

2300 - Student Code of Conduct

Owner:

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2300

STUDENT CODE OF CONDUCT

ARTICLE I - Introduction.

The University of Idaho is committed to creating and maintaining a productive living-and-learning community that fosters the intellectual, personal, cultural and ethical development of its students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship.

A. Definitions.

A-1. Consent. As used in this code, is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent. Consent to any one form of sexual activity does not imply consent to any other form of sexual activity.

A-2. DOS. The Office of the Dean of Students, which is responsible for the administration of the Student Code of Conduct, and includes the Dean of Students and his/her designees.

A-3. Disciplinary action. Any sanction imposed for misconduct pursuant to FSH [2400](#).

A-4. Educational Setting. Refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

A-5. Policy. The written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Hall Handbook, the Apartment Handbook, the University web pages and computer use policy, and Graduate/Undergraduate Catalogs.

A-6. Student: Includes all persons admitted to the University, either full-time or part-time, to pursue undergraduate, graduate, or professional studies, and includes non-degree seeking students. The following persons are also considered "students":

1. Persons who withdraw after allegedly violating the Student Code of Conduct;

2. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;
3. Individuals participating in the American Language and Culture Program; and
4. Individuals participating in Independent Study of Idaho sponsored by the University of Idaho or taught by a University of Idaho instructor.

A-7. Student Code of Conduct. Herein referred to as “Code”.

A-8. University Official. Includes any person employed or contracted by the University performing assigned duties.

B. Standards of Behavior. Attendance at the University of Idaho is optional and voluntary. When students enroll at the University, they voluntarily accept obligations of performance and behavior that are consistent with the University’s lawful mission, processes, and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

By enrolling at the University of Idaho, students voluntarily accept responsibility for compliance with all University policies, including but not limited to this Code. Disciplinary action may also be taken for any violation of local ordinances, state or federal law, or on or off campus conduct that adversely affects the University community or the pursuit of the University’s lawful educational mission, process, or function. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.

C. Purpose of the Code. The purpose of the Code is to educate students about their civic and social responsibilities as members of the University community. The primary focus of the disciplinary process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the University may be necessary to uphold community standards and to protect the campus community. Extensive, organized, serious, or repeated violations of this Code are taken into account when determining sanctions.

D. Interpretation and Revision. Any question of interpretation regarding the Code shall be determined at the discretion of DOS in consultation with General Counsel. The Code shall be reviewed periodically under the direction of DOS.

E. Affirmative Action and Equal Opportunity. Please refer to FSH [3060](#) and [3065](#) for other relevant policies and procedures.

F. Nondiscrimination. Please refer to FSH [3200](#), [3210](#), [3215](#) for other relevant policies and procedures.

G. Applicability of the University Student Code of Conduct. The Code applies to students pursuant to FSH [2100](#).

ARTICLE II- PROSCRIBED CONDUCT.

A. Rules and Regulations. The following list describes actions that detract from the effectiveness of a University community and for which students are subject to disciplinary action. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary process outlined in FSH [2400](#):

A-1. Academic Dishonesty. Academic honesty and integrity are core values at a university and the faculty finds that even one incident of academic dishonesty may merit expulsion. Instructors and students are jointly responsible for maintaining academic standards and integrity in university courses. In addition to any disciplinary sanctions imposed under the Code, additional consequences for academic dishonesty may be imposed by the course instructor, including issuing a grade of “F” in the course. Any grade issued by the course instructor, whether as a result of academic dishonesty or not, constitutes an academic evaluation and is not disciplinary action. All instructors must report incidents of academic dishonesty to DOS by email or using the reporting form on DOS website. Acts of academic dishonesty include but are not limited to the following:

a. Cheating includes, but is not limited to, the following:

- (1) using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations or other assignments, including copying from another's quiz, test, examination, or other assignment or allowing another to copy from one's own quiz, test, examination, or other assignment;
- (2) using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
- (3) acquiring, without permission, tests or other academic material belonging to the instructor or another member of the University faculty or staff;
- (4) engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion; or
- (5) engaging in other behavior that a reasonable person would consider to be cheating.

b. Plagiarism includes, but is not limited to, the following:

- (1) using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment;
- (2) using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or
- (3) engaging in other behavior that a reasonable person would consider plagiarism.

c. Furnishing false information or false representations to any University official, instructor, or office.

Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, the University.

d. Forging, altering, reproducing, removing, destroying, or misusing any University document, record, or instrument of identification.

e. Violating any provision of university policy regarding intellectual property and research. All data acquired through participation in University research programs is the property of the University and must be provided to the principal investigator. In addition, collaboration with the Office of Research and Economic Development for the assignment of rights, title, and interest in patentable inventions resulting from the research is also required {see Faculty-Staff Handbook [5400](#).}

A-2. Misuse of University Resources or Property, or Personal Property of others.

a. Theft or other abuse of University computer facilities or resources. This includes, but is not limited to, any of the following:

- (1) Unauthorized entry into, or transfer of, a file;
- (2) Using another individual's identification and/or password;
- (3) Using computer facilities or resources:
 - (i) to interfere with the work of another student, faculty member or University official,
 - (ii) to send obscene or abusive messages,
 - (iii) to interfere with the normal operation of the University computing system or resources, or

(iv) in violation of copyright laws.

(4) Any violation of the University Computer Use Policy.

b. Attempted or actual theft of or damage to property of the University or of another person.

c. Unauthorized possession, duplication or use of University keys, computers, lock combinations or other access codes or passwords that can be used to access University property or facilities.

d. Unauthorized entry into or use of any University building, facility, vehicle, equipment room or area, including, but not limited to, unauthorized entry into any private office or space of a member of the faculty, staff, or student body, heating tunnels, elevator shafts, shops, mechanical rooms, trunk rooms, storerooms, roofs, fire escapes, and other restricted areas identified in APM 35.35.E.

e. Building or setting fire(s) without proper authorization as required by APM 35.25.

f. Removing or otherwise tampering with fire equipment or fire-alarm systems, or failure to promptly vacate building(s) when a fire alarm sounds.

g. Possessing or using firearms, explosives, other weapons, projectile or explosive devices, explosive substances, or dangerous chemicals in violation of APM 95.12.

A-3. Threat of Harm or Actual Harm to a Person's Physical or Mental Health or Safety. Living together in a University community requires respect for the rights of fellow members of that community to pursue their academic goals and to participate in lawful campus or University activities. As in any community, certain forms of responsible conduct must be adhered to in order to ensure the physical functioning and safety or security of that community.

a. Physical violence of any nature against any person, on or off campus. Physical violence includes, but is not limited to, (i) fighting; (ii) assault; (iii) battery; (iv) the use of a knife, gun, or other weapon except in reasonable self-defense; (v) physical abuse; (vi) restraining or transporting someone against his/her will; or (vii) any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.

b. Persistent or severe, verbal abuse, threats, intimidation, harassment, coercion, bullying, derogatory comments, vandalism, or other conduct that threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm. A single instance may be considered severe enough to merit sanctions.

c. Hazing, which includes, but is not limited to, any action or participation in any activity that (i) causes or intends to cause physical or mental discomfort or distress, (ii) may demean any person, regardless of location, intent or consent of participants, or (iii) destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are also violations of this rule.

d. Sexual misconduct, which is a broad term encompassing any non-consensual contact of a sexual nature (see Article I, Section A-1, for the definition of consent). Sexual misconduct may vary in severity, and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct (see APM 95.20 for more information about resources available and procedures for responding to sexual misconduct):

(1) Unwelcome sexual conduct. This includes, but is not limited to,

- (i) touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same);
- (ii) touching an unwilling or non-consensual person with one's own intimate parts;
- (iii) forcing an unwilling or non-consensual person to touch another's intimate parts;
- (iv) indecent exposure, which includes, but is not limited to, exposing one's own intimate parts to an unwilling or non-consensual person; and
- (v) voyeurism, which includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio, video, or photographic record of another person without his/her prior knowledge and without his/her prior consent when such a recording is likely to cause injury or distress to the other person, or involves the other person's intimate parts or sexual conduct.

(2) Sexual violence, which refers to physical sexual acts perpetrated against another person's will or where another person is incapable of giving consent or is incapacitated. This includes, but is not limited to,

- (i) rape, which includes, but is not limited to, the unwilling or non-consensual penetration of another person's bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another person's mental or physical condition (such as intoxication, age, or disability) of which the assailant was aware or should have been aware;
- (ii) sexual assault, which is the unwilling or non-consensual penetration of any bodily opening of another person with any object or body part;
- (iii) sexual battery; and
- (iv) sexual coercion.

All acts of sexual violence are also forms of sexual harassment.

e. Sexual harassment, which is defined as unwelcome conduct of a sexual nature (see [FSH 3205](#) for the requirements of the consensual relationship policy). It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

- (1) Submission to or rejection of such conduct or communication is a term or condition of educational benefits, employment, academic evaluations, or other opportunities;
- (2) Submission to such conduct or communication has the purpose or effect of substantially interfering with a student's education;
- (3) Such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile or offensive educational environment or negatively affecting a student's educational opportunities. A single instance may be considered severe enough to merit sanctions.

f. Gender-based and sexual orientation harassment (see [FSH 3215](#)), which is defined as any act of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex, sex-stereotyping, gender, or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

g. Stalking, which includes, but is not limited to, the persistent, severe, or pervasive harassment of another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested. This may include, but is not limited to, repeatedly contacting another

person through any means (such as in person or by phone, electronic means, text messaging, etc.), following another person, or having others contact or follow another person on your behalf. A single instance may be considered severe enough to merit sanctions.

A-4. Discrimination and Retaliation.

a. Discrimination, which includes conduct that violates the Board of Regent's or the University's nondiscrimination and antidiscrimination policies contained in FSH [3200](#), [3210](#), [3215](#) and RGP III.P.1.

b. Retaliation, which includes conduct that intimidates, interferes with, threatens, coerces, or otherwise discriminates against any individual because that individual opposes or reports a perceived wrongdoing, inequity, or violation of law or University policy, files a complaint alleging illegal or prohibited discrimination, participates in a grievance or appeals procedure, or participates in dispute resolution.

A-5. Disruption, Obstruction, or Interference with Normal University Activities. Members of the University community have the right to a campus that is free from unreasonable disruption, obstruction, or interference.

a. Disrupting or obstructing normal University activities, including, but not limited to, all academic activities, University facilities or resources, disciplinary proceedings, University administration, and fire, police, or emergency services

b. Classroom disruption, which is behavior that a reasonable person would view as significantly or repeatedly interfering with the instructor's ability to teach the class or the ability of other students to benefit from the instructional program.

c. Failure to comply with directions of University, law enforcement, fire department, or other government officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

d. Obstruction of the free flow of pedestrian or vehicular traffic on campus.

e. Disorderly conduct, which is behavior that is disorderly, lewd, indecent, or a breach of peace.

f. Abuse of the student conduct system, which includes, but is not limited to, any of the following:

(1) Failure to cooperate with DOS's investigation, except when doing so would require the student to speak against him/herself, where the student failed to notify DOS that the student will not cooperate for this reason;

(2) Falsifying, distorting, or misrepresenting information provided to DOS;

(3) Disrupting or interfering with DOS's investigation;

(4) Making false allegations;

(5) Attempting to discourage an individual's proper participation in, or use of, the student conduct system;

(6) Harassment (verbal or physical) or intimidation of any person participating in DOS's investigation prior to, during, or after the investigation concludes;

(7) Failure to comply with the sanction(s) imposed pursuant to [FSH 2400](#).

g. Influencing or attempting to influence another person to commit any violation of the Code.

h. Failure to appear or refusal to speak as a witness, which occurs when a student fails to appear or refuses to speak as a witness at a disciplinary proceeding or review, unless such act would require the student to speak against him/herself, and fails to promptly notify the chair of SDRB that the student will not appear or speak for this reason.

A-6. Housing and Living Groups. Violations of any rules imposed by University Housing or living groups are also violations of the Code.

A-7. Use and Misuse of Substances.

a. Smoking in violation of [APM 35.28](#).

b. Using, possessing, manufacturing, cultivating, selling, or distributing any state or federally controlled drug, substance, or paraphernalia, including, but not limited to, marijuana, heroin, narcotics, or other controlled substances, in violation of any applicable law or University policy. Inhaling or ingesting any substance (e.g., nitrous oxide, glue, paint, etc.) that is intended to alter a student's mental state without a prescription is also prohibited. See the University's Drug and Alcohol Abuse Prevention and Education publication (available through the Office of the Dean of Students) for more information.

c. Consuming, possessing, manufacturing, or distributing alcoholic beverages in violation of any applicable law or University policy (see [APM 80.01](#) for alcohol permit requirements). Alcoholic beverages may not, in any circumstance, be consumed or possessed by, or distributed to, any person under twenty-one (21) years of age. Except at permitted events pursuant to [APM 80.01](#), alcoholic beverages may not be possessed or consumed by any student under any circumstances on campus in areas open to the general public, which areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of University-owned buildings or grounds.

d. Public intoxication.

A-8. Violation of Laws or University Policy.

a. Any violation of federal law, state law, or local ordinance occurring on campus or on any University property is a violation of the Code.

b. Any violation of University policy is a violation of the Code.

B. Violation of Law and University Discipline.

B-1. University disciplinary action may be instituted against a student accused of conduct that potentially violates both the criminal law and this Code independent of the status of any civil or criminal litigation in court or criminal arrest and prosecution. When allegations include sexual harassment, sexual violence, sexual orientation, or gender-based harassment, University disciplinary action will be carried out promptly. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

B-2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense also gives rise to University disciplinary action, the University may advise off-campus authorities of the existence of the Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with University policies or sanctions. Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Version History

Amended July 2021. Editorial changes.

Amended July 2014. All disciplinary language from FSH 2300 Student Code of Conduct was consolidated into FSH 2400 and updated removing redundancies in policy.

Amended July 2009. Editorial changes.

Amended January 2007. Reformatted the Student Code of Conduct into subsections for easier management of judicial cases

Amended July 2005. Revised Article II, Section 2.

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