

STUDENT CODE OF CONDUCT PROCEDURES

A. General

1. These conduct procedures shall be used to resolve alleged violations by a student or student organization of the *Student Code of Conduct*,¹ the *Standards of Residence* ², or other published rules of student conduct promulgated by the University, except cases that fall under the University's *Student Sexual or Gender-Based Harassment and Sexual Misconduct Policy* ³ or *Academic Integrity Policy*.⁴
2. Remedial actions taken pursuant to these procedures are intended to be educational, not punitive. They are meant to affirm the University's standards of appropriate conduct while encouraging students to make better choices in the future. The University's remedial actions include the following:
 - a. Administrative actions include, but are not limited to, probation, warning, administrative hold, restricted access to University property, interim suspension, interim removal from University housing, and interim protective measures. Administrative actions are not disciplinary and the processes leading to such actions are not considered disciplinary proceedings.
 - b. Educational interventions include, but are not limited to, completing an educational program at the student's expense, writing a paper, engaging in community service, or other assignments of an educational nature designed to impart lessons regarding appropriate student conduct. Educational interventions are not disciplinary and the processes leading to such interventions are not considered disciplinary proceedings.
 - c. Disciplinary sanctions include suspension (except for interim suspension which is an administrative action), expulsion, or degree revocation. These disciplinary sanctions are reviewable and may only result from a disciplinary proceeding as outlined in these *Student Code of Conduct Procedures*.
3. For acts that constitute alleged violations of law and University policy, a student may be accountable to both civil authorities (local, county, state, or federal) and to the University. University disciplinary action may proceed before, during, or after the pendency of criminal proceedings and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced, or if a student has been found not guilty.
4. Throughout the conduct process, a student may be assisted by an advisor selected by the student, who may be a faculty or staff member, student, or attorney, but who is not otherwise a party or witness in the case. Advisors may simply provide support in a manner that does not disrupt or unduly delay any conduct proceeding or may represent the student at a disciplinary hearing.
5. Student conduct correspondence will be transmitted electronically on the day of issue to the affected parties via their official University email addresses. The University will deem such materials to have been delivered to and received by the intended recipient(s) on the day of transmission. The affected parties are responsible for accessing their electronic communications in a timely manner.

¹ Arizona Board of Regents, [Policy Number 5-308, Student Code of Conduct](#), revised September 2018.

² Northern Arizona University, [Standards of Residence](#), revised April 2019.

³ Northern Arizona University, [Student Sexual or Gender-Based Harassment and Sexual Misconduct Policy](#), revised January 2020

⁴ Northern Arizona University, [Academic Integrity Policy \(Number 100601\)](#), revised August 2019.

6. The definitions provided in the Arizona Board of Regents policies 5-302 and 5-308, are applicable to these procedures unless otherwise indicated. As used herein, the terms “Dean of Students” and “Dean” mean the Dean of Students or designee or the Office of the Dean of Students generally.
7. Minor procedural deviations that do not substantially and materially affect the fairness, adequacy, impartiality, or reliability of any conduct process or disciplinary proceedings conducted pursuant to these procedures will not constitute grounds for challenging, annulling, or overturning the outcome.

B. Initiation

1. Upon receipt of information from any reliable source that a student may have violated the *Student Code of Conduct*, the *Standards of Residence*, or other applicable student conduct rules, the Dean of Students will evaluate the information and determine an appropriate course of action. The Dean will provide a student alleged to have committed misconduct with notice of the allegation and the opportunity to respond.
2. Referrals of misconduct submitted to the Dean of Students should to the extent possible state facts, including specific names, dates, locations, etc., and a full description of the alleged misconduct to enable the Dean to determine the appropriate course of action.
3. If the alleged misconduct involves discrimination, harassment, or sexual misconduct, the Dean of Students will inform the Equity and Access Office and the Title IX Coordinator.

C. Interim Action

1. If the Dean of Students becomes aware of reliable information that supports an allegation of student misconduct and believes that the continued presence of the student poses a threat of harm or substantial disruption, the Dean may restrict, suspend, or remove the student from University housing for an interim period prior to the resolution of any conduct process or disciplinary proceeding.
2. The decision to restrict, suspend, or remove a student from University housing for an interim period, and the information on which the decision is based, will be communicated in writing to the student and all other affected parties.
3. A student who is restricted, suspended, or removed from University housing for an interim period prior to the resolution of any conduct process or disciplinary proceeding may contest the decision within five (5) business days of its effective date. Based upon the information provided by the student and all other information available, the Dean of Students will determine whether the interim action will be rescinded, modified, or remain in place.
4. The interim action will remain in effect until resolution of all pending allegations of misconduct or until the Dean of Students determines that the interim action is no longer necessary. The Dean may modify an interim action's terms or conditions as the Dean deems prudent or necessary.
5. The Dean of Students may impose other forms of interim protective measures such as, but not limited to, no-contact directives, relocation of University housing, adjustments to an academic schedule, or exclusion from specific campus locations. The Dean of Students may implement protective measures that accord with the lawful rights of any impacted party for such duration as deemed appropriate.

D. Investigation

1. When the Dean of Students determines that there is a sufficient basis to believe that a student may have violated the *Student Code of Conduct*, *Standards of Residence*, or other applicable student conduct rules, the Dean will notify the student in writing of the alleged violation and the initiation of an investigation.
2. The Dean will gather relevant information as appropriate by interviewing witnesses, reviewing documents and other credible evidence, or through other appropriate measures, and will provide the

student alleged to have committed the violation with an opportunity to meet and discuss the matter. The Dean will provide the student with reasonable notice prior to any conduct meetings.

3. All members of the University community are expected to comply with any request or directive issued by the Dean of Students in connection with a student conduct investigation.
4. Before concluding the investigation, the Dean of Students will ensure that the student receives:
 - a. An explanation of the alleged violation;
 - b. A summary of and a reasonable opportunity to review and respond to all information or evidence that supports the allegation;
 - c. The opportunity to ask questions, submit relevant information, and to identify others who may have relevant information; and
 - d. An explanation of the conduct process and potential remedial response, which as described in Section A(2), may include administrative actions, educational interventions, and/or disciplinary sanctions.
5. Students who have violated the *Student Code of Conduct*, *Standards of Residence*, or other applicable student conduct rules are encouraged to accept responsibility for their actions. A student may waive their rights to the further procedures outlined in this document.
6. A student who fails to attend a conduct meeting with the Dean of Students will forfeit the right to respond to the alleged violation, unless the student can demonstrate that extraordinary circumstances prevented the student's appearance. If the student fails to attend the meeting, the Dean may proceed as described in Section E.

E. Determination and Appeal

1. Based upon the preponderance of the evidence⁵, the Dean of Students will determine whether it is more likely than not that the student violated the *Student Code of Conduct*, *Standards of Residence*, or other applicable rules, and if so, the appropriate remedial response, which may consist of administrative actions, educational interventions, and/or disciplinary sanctions. In determining the appropriate remedial response, the Dean may consider mitigating or aggravating factors, including but not limited to, the individual's prior conduct record.
2. The Dean of Students will provide the student with a written decision within five (5) business days of making the determination. When feasible, the Dean of Students will communicate the decision in a meeting with the student. The decision letter will state the alleged violation, whether the alleged violation was substantiated, and if so, the remedial response to be imposed. In cases where the Dean finds the student responsible for the alleged violation and imposes a disciplinary sanction, the decision letter will also state whether information from the student's prior conduct record was considered and the purpose of its use and will include an explanation of the student's right to request an appeal hearing and the process and deadline for doing so.
3. The decision by the Dean of Students is final, unless the student requests a hearing within five (5) business days of the date of the decision letter by filing a written [notice of appeal](#) with the Office of the Dean of Students. The student may appeal the finding of responsibility and the disciplinary sanction, or just the disciplinary sanction as unreasonable or excessive.
4. The filing of a timely written notice of appeal will suspend the imposition of suspension (except for interim suspension), expulsion, or degree revocation pending the outcome of the disciplinary proceeding. The student may not graduate until the disciplinary proceeding has concluded.

⁵ "Preponderance of the evidence" means that based upon all the available convincing evidence and its probable truth or accuracy, it is more likely than not that the alleged violation occurred. Alternatively stated, preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

5. If a student subject to suspension, expulsion, or degree revocation elects not to request an appeal hearing, the decision by the Dean of Students will become final and effective immediately after five (5) business days from the date of the Dean's decision letter.
6. A student may withdraw their appeal at any time prior to the appeal hearing by notifying the Office of the Vice President for Student Affairs in writing of their decision to withdraw their appeal. The decision to withdraw an appeal is final and may not be reversed once written notice is given.

F. Review by the University Hearing Board

1. The University Hearing Board (the "Hearing Board") conducts student disciplinary sanction appeal hearings. It is advisory to the Vice President for Student Affairs who will make the final decision.
2. The Hearing Board's recommendation may have two parts depending on the nature of the appeal. First, the Hearing Board may make a recommendation as to whether, based upon the preponderance of the evidence, it is more likely than not that the student violated University policy as alleged. Second, the Hearing Board may make a recommendation as to whether the disciplinary sanction imposed by the Dean of Students should be affirmed, modified, or removed.
3. The Hearing Board will be comprised of five (5) trained members, including three (3) faculty and professional staff members and two (2) students. The Vice President for Student Affairs will appoint the Hearing Board members and will designate a faculty or professional staff member as Chair, who will to serve as the hearing's presiding officer.

G. Pre-Hearing Procedures

1. The Vice President for Student Affairs will notify the Hearing Board members and the Chair of their selection in writing.
2. The Hearing Board Chair shall set a hearing date no later than forty-five (45) calendar days after receipt of the student's request for hearing (except in cases that must carry over from the spring to the fall semester to accommodate student or Hearing Board member availability).
3. The Hearing Board Chair will prepare and transmit a written "Notice of Hearing" to the student and the Dean of Students no less than twenty (20) calendar days before the hearing date. The notice will include:
 - a. A statement of the date, time, location, and nature of the hearing and a statement of the Hearing Board's legal authority and jurisdiction;
 - b. A copy of the Dean of Student's disciplinary decision letter that outlines the alleged policy violation, investigative findings, and remedial response;
 - c. Notice of the student's right to be assisted by an advisor or represented by an attorney at the hearing, which explains that the exercise of this right is at the student's option and sole expense;
 - d. A copy of or hyperlink to the *Student Code of Conduct*, the *Standards of Residence*, other applicable rules if appropriate, and these *Student Code of Conduct Procedures*;
 - e. The names of the Hearing Board members and the University Representative who will present the case on the University's behalf, and the Chair's University address; and
 - f. The length of time set for the hearing and the time limitation for the presentation of evidence and witness testimony.
 - g. Notice of the student's right to challenge the participation of any Hearing Board member or the University Representative based on actual or perceived personal bias or conflict of interest, and the deadline and procedure for doing so.

4. A party who cannot attend the hearing on the date scheduled due to extraordinary circumstances must notify the Hearing Board Chair in writing of the reasons why their attendance cannot occur on the date scheduled. The Chair will determine whether to approve or deny the request to reschedule the hearing.
5. No later than five (5) business days prior to the hearing, the University Representative and the student will provide the Hearing Board Chair (who will provide copies to all parties) with the following:
 - a. A list of the names of the witnesses who may be called to testify at the hearing;
 - b. A concise summary of the anticipated statements of each witness;
 - c. Copies of all documents and descriptions of other evidence to be presented at the hearing;
 - d. Notice of any information from the student's prior conduct record that the University Representative plans to present during the hearing and the intended purpose of doing so; and
 - e. The name of any advisor or attorney who may be present to support or represent the student at the hearing.
6. To object to the introduction of a document or information at the hearing, the student or University Representative must submit a written objection to the Hearing Board Chair no later than two (2) business days before the hearing. After providing the other party an opportunity to respond, the Hearing Board Chair shall rule on any objections. Absent a timely objection, the document or information received by the Hearing Board shall become part of the record and shall be considered.
7. A student who wishes to challenge the participation of any member of any Hearing Board member on the grounds of bias or conflict of interest must submit a written statement to the Hearing Board Chair setting forth the basis for the challenge no later than two (2) business days prior to the hearing. The Chair will determine whether to sustain or deny the challenge. If the challenge is sustained, the Vice President for Student Affairs will appoint a replacement to serve on the panel.
8. Members of the University community are expected to comply with any request or directive issued by the Hearing Board Chair in connection with a student conduct proceeding. Upon specific request from the University Representative or the student, the Chair will send a communication to a member of the University community requesting their presence at the hearing and providing notice of the University's expectation that they appear.
9. For good cause shown, the Hearing Board Chair may extend the Hearing Board appeal process timeframes and deadlines by notifying all parties in writing.

H. Conduct of the Hearing

1. The Hearing Board Chair will preside at the hearing and will rule on all procedural matters. Formal rules of evidence will not apply, although the Chair may consider objections to the introduction of specific statements or evidence. The Chair will maintain proper order and decorum and will exclude irrelevant, immaterial, privileged, or unduly repetitious information or testimony. The Chair may establish reasonable time limits for oral presentation and examination of witnesses and other evidence.
2. To preserve the confidential nature of the disciplinary process and to protect the privacy interests of those involved, the hearing will be closed to non-participants. However, any victim, as defined by and provided the right to attend such hearings by law, will be permitted to attend the hearing in its entirety. The Hearing Board Chair will exclude any witnesses except during their own testimony.
3. If the student is represented by an attorney, the University Representative may also be represented by an attorney. The University Hearing Board may be supported by its own legal counsel at any time.
4. The University Representative will have the burden of showing by a preponderance of the evidence that the student more likely than not committed the alleged violation. The University Representative must also explain the remedial response determined by the Dean of Students.

5. Information regarding prior misconduct may not be used as proof of a current violation, but may be admitted at any time during the hearing to show prior experience relevant to the alleged policy violation or that the student had previously been informed that the conduct was not acceptable. Information regarding a student's prior misconduct may also be considered in determining the appropriate remedial response. Prior to the presentation of such information, the Hearing Board Chair shall provide an appropriate limiting instruction regarding how the information is to be used.
6. A student who requests a hearing and fails to appear or refuses to participate will be deemed to have abandoned their request for an appeal, unless the student can demonstrate that extraordinary circumstances prevented their appearance or participation.
7. The hearing will be recorded by electronic device. The recording will be available for transcription in whole or in part upon request. Absent financial hardship, the requestor will pay the cost of the transcript.
8. Following an introductory statement by the Hearing Board Chair stating the nature and scope of the hearing, the basic procedures to be followed, and the appropriate decorum to be maintained, the parties will present opening statements. The student will speak last. Thereafter:
 - a. The University Representative will proceed first at each stage of the presentation. The student or the student's representative will follow.
 - b. Each party may call witnesses to provide statements under oath.
 - c. At the conclusion of each witness statement, the other party may question the witness.
 - d. The Hearing Board members may ask further questions of each witness.
 - e. Rebuttal witnesses may be called to refute statements or other evidence offered by any party.
 - f. Following the presentation of witnesses and evidence, the University Representative followed by the student may deliver closing statements.

I. University Hearing Board Deliberations and Recommendation

1. Following the closing statements and before reaching a decision, the Hearing Board members will discuss the information that has been presented and the reasonable inferences to be drawn from it. Only the Hearing Board and its legal advisor, if any, may be present during the Hearing Board's private deliberations, which will not be recorded or transcribed.
2. Based solely on the preponderance of the evidence presented during the hearing, the Hearing Board will formulate its recommendation as to whether the student more likely than not committed the alleged violation, and if so, what remedial response should apply. The recommendation must be supported by a simple majority of the Hearing Board members.
3. The Hearing Board will not deliberate on the appropriate remedial response unless and until it determines that the student is responsible for the violation or the student has accepted responsibility for the violation. In determining any remedial response to recommend, the Hearing Board may consider any relevant mitigating or aggravating circumstances, including prior conduct violations.
4. The Hearing Board Chair will provide the Hearing Board's recommendation in writing to the student, the Dean of Students, and the Vice President for Student Affairs within three (3) business days of the hearing. The recommendation will include findings of fact, a statement of the reasons for the recommendation, and will be signed by the Chair. If the recommendation is not unanimous, an explanation of any minority opinions should be included.

J. Review and Decision by the Vice President for Student Affairs

1. Following a review of the Hearing Board's recommendation and the related case materials, the Vice President for Student Affairs will render a written decision that either affirms, denies, or modifies the Hearing Board's recommendation.
2. If the Vice President does not accept or modifies the Hearing Board's recommendation, the Vice President will explain any variance from the recommendation in the decision letter.
3. The Vice President will issue the decision letter within ten (10) business days following receipt of the Hearing Board's recommendation, unless it becomes necessary to conduct further investigation or to remand the matter back to the Hearing Board, in which case the written decision must be transmitted no later than ten (10) business days following completion of any subsequent investigation or recommendation by the Hearing Board.
4. Copies of the decision letter will be transmitted to the student, the Dean of Students, and the Hearing Board Chair.
5. The decision letter will include notice of the student's right to seek judicial review within thirty-five (35) calendar days pursuant to the Arizona Administrative Review Act, A.R.S. § 12-901, *et seq.*

K. Request for Review or Rehearing

1. The decision of the Vice President for Student Affairs will become final and effective after fifteen (15) calendar days from the date it is issued, unless the student requests a review or rehearing. A student who is dissatisfied with the decision may request a review or rehearing by filing a written notice with the Executive Vice President and Chief of Staff within fifteen (15) calendar days of the date of the decision issued by the Vice President for Student Affairs.
2. A request for review or rehearing is not an appeal. Instead, it is an opportunity for the student to make the Executive Vice President and Chief of Staff aware of any irregularities or illegalities in the proceedings or of significant new evidence that could not have been provided earlier for consideration. The request must be based on one or more of the following grounds:
 - a. Irregularities in the proceedings or any abuse of discretion or misconduct by a University official that has deprived the student of a fair and impartial disciplinary process;
 - b. Newly discovered material evidence which could not have been presented during the fact-finding or hearing process;
 - c. Excessive severity of the disciplinary sanction; or
 - d. The decision is not reasonably justified by the evidence or is contrary to law.
3. Following receipt of a request for review or rehearing, the Executive Vice President and Chief of Staff will first determine whether the student's request sets forth proper grounds for review or rehearing, and will then undertake or direct whatever additional review is deemed necessary to resolve the issue(s).
4. The Executive Vice President and Chief of Staff will respond to the student's request for review or rehearing in writing within ten (10) business days of receipt of the request. The Executive Vice President and Chief of Staff may uphold or modify the previous decision or grant a rehearing to resolve the issues raised by the request. The decision of the Executive Vice President and Chief of Staff is final.