuse charges are filed against a person the court will automatically impose a criminal No Contact Order pursuant to Iowa Code Chapter 664A. For other crimes, the court has the ability to impose a No Contact Order as well. If no criminal charges are filed, but the complainant is involved in a domestic relationship with the accused, the complainant may apply to the court for a Civil Protective Order under Iowa Code Chapter 236. [top](#)

5.5.5 Interim Removal from University Housing

The OSC Administrator or Dean of Students may order that a student be immediately removed from university housing as an interim action when the student's continued presence creates a continuing danger to persons or property or constitutes an ongoing threat of disruption to the university's programs, activities, or services. The student will receive a written notice stating the reasons for the interim removal and the time and place of the hearing to be held within three calendar days. The hearing will be before the Dean of Students.

At the time of the hearing, the university shall show probable cause why interim removal from university housing is warranted, and the student shall have the opportunity to show why interim removal from university housing is not warranted.

5.5.6 Other Interim Actions

Other interim actions are available for implementation prior to the final outcome of a disciplinary hearing to assist in ensuring the safety and well-being of the university community or to prevent the unreasonable disruption of university programs, activities, or services. Implementation of such interim actions will depend on the specific facts and circumstances of each case but may include such measures as referrals for support services, changing on-campus living and dining arrangements, and/or adjusting academic courses, schedules and assignments or on-campus employment obligations for the involved students. When imposing interim actions, the OSC will work closely with involved university departments.

5.6 Agreed Resolutions

At any time before a hearing or adjudication under these regulations, if the OSC Administrator and the accused student or student/campus organization reach agreement upon a reasonable sanction for conduct, the parties may enter into an agreed resolution which shall be binding upon approval by the Dean of Students. Discussions regarding agreed resolutions shall not be introduced against the accused as evidence of responsibility in disciplinary hearings. [top](#)

5.7 Procedures and Sanctions in Level 1 Cases

- [5.7.1 Jurisdiction of the SCHB; Waiver of SCHB Hearing](#)
 - [5.7.2 Conflicts of Interest and Challenging Hearing Board Members for Bias](#)
 - [5.7.3 Time for Hearing](#)
 - [5.7.4 Review of Documents and Case Summary](#)
 - [5.7.5 Participation in Hearings](#)
 - [5.7.6 Right to Presence of Advisors](#)
 - [5.7.7 Right to be Present/Failure to Attend](#)
 - [5.7.8 Hearing Procedure](#)
 - [5.7.9 Sanctions Permissible in Level 1 Cases](#)
 - [5.7.10 Actions of Dean of Students](#)
 - [5.7.11 Notification of Final Results](#)
-

5.7.1 Jurisdiction of the SCHB; Waiver of SCHB Hearing

If the OSC determines that the case is Level 1 (see section 5.3.1), the case will be heard by the SCHB hearing board. The accused student or student/campus organization may waive hearing and request an administrative hearing before an OSC administrator. The OSC may grant the request, or continue to an SCHB hearing. When an administrative hearing is held, the OSC will either facilitate an agreed resolution with the student or hear the case under the informal rules for administrative hearings and, if the student is found responsible, will recommend a sanction to the Dean of Students. When an SCHB hearing is waived, the OSC and the Dean of Students may impose any sanction that could have been imposed in an SCHB hearing. [top](#)

5.7.2 Conflicts of Interest and Challenging Hearing Board Members for Bias

In order to provide an impartial hearing, each panel member selected for an SCHB Hearing will be queried for conflicts of interest or potential bias. Based upon the disclosure, the OSC Administrator may reject the panel member and select a new one. If a panel member discloses a conflict of interest or potential bias, and the individual is not rejected, the disclosure will be made available to the accused student and the complainant or student/campus organization.

Whether there is a disclosure or not, the accused student, complainant or student/campus organization may request removal of members of the hearing board for reasons of bias. Such requests, including the reasons for it, should be made as early as possible to the OSC Administrator, but no later than 5:00 p.m. of the business day prior to the hearing. If there is a change in the composition of the hearing board after issuance of the notice of the hearing, the student or student/campus organization may request removal of the new board members at the opening of the hearing. The chair of the hearing board will make decisions regarding removal, unless the student is requesting removal of the chair. Where there is a request to remove the chair, and the chair does not voluntarily remove themselves, the Dean of Students will decide whether removal is warranted. Any challenge to board members or a chair may result in a delay in the hearing to identify a replacement.

5.7.3 Time for Hearing

The SCHB hearing will be held within 30 calendar days of issuance of formal complaint, unless the OSC or the hearing board chair grants additional time upon the written request of the accused student, the accused student/campus organization or the Student Conduct hearing officer for the case. The accused student or student/campus organization and the complainant shall have at least seven (7) calendar days' notice of the charges and hearing.

5.7.4 Review of Documents and Case Summary

After issuance of a formal complaint or notice of the SCHB hearing, the accused and the complainant may review the documents to be presented at the hearing (in the OSC only) and the case summary evidence prepared by the OSC. The accused and the complainant may suggest the names of witnesses to be called during the hearing. The case summary will indicate the following information:

- A. Persons expected to testify

- B. Documents expected to be used
- C. A short summary of the information to be presented to the SCHB. [top](#)

The OSC will provide access to the case file for the hearing to the sitting SCHB at least seven (7) calendar days in advance of the scheduled hearing. After receiving the information, the SCHB may submit questions to OSC or request additional follow-up by the OSC/investigator. If new and relevant information is acquired as a result of these questions, the charged student (and complainant, if applicable) will be permitted to review this new information and respond within an appropriate amount of time. The scheduled hearing may be postponed in order to properly consider any additional information.

5.7.5 Participation in Hearings

All hearings are closed to the public general public. Respondents and complainants are permitted to attend and participate in the hearing.

- A. The respondent (and complainant, if applicable) may submit a written statement to the SCHB that contains their position concerning the matter and highlights the information that they feel is most relevant to the SCHB's deliberation regarding whether or not a policy violation has occurred. Written statements must be submitted to the SCHB at least twenty-four (24) hours before the hearing.
- B. In addition, the respondent (and complainant, if applicable) may submit a separate impact statement to the SCHB that describes the impact of the matter on them and/or requests certain sanctions be excluded or imposed. The SCHB will read and consider submitted impact statements only in making a determination as to recommending sanctions upon a finding that university policy has been violated. Impact statements must be submitted to the SCHB at least twenty-four (24) hours before the hearing.
- C. The hearing may proceed without the participation/presence of the respondent (and complainant, if applicable); see item 5.5.7. The matter may be resolved in absentia of either party. The OSC and/or the SCHB will provide sufficient notice of the hearing to all parties (at least seven (7) calendar days before the hearing) and with discretion, may reschedule hearings for extenuating circumstances.

5.7.6 Right to Presence of Advisors

Any two persons from within the university community (e.g., faculty, staff, student) or outside the university community (e.g., family, friend, attorney) may advise the accused student or student/campus organization. Complainants and witnesses involved in a matter also have the same right to the presence of advisors. However, the SCHB is not a court proceeding and advisors' roles are limited.

- A. Advisors may:
 1. Advise the student on the preparation and presentation of the case;
 2. Accompany the student to all formal or informal meetings, investigation interviews, and any necessary hearings; and
 3. Advise the students in preparation and presentation of any appeal.
- B. Advisors may not:
 1. Present any part of the case for a student. However, a student who cannot effectively communicate in the English language may ask the chair of the assigned SCHB to allow an interpreter to translate the case for the student. In addition, a student with a disability may contact Student Accessibility Services (SAS) to initiate the process for reasonable disability accommodations, as detailed in section 3.12 above;
 2. Directly examine or cross examine witnesses; or
 3. Disrupt or delay the proceedings.
- C. Advisors not complying with university hearing procedures may be removed from the disciplinary proceedings by the chairperson of the SCHB, and the hearing may continue at the discretion of the chairperson. [top](#)

5.7.7 Right to be Present/Failure to Attend

The accused student, complainant or officers of an accused student/campus organization have the right to be present at the hearing. If the student or student/campus organization fails to attend the hearing after having been given proper notice of the hearing, the hearing board chair may find the student or student/campus organization responsible and recommend an appropriate sanction. The hearing board chair must require the OSC Administrator to present a summary of the evidence prior to making a finding and recommendation.

5.7.8 Hearing Procedure

The structure of the hearing will generally proceed as follows:

- A. The hearing officer, investigator, or appropriate designee, will be present and will provide an overview of the report and/or case file. The SCHB may pose questions to the hearing officer/investigator, and the respondent may pose questions as well (and complainant, if applicable).
- B. The SCHB may request to hear from one or more witnesses. The Chairperson has final discretion regarding the calling of witnesses. The presumption is that the hearing officer/investigator has identified and interviewed all relevant witnesses and supplied the information necessary for the SCHB to render its decision and determine sanctions. Accordingly, witnesses should appear before the SCHB only when a genuine need is identified. The respondent (and complainant, if applicable) may pose questions to any witness called.
- C. The respondent may make a statement to the SCHB directly. This statement should summarize their position concerning the matter and highlight the information that they feel is most relevant to the SCHB's deliberation regarding whether or not university policy was violated. Impact statements and sanctioning suggestions should not be made at this time, but should instead be made during the sanctioning stage, if necessary. The SCHB may pose questions to any participating party. When applicable, the Respondent may pose questions to a Complainant; and the Complainant may pose questions to a participating Respondent.
- D. When the hearing convenes, no new information will be considered by the SCHB, unless the party offering the information can show that it was: (i) not reasonably available during the investigation phase of the process; and (ii) is relevant to establishing whether or not the respondent is responsible for the policy violation. If the introduction of new information to the SCHB is allowed, the other party will have the opportunity to review and respond.
- E. Formal rules of evidence do not apply. The SCHB will consider both witness testimony and documentary evidence and give it appropriate weight under the circumstances. Past unrelated behavior of the accused or the complainant (if applicable) shall not be admitted in evidence by the SCHB chair.
- F. The hearing board will make its decision based on the evidence reviewed, along with any additional relevant information presented at the hearing.
- G. A video recording will be made in SCHB hearings. All other recording devices and/or cameras are prohibited in hearings.
- H. At the conclusion of the hearing, the SCHB will deliberate in private and make a decision of responsibility or non-responsibility, by majority vote, based on the preponderance of the evidence. No member of the SCHB may abstain.
- I. If, after deliberations, the SCHB determines that the information contained in the report, case file, and gathered during the hearing, does not support by a preponderance of the evidence that the respondent is responsible for a violation of the Student Disciplinary Regulations, the hearing panel will notify the OSC by means of a written decision, setting forth its rationale.
- J. If, after deliberations, the hearing panel determines that the information contained in the report, case file, and gathered during the hearing, does support by a preponderance of the evidence that the respondent is responsible for a violation of the Student Disciplinary Regulations, the hearing panel will notify the OSC by means of a written decision, setting forth its rationale.
- K. The written decisions described above will be delivered to the OSC within seven (7) calendar days of the conclusion of the hearing, and will contain the SCHB's rationale for its decision and any other necessary information. If the respondent is found responsible, the SCHB will specify the specific type(s) of Prohibited Conduct, if any, for which the respondent is found "Responsible". [top](#)

5.7.9 Sanctions permissible in Level 1 Cases

If the SCHB determines that the respondent is responsible for one or more policy violations, it will recommend appropriate sanctions. Sanctions may include any of the sanctions identified in the Student Disciplinary Regulations. In determining the appropriate sanctions to recommend, the SCHB will review and consider any impact statements submitted by the parties.

- Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct and any record of prior discipline for prohibited misconduct or other similar violation. The imposed sanction(s) should be designed to eliminate misconduct, prevent its recurrence, and address its effects, while affirming the university's educational mission.
- The SCHB will forward its recommendations regarding sanctions to the Dean of Students/OSC who will review the recommended sanctions.

A. **Individuals:** In addition to the sanctions permissible in a Level 2 case (see section 5.8.4), the following sanctions may be imposed upon an individual student in a Level 1 case:

1. **Restitution:** A requirement to pay the cost of property damage or medical expenses to another student or student/campus organization incurred during conduct violation or make other appropriate restitution, where the costs are up to or exceeding \$1000;
2. **Long-Term Limitation on Activity or Access:** A requirement that the student be limited in or excluded from participation in an extracurricular activity, club or organization for a period of more than seven (7) months. Access to university facilities and premises may be limited or denied.
3. **Revocation of Admission:** If a student violates the Student Conduct Code after admission, but before attendance at the university, admission may be revoked and fees may be refunded.
4. **Defined Length Suspension:** The student is dropped from the university for a specific length of time. This suspension may not be less than one semester or more than two years. Reinstatement may be contingent upon meeting the written requirements of the SCHB at the time the sanction was imposed. A hold will be placed on reentry until reinstatement is granted under the procedure provided in section 7 below.
5. **Indefinite Suspension:** The student is dropped from the university indefinitely. Reinstatement may be contingent upon meeting the written requirements of the SCHB specified at the time the sanction was imposed. Normally, a student who is suspended indefinitely may not be reinstated for a minimum of two years. A hold will be placed on reentry until reinstatement is granted under the procedure provided in section 7 below.
6. **Expulsion:** The student is permanently deprived of their opportunity to continue at the university in any status.
7. **Transcript Notation:** When a student is sanctioned with an expulsion, suspension or revocation of admission, a written notation will be placed on the student's official transcript.

B. **Student/Campus Organizations:** In addition to the sanctions permissible in a Level 2 case (see section 5.8.4), the following sanctions may be imposed upon a recognized student/campus organization in a Level 1 case:

1. **Term Suspension:** A student/campus organization may be suspended from recognition and university privileges for a specific amount of time. This suspension may not be less than one semester or more than four years.
2. **Indefinite Suspension:** A student/campus organization may be indefinitely suspended from recognition and university privileges. The suspension may indicate that the student/campus organization shall not be considered for reinstatement for a specified period of time. To achieve recognition again, the student/campus organization may apply for recognition, and the nature of the conduct giving rise to the indefinite suspension may be considered in deciding to recognize the student/campus organization. See section 7.
3. **Long Term Limitation on Activity or Access:** A requirement that the student/campus organization be limited in or excluded from participation in an extracurricular activity, club or organization for a period of more than seven (7) months. Access to university facilities and premises may be limited or denied.
4. **Officer or Member Sanctions:** As a condition of any sanction imposed on a student/campus organization, the organization may be required to: remove or suspend from office any officer, prohibit identified members from becoming officers and/or remove or suspend identified members. [top](#)

5.7.10 Actions of Dean of Students

In reaching a final decision, the Dean of Students may either accept the sanctions as recommended or make any changes deemed necessary to ensure the sanctions are appropriate, consistent with those issued in similar cases, and are reasonably designed to eliminate the conduct, prevent its recurrence, and remedy its effects.

Before the Dean of Students chooses not to follow an SCHB recommendation, the Dean must consult with the SCHB chair regarding the change, and provide an explanation in the final decision with reasons supporting the modification of the SCHB recommendation.

5.7.11 Notification of Final Results

As soon as practicable after receiving the SCHB's written decision, the Dean of Students will issue a written notification letter (the "Final Outcome Letter") to the respondent (and complainant, if applicable). The letter will set forth:

- A. the name of the respondent;
- B. the violations of the policy for which the respondent was found responsible or a statement that the respondent was found not responsible;
- C. the rationale for the finding, as provided by the SCHB;
- D. the sanctions/remedial measures imposed on the respondent, if any;
- E. the individual services/resources available to the respondent (and Complainant, if applicable); and
- F. an explanation of the appeals process.

5.8 Procedures and Sanctions in Level 2 Cases

5.8.1 Assignment of Level 2 Cases

5.8.2 Right to Presence of Advisors

5.8.3 Administrative Hearings

5.8.4 Sanctions in Administrative Hearings

5.8.5 Notification of the Result of Administrative Hearings

5.8.1 Assignment of Level 2 Cases

If the OSC Administrator determines the case is of Level 2 classification, it will be referred to the RSC Coordinator, if it involves a university housing issue; or to an OSC administrative hearing. For all cases the OSC Administrator has the discretion to refer the case to the SCHB for adjudication. The formal complaint will be sent to the student or student/campus organization at least seven (7) calendar days before the date of the hearing.

5.8.2 Right to Presence of Advisors

Any two persons from within the university community (faculty, staff, student) or outside the university community may advise the accused student or student/campus organization. Complainants/witnesses to a proceeding also have the same right to the presence of advisors. University hearings are not court proceedings.

- A. The advisor may:
 1. Advise the students on the preparation and presentation of the case;
 2. Accompany the students to all disciplinary hearings; and
 3. Advise the students in preparation and presentation of any appeal.
- B. The advisor may not:
 1. Present any part of the case for the students or student/campus organization. However, a student who cannot effectively communicate in the English language may ask the chair of the assigned SCHB hearing board to allow an interpreter to translate the case for the student. In addition, a student with a disability

- may contact Student Accessibility Services (SAS) to initiate the process for reasonable disability accommodations, see 3.12 above;
 - 2. Directly examine or cross examine witnesses; or
 - 3. Disrupt or delay the proceedings.
- C. Advisors not complying with university hearing procedures may be removed from the disciplinary proceedings by the chairperson of the SCHB hearing board, and the hearing may continue at the discretion of the chairperson. [top](#)

5.8.3 Administrative Hearings

An administrative hearing is a meeting for the accused student or student/campus organization to meet with a representative of the OSC for the purpose of determining whether the accused student or student/campus organization is responsible or not responsible for violations contained in the formal complaint. At an administrative hearing involving Level 2 charges, the student or student/campus organization is informed of the evidence supporting the charges. The student or student/campus organization has a reasonable opportunity to make a statement and respond on their behalf to the charges. Upon request, the complainant shall have the right to be present and have substantially the same opportunity to present at the administrative hearing. The complainant may also participate by remote method such as telephone conference, or participate solely by providing a written statement.

If the student or student/campus organization does not take responsibility for an alleged conduct violation, the administrative hearing officer, or the SCHB will make a determination whether the student or student/campus organization has committed a violation and, if so, may impose or recommend the sanctions indicated below. The case shall be dismissed or recommended for dismissal if the administrative hearing officer or hearing board determines, after considering the information presented, that the evidence available does not indicate by a preponderance of the evidence that the alleged violation occurred.

If no response to the notice is made, or if a meeting has not been requested within five (5) calendar days, the RSC Coordinator or the OSC Administrator may take the proposed action. [top](#)

5.8.4 Sanctions in Administrative Hearings

- A. **All Level 2 cases:** The following sanctions may be imposed in all Level 2 cases.
1. Disciplinary Reprimand: An official warning followed by the written notice to the student or student organization that their conduct is in violation of university rules and regulations.
 2. Conduct Probation/Conditions: A more severe sanction than a disciplinary reprimand. It is a period of review during which the student or student organization must demonstrate the ability to comply with university rules, regulations, and other requirements stipulated for the probation period. While under conduct probation, a student may be disqualified from serving as an officer of a student or campus organization or as a member of a university committee or council. The OSC Administrator or the RSC Coordinator may impose reasonable conditions upon probation which may include limitations on activity or access to university facilities for a period of seven (7) months or less.
 3. Education: A requirement to participate in some project, class or other activity that is relevant to the nature of the offense and appropriate for the violation.
 4. Restitution: A requirement to pay the cost of property damage or medical expenses to another student or student organization incurred during conduct violation, or to make other appropriate restitution, so long as costs do not exceed \$1000.
- B. **Administrative Hearings before the OSC and the SCHB:** In addition to sanctions that may be imposed in all Level 2 cases, in an OSC administrative hearing, or a referral case to the SCHB, the following sanction may be imposed:
1. Deferred Suspension: A suspension, but which is deferred subject to a definite or indefinite period of observation and review. If a student or campus organization is found responsible for further violation of the Student Conduct Code or an order of a judiciary body, suspension may be recommended to the Dean of Students Office. While under deferred suspension, a student may be disqualified from serving as an officer

of a student or campus organization or as a member of a university committee or council. The OSC Administrator may impose reasonable conditions upon deferral, which may include limitations on activity or access to university facilities for a period of the deferred suspension.

- C. **Residence Cases:** In addition to sanctions which may be imposed in all Level 2 cases, in a residence case by RSC administrative hearing, the following sanctions may be imposed:
1. Removal from university housing: A resident may be removed from a residence hall or apartment. The student shall have a maximum of ten days to move. The student's access to specific living or dining areas may be restricted as part of the sanction. If the decision is appealed, the Dean of Students shall have power to waive or enforce removal while the appeal is pending. The student's original room or apartment will not be reassigned until the completion of the appeals to the Dean of Students.
 2. Sanctions provided under the Residence Contract: Sanctions outlined in the Department of Residence Contract may be levied in a residence case, including sanctions for violation of disciplinary regulations duly adopted by the applicable residence government.
- D. **Greek Cases:** In addition to sanctions which may be imposed in all Level 2 cases, in a case before the OSC administrative hearing, the administrative hearing officer may impose sanctions permitted by the duly adopted rules of the governing Greek council. [top](#)

5.8.5 Notification of the Result of Administrative Hearings

The OSC Administrator or the RSC Coordinator will send notice confirming the decision to the accused within seven (7) calendar days of the hearing and will also inform the appropriate university officials and the complainant (if any) of the decision.

5.9 Procedures during a Study Abroad Program

A Study Abroad Program is an academic program providing the student involved with an opportunity to pursue academic study for credit outside the United States. Students are expected to take advantage of the cultural opportunities involved and are responsible for their behavior during the program. The Study Abroad Center has developed rules and regulations that all participants are required to follow while studying in a foreign country. Students who fail to abide by the rules and regulations of the Study Abroad Center may be withdrawn from the Study Abroad Program and sent back to the United States at their own expense pursuant to procedures developed by the Study Abroad Center. In addition, if the student's conduct is also in violation of the university Student Conduct Code, disciplinary action may be undertaken by the OSC. [top](#)

6. Appeals

Failure to appeal or comply with the appeal procedures will render the original decision final and conclusive. In the event of special circumstances, an extension in time may be requested by submitting a written request to the Office of Student Conduct (OSC) stating good reason for the request for additional time. Normally, such requests will be granted if the request is filed before the deadline (see section 6.2 below) and the reasons(s) for the extension is/are reasonable and legitimate.

All evidence is to be presented to the administrative hearing officer or specific hearing board assigned to hear the case. Evidence may not be presented during an appeal without special permission of the person hearing the appeal. See section 6.8.

[6.1 Who May Appeal](#)

[6.2 Time for Filing an Appeal](#)

[6.3 Notice of Appeal and Grounds for Appeal](#)

[6.4 Written Statement](#)

[6.5 Access to Record](#)

[6.6 OSC Statement: Transmittal of the Record](#)

[6.7 Supplemental Statement](#)

[6.8 Board to Hear Appeals](#)

[6.9 Status During Appeal](#)

[6.10 Procedure: Decision](#)

[6.11 Review of Final Decision](#)

6.1 Who May Appeal

A student or student/campus organization found responsible with having violated the Student Conduct Code has a right to appeal that decision. The party filing an appeal shall be identified as the appellant.

In matters governed by the university's [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students policy](#), both the complainant and the respondent have the right to appeal final determinations of responsibility or non-responsibility and/or any resulting sanctions based on limited grounds. For more information regarding appeals related to the Sexual Misconduct policy, see the [Procedures and Guidance document](#).

6.2 Time for Filing an Appeal

A notice of appeal must be filed in writing with the OSC within seven (7) calendar days after notification of the student, the student/campus organization, or the complainant of the decision from which the appeal is taken. [top](#)

6.3 Notice of Appeal and Grounds for Appeal

A notice of appeal must be filed in writing with the OSC as detailed in section 6.2 above. An appellant may appeal the lower conduct decision based on one or more of the following limited grounds:

- A. Substantial procedural error that materially affected the outcome;
- B. The decision was arbitrary and capricious or constituted an abuse of discretion;
- C. There is new evidence presented that was not reasonably available at the time of the hearing and is relevant to establishing whether it is more likely than not that the respondent is responsible for the violation; and/or
- D. The sanctions imposed are outside the university's sanction range for such violations and/or not justified in light of the totality of the circumstances.

The notice of appeal must state the grounds for appeal from the list identified above. In addition, the appellant must also provide the written statement as described in section 6.4.

6.4 Written Statement

Within seven (7) calendar days after filing the notice of appeal, if the appellant has not already included the written statement in the notice of appeal, the appellant must file a written statement supporting the reasons for the appeal with the OSC. The OSC will provide a copy of the appellant's written statement to the party who has not appealed the decision.

It is recommended that the written statement contain the following information:

- Grounds for appeal;
- Examination of and references to evidence presented during the hearing;
- New evidence - If the appeal is based upon new evidence, the written statement should contain a statement detailing the new evidence, together with a statement as to why the information was not reasonably available at the time of the hearing and how the new evidence impacts the matter;
- Alleged procedural error(s) - If the appeal is based upon substantial procedural error, the written statement should contain a statement detailing the alleged procedural error(s), together with a statement as to how the

error(s) materially affected the outcome; if the appeal is based upon an abuse of discretion, the written statement should contain a statement detailing the alleged abuse of discretion. [top](#)

6.5 Access to Record

For purposes of appeal, the appellant and, in applicable cases, the party who has not appealed may review at the OSC a copy of the official recording and documents used during the hearing. Reviewing parties will be granted an ample opportunity to review the recording and the documents, but will not be permitted to take copies of them.

6.6 OSC Statement: Transmittal of the Record

The OSC, or other appropriate university unit, will provide a written statement in response to the appellant's written statement within seven (7) calendar days of its filing. A copy of the OSC statement will be sent to the appellant and the party who has not appealed at the same time it is filed.

The OSC will transmit the record of the hearing and the entire appeal record to the conduct board hearing the appeal at the same time it files the response.

6.7 Supplemental Statement

The appellant and/or party who has not appealed may provide a supplemental statement within seven (7) calendar days of filing of the OSC response. [top](#)

6.8 Board to Hear Appeals

Appeals are heard by a separate three member appeal panel drawn from the membership of the full SCHB. The appeal panel's responsibility is limited to determining whether any of the grounds for appeal identified above are present. If any or all are found by the appeal panel, by majority vote, the appeal will be granted. If the appeal is denied, the matter is closed, and the original decision is considered the final decision of the university.

6.9 Status During Appeal

Any sanction imposed as a result of a hearing with a lower board (or administrator) will remain in effect during the process of appeal. The Dean of Students and the Senior Vice President for Student Affairs have the authority, under extenuating circumstances, to defer the imposed sanction while an appeal is in process. Granting of deferral may be conditioned upon agreement to reasonable conditions. [top](#)

6.10 Procedure: Decision

After receiving all written statements, the appeal panel may rule, or may ask for the parties to present short oral arguments. The appeal panel may do one of the following:

- A. Affirm the initial decision.
- B. Grant the appeal due to substantial procedural error that materially affected the outcome, which results in the original decision being overturned, and the convening of a new administrative hearing or SCHB to re-hear the matter for determination of responsibility, and if necessary, sanctioning.
- C. Grant the appeal due to the original decision being deemed arbitrary and capricious or constituting an abuse of discretion, which results in the original decision being overturned, and the convening of a new administrative hearing or SCHB to re-hear the matter for determination of responsibility, and if necessary, sanctioning.
- D. Grant the appeal due to the presentation of new evidence not reasonably available at the time of the initial hearing and relevant to establishing whether it is more likely than not that the student / student

organization is responsible for the violation: the matter will be returned to the original hearing officer (in administrative hearings) or SCHB for determinations of responsibility, and if necessary, sanctioning, in light of the new evidence.

- E. Grant the appeal due to the sanctions imposed being deemed outside the university's sanction range for such violations and/or not justified in light of the totality of the circumstances, which results in the Associate Vice President/Dean of Students or Senior Vice President for Student Affairs or designee (depending on case classification) reviewing the matter and modifying the hearing sanction as deemed appropriate.

In the event of reconsideration, the three-person appeal panel will provide instructions regarding the nature and extent of the reconsideration. The Administrative Hearing Officer or SCHB (or the AVP/Dean of Students or Senior Vice President for Student Affairs) will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding will be the final decision of the university.

The decision of the appeal board will be based upon the record and the materials submitted by the parties. The decision and the reasons for the decision will be sent to the appellant student or student/campus organization, the complainant (if applicable), the OSC, the hearing board chair, and the Dean of Students. If the appeal is denied, the written notice will state that it is the final institutional decision on the matter and reference the appeal procedures before the Board of Regents, State of Iowa and shall state that such appeals are subject to deadlines. (See section 6.11 below).

6.11 Review of Final Decision

The decision of the appeal board represents the final decision of the university. The university's final decision may be appealed to the Board of Regents, State of Iowa.

6.11.1 Board of Regents

The Board of Regents may review the final decision of the university. Any review by the Board of Regents will be determined under the rules and procedures established by that agency. See the [Board Policy Manual](#).

6.11.2 Judicial Review

A final decision by the Board of Regents may be reviewed by an Iowa District Court.

All interim actions/sanctions in effect while the investigation/hearing were proceeding and/or any sanction imposed as a result of a hearing, may be imposed on an interim basis until the Board of Regents or judicial review appeal process is exhausted. [top](#)

7. Reinstatement

Students or student/campus organizations who are suspended for a defined period with conditions on return, or who are suspended indefinitely, must apply for reinstatement. See sections 5.7.9.A.4-5 and 5.7.9.B.1-2, above. Applications for reinstatement must be filed on a form provided by the Dean of Students Office. To assure sufficient time for review, the application should be filed at least two months in advance of the requested date of return.

A. In order to be reinstated, the student must:

1. Follow university procedures for reentry, if the student has been absent for a period of twelve months or more, (See Iowa State University Catalog, "Returning/Reentry");
2. File a petition for reinstatement with the Dean of Students indicating the basis for the request, including evidence of compliance with any conditions for reinstatement, if any;
3. Supply evidence of good behavior and ability to make academic progress, such as statements from employers, educational institutions and/or counselors; and

4. Supply documentation as requested by the Dean of Students supporting reinstatement.
- B. In order to be reinstated, the student/campus organization must:
1. File a petition for reinstatement with the Dean of Students indicating the basis for the request, including evidence of compliance with any conditions for reinstatement, if any; and
 2. Supply documentation as requested by the Dean of Students supporting reinstatement.
- C. The Dean of Students will:
1. Review the information provided by the student or student/campus organization;
 2. Review the student's or student/campus organization's disciplinary and academic records;
 3. Request a statement from any person who filed the complaint leading to suspension, if that person is still a member of the university community, and consider any such statement; and
 4. Issue a determination as to whether the student or student/campus organization will be reinstated. The determination of the Dean of Students may be appealed to the Senior Vice President for Student Affairs.
- [top](#)
-

8. Records of Disciplinary Actions

Student disciplinary case records will be filed in the student's or student organization's disciplinary file in the OSC consisting of a statement of charges, summary of the information presented at the hearing, findings and sanctions of the administrative hearing officer or hearing body, records of appeals and rationale for the decisions. Student disciplinary case records also include the correspondence, evidence and testimony presented, including those of the complainant and witnesses. Records will be preserved during the pendency of any related legal proceedings.

Student disciplinary case records are normally maintained in the Dean of Students Office for a period of seven (7) years, after which the file records may be purged. Records may be maintained for a longer time at the discretion of the university except that the recording of any hearings may be destroyed one semester following the exhaustion of all appeals.

Student disciplinary case records are confidential. However, when the student is expelled, suspended, or their admission is revoked, a notation will appear on the academic transcript that the student has been dropped due to disciplinary action and is not eligible to enroll. Student disciplinary case records may be required to be transmitted to the Board of Regents for purposes of appeal, or, in the case of legal action, to the courts or to the parties in litigation. When confidential information is transmitted to the courts or parties in litigation, the university will request that all sensitive information of witnesses and complainants be kept confidential under a protective order unless any individual has explicitly or implicitly waived confidentiality.

Persons desiring access to student disciplinary case records must secure a written authorization from the student whose record is requested. Because student disciplinary case records may contain records of persons other than the individual authorizing access, records relating to such other persons will be denied or redacted in a manner sufficient to prevent identification of the other person.

Records of violations by student/campus organizations may be transmitted for inclusion in the organization's file in the Campus Organizations Office. [top](#)

9. Amendment

The university Student Disciplinary Regulations may be amended through the routine decision-making process of the university and appropriate notification to the university community through the Iowa State Daily.

Any organizations or members of the university community may propose amendments by providing a written proposal to the Dean of Students.

At least every five years, and sooner when the Dean of Students determines it is necessary, a committee shall be established by the Senior Vice President for Student Affairs to review the current Student Disciplinary Regulations and recommend any amendments to the university community. Amendments to the university Student Disciplinary Regulations will not be effective until approved by the President and published in the Iowa State Daily.

This amendment procedure shall not be construed to supersede the Board of Regents policy that places authority in the President to declare a state of emergency and sanction any person who is found to have violated a presidential order concerning a declared state of emergency. [top](#)

Resources

Links

- [Academic Dishonesty – Iowa State University Catalog](#)
- [Acceptable Use of Information Technology Resources](#)
- [Alcohol Use – Students and Student Organizations](#)
- [Alcohol, Drugs, and Other Intoxicants](#)
- [Appeals to the Board of Regents \(Regents Policy Manual 1.7\)](#)
- [Department of Residence](#)
- [Discrimination and Harassment Policy](#)
- [Explanation of Rights, Resources, and Procedures for Victims and Survivors \[PDF\]](#)
- [Interim or Medical Withdrawal - Iowa State University Catalog](#)
- [Iowa Administrative Code \(IAC\)](#)
- [Iowa Code \(Iowa Law\)](#)
- [Iowa State University Catalog](#)
- [Research Misconduct Policy](#)
- [Returning/Reentry - Iowa State University Catalog](#)
- [Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students Policy](#)
- [Student Accessibility Services \(SAS\)](#)
- [Student Organization Recognition Policy](#)
- [Study Abroad – Conduct Code](#)
- [Title IX Coordinator](#)

Files

- [SDR PRIOR VERSION 2018-04-09 \[PDF\]](#)
-

Copyright © 1995-2018, Iowa State University of Science and Technology. All rights reserved.