

ARTICLE V

UNIVERSITY REGULATIONS REGARDING STUDENT CONDUCT

The student at Utah State University is a member of both a civil community and a campus community. The regulations of both communities are applicable to the student.

SECTION V-1. Off-Campus Conduct

The University is concerned and involved with student conduct both on and off campus. The University Standards (Section V-3, below) apply to violations committed on campus, on any property owned, leased, or controlled by the University, or at any location where a student is engaged in an official University activity or the student represents the University, as well as occurring in practicum, internship, student field trip, student teaching, and independent study settings. When conduct occurs off-campus, and there is a clear nexus or direct connection between the conduct and its impact on the campus environment, university community, or its educational mission, the Vice President for Student Affairs shall determine whether disciplinary action should be undertaken.

SECTION V-2. Violation of Federal, State, or Local Laws

Students are expected to obey federal, state, and local laws.

The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include pursuing disciplinary action for any violation of federal, state, or local law where there is a clear nexus or direct connection between the conduct and its impact on the campus environment, university community, or its educational mission. University disciplinary action may be instituted against a student who is alleged in either a civil or criminal proceeding to have violated the law or the rights of others, when the student's actions also constitute a violation of University Standards. University disciplinary proceedings may be commenced without regard to the pendency of civil litigation or criminal prosecution; University discipline may be carried out prior to, simultaneously with, or following civil or criminal proceedings conducted by off campus persons or authorities.

The student convicted of a crime committed on or off campus may be in violation of University Standards, and the offense may be reviewed when it comes to the knowledge of the University and make the student subject to University discipline. The Vice President for Student Affairs shall determine whether disciplinary action should be undertaken.

SECTION V-3. University Standards of Student Conduct

All Misconduct violations (or suspected Misconduct violations) shall be reported to the Vice President for Student Affairs by faculty, staff, and students who have knowledge or information regarding the same. Sexual Misconduct violations may also be reported to campus law enforcement, the Title IX Coordinator or Deputy Title IX Coordinator in the Civil Rights and Title IX office. For more information about reporting sexual violence or interpersonal violence, please visit <https://www.usu.edu/civilrights-titleix/report>.

A. Academic Integrity — “The Honor System”

Each student has the right and duty to pursue his or her academic experience free of dishonesty. The Honor System is designed to establish the higher level of conduct expected and required of all Utah State University students. Page 12 of 37 The Honor Pledge — To enhance the learning environment at Utah State University and to develop student academic integrity, each student agrees to the following Honor Pledge:

“I pledge, on my honor, to conduct myself with the foremost level of academic integrity. Acts of academic dishonesty include but are not limited to:

1. Cheating: (1) using or attempting to use or providing others with any unauthorized assistance in taking quizzes, tests, examinations, or in any other academic exercise or activity, including working in a group when the instructor has designated that the quiz, test, examination, or any other academic exercise or activity be done “individually”; (2) depending on the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) substituting for another student, or permitting another student to

substitute for oneself, in taking an examination or preparing academic work; (4) acquiring tests or other academic material belonging to a faculty member, staff member, or another student without express permission; (5) continuing to write after time has been called on a quiz, test, examination, or any other academic exercise or activity; (6) submitting substantially the same work for credit in more than one class, except with prior approval of the instructor; or (7) engaging in any form of research fraud.

2. Falsification: altering or fabricating any information or citation in an academic exercise or activity.
3. Plagiarism: representing, by paraphrase or direct quotation, the published or unpublished work of another person as one's own in any academic exercise or activity without full and clear acknowledgment. It also includes using materials prepared by another person or by an agency engaged in the sale of term papers or other academic materials.

B. Misconduct

In accord with the principles of "community" endorsed by the University (see: [Preface](#)), the conduct listed below and the conduct described in paragraph C. has been found to interfere with University functions or threaten the well-being and the educational purposes of students. Any student who engages in proscribed conduct shall be subject to discipline under [Article V, Section V-5](#). Misconduct includes but is not limited to:

1. Use, possession, or distribution of alcoholic beverages (1) in an unlawful manner or (2) on campus or during a university program or activity, unless otherwise permitted by the University.
2. Possessing, using, selling, manufacturing, or distributing any hallucinatory, narcotic, illegal, or controlled substance, as defined by federal or state laws, except as expressly permitted by such laws. (See: Drug and Alcohol-Free Workplace pamphlet for summaries of these laws.)
3. Possessing, purchasing, selling, distributing, attempting to possess or purchase, or offering to sell or distribute any psychotoxic chemical solvent (as defined by state law), either on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University sponsored function or event. Also, intentionally smelling or inhaling the fumes of any such psychotoxic chemical solvent for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
4. Using University funds or any funds under the management and control of the University to defray the cost of purchase or consumption of alcoholic beverages either on or off campus.
5.
 - a. Smoking in (or within 25 feet of an entry to) any building owned or controlled by the University (including the football stadium) or, if under the age of 19, smoking or otherwise using any cigar, cigarette, or tobacco product in any form.
 - b. Selling, offering for sale, giving, or furnishing (1) any cigar, cigarette, or tobacco product in any form to any person under 19 years of age, or (2) any "clove cigarette" (as defined by state law) to any person, or (3) selling. Offering for sale, or free sampling any cigar, cigarette, or tobacco product in any form or items depicting tobacco logos, symbols and or manufacture names to any person, either on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University-sponsored function or event.
 - c. Advertising of any tobacco products; including but not limited to logos, symbols, and or manufacture names; in any Utah State University publication, internet site, or on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University-sponsored function or event.
6. Disorderly conduct or an act of lewdness.
7. Obstructing or disrupting instruction, research, administration, meetings, processions, or other University activities, including its public service functions on or off campus, or authorized non- University activities on University premises. This includes aiding, abetting, or encouraging another person to engage in such activities.
8. Demonstrating, picketing, or distributing literature, except under the provisions of Article III or other University policy.
9. Obstructing the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
10. Failing to comply with directions of University officials or law enforcement officers acting in their official capacities or failing to identify oneself to these persons when requested to do so, resisting arrest, fleeing the scene of an accident, or improperly interfering with University police in the completion of their duties.
11. Unauthorized entry into or use of University facilities or equipment.
12. Possessing, using, or duplicating University keys for an unauthorized purpose.
13. Failing to maintain a current official mailing address in the Office of Student Records, Room 246 Taggart Student Center and in the BANNER system or giving a false or fictitious address.
14. For any student under 21 years of age, failing to provide to the Office of Student Records (and keep current) the name and address of a parent or legal guardian. If one or both parents are living, a parent's name must be supplied. If the student is an orphan and a legal guardian has been appointed, the name of the legal guardian must be supplied.
15. Issuing a check to the University drawn on insufficient funds, misuse of a credit card in a transaction with the University, or failure to pay debts or obligations to the University.
16. Attempted or actual theft, possession, destruction, damage, or misuse of University property or property belonging to another person.
17. Making false statements, whether oral or written, to University officials or law enforcement officers or otherwise providing information or identification known to be false.
18. Any forgery, alteration, or misuse of University documents, forms, records, or identification cards.
19. Misuse or unauthorized use of a fire extinguisher or other safety equipment on University property.
20. Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on University property.

21. Publishing or distributing libelous, slanderous, obscene, or pornographic literature or materials.
22. Violating any published University policy related to University-owned living units or breaching a University living unit contract.
23. Sexual Misconduct is prohibited. Sexual Misconduct, as defined and outlined within USU Interim Policies 2102 and 2103, is prohibited and not tolerated at USU. Allegations of Sexual Misconduct should be reported to the Civil Rights and Title IX Office for review and processing consistent with USU Policies 2102 or 2103.
24. True threat conduct is prohibited. Conduct in which the actor means to communicate a serious expression of intent to threaten or cause physical or emotional harm, or acts in reckless disregard of the risk of threatening physical or emotional harm to another individual is prohibited.
25. Discrimination and Harassment are prohibited. Harassment and discrimination, as defined and outlined within USU Interim Policy 2101, is prohibited and will not be tolerated at USU. Allegations of discrimination and harassment should be reported to the Civil Rights and Title IX Office for review and processing consistent with USU Policy 2101.
26. Hazing and Bullying are prohibited. As outlined within USU Interim Policy 2406: Hazing, students are prohibited from engaging in any form of Hazing. Likewise, students that engage in repeated actions which cause another person to experience intimidation, the unlawful use of physical force or harassment that is so severe, pervasive, and objectively offensive that it denies the victim equal access to the University's resources or opportunities ("Bullying") is prohibited and will not be tolerated at USU.
27. Inappropriate use of computer, data network, and information technology facilities and services. Violations include, but are not limited to:
 - a. Unauthorized access to data, transmissions, facilities, or services owned or created by, or intended for, another person or entity.
 - b. Unauthorized use of another person's username, password, or network identity.
 - c. Use of computers/computing facilities which interferes with or disrupts the work of another student, faculty member, or University official.
 - d. Use of computers/computing facilities to store, access, or send obscene or pornographic materials.
 - e. Use of computers/computing facilities which interferes with or disrupts normal operation of the University computer, data network, and information technology facilities and services.
 - f. Use of authorized access to shared services or resources with the intention or result of denying authorized access to other persons.
 - g. Introduction of disruptive computer codes.
28. Abuse of process, including but not limited to:
 - a. Failure to comply with the directions of the Provost, the Vice President for Student Affairs, a hearing body, or hearing officer.
 - b. Falsification, distortion, or misrepresentation of information before a hearing body or hearing officer.
 - c. Disruption or interference with the orderly conduct of a disciplinary/grievance proceeding.
 - d. Institution of a disciplinary/grievance proceeding knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, the disciplinary/grievance process.
 - f. Attempting to influence the impartiality of a member of a hearing body or a hearing officer prior to, or during the course of, the discipline/grievance process.
 - g. Harassment (verbal or physical) or intimidation of a member of a hearing body or a hearing officer prior to, during, or after a disciplinary/grievance proceeding.
 - h. Failure to comply with the penalty imposed, or other action taken, under the Student Code.
 - i. Influencing or attempting to influence another person to commit an abuse of the disciplinary/grievance process.
 - j. Tampering with, influencing, or attempting to influence any witness or potential witness in a disciplinary/grievance proceeding.

C. Disruptive Classroom Behavior.

1. Utah State University supports the principle of freedom of expression for both faculty and students. The University respects the rights of faculty to teach and students to learn. Maintenance of these rights requires classroom conditions that do not impede the learning process. Disruptive classroom behavior will not be tolerated. An individual engaging in such behavior may be subject to disciplinary action.
 - a. Faculty members of Utah State University have the responsibility and authority to determine, maintain, and enforce an atmosphere in their classrooms that is conducive to teaching and learning, in accordance with University policy and practice.
 - i. "Faculty member" shall include all persons authorized by Utah State University or any of its units to conduct instruction of students enrolled in the University's courses or programs.
 - ii. "Classroom" shall include any gathering of faculty member(s) and students for the purposes of teaching and learning authorized by Utah State University or any of its units.
 - iii. "Disruptive classroom behavior" involves physical actions, verbal utterance, or other activities which interfere with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.
2. Disciplinary Procedures for Disruptive Classroom Behavior.
 - a. Discipline not involving immediate removal from the classroom.

SECTION V-4. Discipline Regarding Misconduct Violations

The purposes for disciplinary action are: (1) to maintain the University's integrity as an educational institution; (2) to protect the rights of individuals; and (3) to help individuals solve their problems. The procedures in this article are structured to deal uniformly and fairly with students. The disciplinary procedures are not subject to the same procedural due process as is established in criminal and civil courts.

Disciplinary actions may be commenced against a student whether or not he or she is registered for or is attending the current semester of classes. Most students will be currently enrolled, but a person cannot drop out of school to avoid, or attempt to frustrate, disciplinary action. Disciplinary actions regarding violations may be taken by the University at any time.

- A. The penalties which the University may impose on a student for a Misconduct violation are:
 1. Warning or reprimand-written or verbal.
 2. Probation-continued attendance at the University predicated upon the student satisfying certain requirements as specified in a written notice of probation. Probation is for a designated period of time and includes the probability of more severe disciplinary penalties if the student does not comply with the specified requirements or is found to be violating any University Standards during the probationary period. The student must request termination of the probation in writing.
 3. Suspension-temporary dismissal from the University for a specified time, after which the student is eligible to return. Conditions for readmission may be specified.
 4. Expulsion-permanent dismissal from the University.
 5. Withholding of transcripts for refusal to return University property or to pay University debts. (See: Section V-3.B.16. and 17.)
 6. Temporary and/or permanent removal from a class. (See: Section V-3.C.)
 7. Payment of restitution to the University or, when University intervention is deemed appropriate, to another individual for damages or losses.
 8. Performance of community service.
 9. Referral to psychological counseling or to the Student Wellness Center for assessment, evaluation, education, and treatment, when necessary.
 10. Other disciplinary actions which are appropriate to the violation(s).
- B. If the University determines that a student has committed a violation of the alcohol or controlled substance standards (Section V-3.B.1 through 4) and the student is under age 21, the University may disclose, in writing, to the student's parent(s) or guardian notice of said violation.
- C. Any offense that is motivated by bias may result in stronger penalties. An offense motivated by bias is any offense wherein the accused student intentionally selects the alleged victim because of the alleged victim's race, creed, disability, color, religion, national origin, gender, age, marital status, sexual orientation, public assistance status, or inclusion in any group or class protected by state or federal law.
- D. More than one of the penalties may be imposed for any single violation. Reference to "penalty" includes multiple penalties.
- E. Imposition of the penalty of suspension or expulsion from the University must be approved by the President of the University. The President's approval shall be given either at the conclusion of the 10- day appeal period if no appeal is filed, or as part of the President's final decision if an appeal is filed. (See: Section VIII-3)
- F. When a student is suspended or expelled from the University, tuition and fees that have been paid for the semester during which the suspension or expulsion occurs are refundable in accordance with the standard refund policy as stated in the semester Schedule of Classes.
- G. A hold on a student's admission, registration, or financial aid is not an independent penalty, but may be utilized by the University for various purposes, including either to 1) direct a student's attention to, and subsequent participation in, a pending disciplinary/grievance proceeding or 2) to obtain the student's compliance with a penalty which has been imposed or other action which has been taken under the Student Code.
- H. When the disciplinary action is commenced against a student who is taking courses through University Extension, the procedures shall be substantially parallel to sections A through H below, as determined by the Vice President for Student Affairs on a case-by-case basis.

SECTION V-5. Misconduct Proceedings

This section applies to proceedings to determine if a Misconduct violation has occurred and, if so, to determine the appropriate disciplinary penalty.

- A. Whenever the Vice President for Student Affairs receives a report that a student has committed a Misconduct violation or receives information that a student has been convicted of a crime, a preliminary investigation shall be conducted. Where the student has not been charged with a crime, the Vice President for Student Affairs may at any point ask that law enforcement officers assist in investigating the matter and that appropriate legal authorities determine whether prosecution under federal, state, or local law is warranted.
- B. Students are presumed not to have engaged in a Student Code of Conduct violation until Utah State University has established that a violation occurred by a preponderance of the evidence. However, USU may administratively suspend a student prior to

the final outcome of a formal adjudicatory process, if necessary, to protect the campus community or to prevent serious disruption of the academic process.

- C. The preliminary investigation conducted by the Vice President for Student Affairs shall include in person conferences with the student who is alleged to have committed the violation. The accused student shall be informed of the alleged violation and receive reasonable notice of the time, date, and place of the conferences. The Vice President for Student Affairs will discuss with the student the implications of the alleged violation for both the student and the University.
- D. In matters of non-academic conduct that may result in either expulsion or a minimum 10-day suspension from Utah State University, students are entitled to the following:
 - 1. Prior to being interviewed about allegations of misconduct, USU shall provide students with notice of the allegations against them, and of their right to have an advisor throughout the process who may, but need not be, an attorney.
 - a. Notice may be verbal, and may be given immediately before a student is interviewed regarding the allegation. A record shall be kept of this notification. If the student wishes to seek counsel from an advisor, USU will reschedule the interview, giving the student 10 days to obtain an advisor.
 - b. During an inquiry, investigation, or other informal process, an advisor may only advise the student, and may not actively participate in the investigation or informal process.
- E. If the accused student fails or refuses to meet with the Vice President for Student Affairs, or his or her designee, without cause, a penalty may be imposed against the accused student, or the Vice President may elect to submit the matter to a Hearing Board. In that event, the accused student shall be given written notice (see: Section V-6.) of the time, date, and place of the Hearing Board hearing.
- F. Students may decline to participate in any proceedings. However, Utah State University may proceed with investigative and hearing processes in a timely fashion without the student if he or she declines to participate. USU may set a reasonable deadline and move forward with processes regardless of whether a student or student's advisor is able to accommodate those deadlines.
- G. At the conclusion of the preliminary investigation, the Vice President for Student Affairs may determine that no further action is necessary and may accordingly close the case.
- H. If during the conference with the Vice President for Student Affairs, the accused student admits the violation and agrees with the Vice President on the facts and circumstances, they shall discuss an appropriate disciplinary penalty.
 - 1. If the Vice President for Student Affairs deems that a penalty is warranted, the accused student shall be so informed. If the accused student concurs with the penalty as recommended, the accused student shall so indicate in writing and thereby waive the right to a hearing, including an appeal.
 - 2. The Vice President for Student Affairs may elect to not propose a penalty to the accused student and may thereby defer the matter to a Hearing Board for determination of an appropriate penalty and immediately notify the hearing board pool chair.
- I. If during the conference with the Vice President for Student Affairs, (1) the accused student denies the violation, but the Vice President considers that there is sufficient evidence against the accused student, or (2) if the accused student does not agree with the proposed penalty, the Vice President may call the student before a Hearing Board and immediately notify the hearing board pool chair.
- J. Once a hearing date is set, the Vice President for Student Affairs shall mail the accused student written notice of the time, date, and place of the hearing to the address supplied by the student to the Office of Student Records.
- K. At any time during the hearing (or appeal) process, the parties may reach an agreement concerning the violation and an appropriate disciplinary penalty, thereby rendering further proceedings unnecessary. A written statement shall be prepared stating the agreed violation and penalty; it shall be signed by the student and filed with the Vice President for Student Affairs. If the discipline relates to a violation of the University's sexual harassment policy, the Vice President for Student Affairs shall notify the complaining party of the imposed discipline.

SECTION V-6. Recording and Disclosure of the Disciplinary Penalty

- A. A penalty of disciplinary probation, suspension, expulsion, or denial or revocation of degree shall be entered upon the student's transcript after the completion of the above processes.
- B. Without prior consent of the student subject to discipline, the Vice President for Student Affairs shall provide to a complaining party a copy of the final Hearing Board report related to a disciplinary action for violation of University's sexual harassment policy.
- C. In cases where a student transfers to another institution prior to the completion of the disciplinary process, the Vice President for Student Affairs, or his or her designee, will send an updated transcript and letter of explanation to the Dean of Students' office, or similar office, of the transferring institution.
- D. Upon the specific written release of the student, the Vice President for Student Affairs shall make available a copy of the final Hearing Board report which has resulted in a disciplinary action of probation, suspension, expulsion, or denial or revocation of degree to a prospective/present employer, parent (if the student is over the legal age), and other persons or entities. If a report is not available because a hearing was not conducted, a summary statement regarding the disposition of the violation shall be provided. Such a report or summary statement will be disclosed, without the prior consent of the student, to another educational institution that has requested the record and at which the student seeks or intends to enroll; but the University will make a reasonable attempt to notify the student (or his or her parent if under the legal age) of the disclosure and, upon

request, provide the student with a copy of the record that was disclosed. No other information shall be provided to a third party without the express written release of the student.

- E. A student's record may be cleared of a disciplinary probation, suspension by the Vice President for Student Affairs following the end of the designated penalty period, if there has been no further problem with the student. A written request for expunging the record is required and shall be initiated by the student with a letter to the Vice President for Student Affairs. A copy of the request shall be forwarded to the Office of Student Records. The Vice President may convene a Hearing Board to review the request, if deemed appropriate or necessary. If the request is granted, the Vice President for Student Affairs shall notify the Office of Student Records.
- F. A student's record may not be cleared of an expulsion or revocation of a degree. A designation with a course grade indicating an Honor System violation involving academic dishonesty may not be removed from the student's transcript after the student's degree has been posted to the transcript.

SECTION V-7. Temporary Disciplinary Action

- A. In the event the Vice President for Student Affairs has reasonable cause to believe that a student poses (1) a danger to the safety of other students, other persons, or University property or (2) an ongoing threat of disrupting the academic process, the Vice President for Student Affairs may temporarily suspend the student. Where appropriate, the student may be denied in writing access to the campus (including residence halls) and/or all other University activities or privileges for which the student might otherwise be eligible.
- B. Upon the decision to impose temporary disciplinary action, the Vice President for Student Affairs or the University President shall notify the student by the most expeditious means available. Upon notification of the temporary disciplinary action, the procedures under Sections VIII-1 shall be followed.