

Procedure

Procedure #5.06

Effective Date: 5/25/08

Revised: 12/16/09

Reviewed: Dec 2013

<i>(Impact Area - Dept Name)</i> Student Services	<i>(General Subject Area)</i> Code of Conduct	<i>(Specific Subject Area)</i>
	Author: Eric Murray Judicial Board	Supersedes Procedure:
Relates to Policy #5.06	Impact: Students	
Legal Citation (if any):		
<i>North Idaho College</i>		

Procedure Narrative

[Page 1 of 17]

ARTICLE I: SCOPE OF THE CODE

This procedure is a codification of disciplinary regulations enacted to govern the conduct of students on campus or at authorized NIC activities. Claiming ignorance of the contents of this code will not exonerate a student charged with a violation. NIC may apply this code to student behavior occurring off-campus when such behavior endangers the welfare of other members of the campus community. When NIC is informed that criminal charges are being brought against a student for conduct that also violates the Student Code of Conduct, NIC may file disciplinary charges against a student and investigate the incident. NIC has discretion to wait a reasonable period of time before requesting a hearing or final resolution of the disciplinary charges if it is in the best interest of the college's disciplinary process to await the outcome of the criminal charges. If a student is convicted of a crime prior to the college disciplinary hearing, NIC shall accept as fact that the student engaged in conduct that constitutes the crime. The disposition of criminal charges against the student, if determined prior to

the college disciplinary hearing, shall be taken into account by NIC in determining sanctions against that student [see Article XIII].

Examples provided in each section of the articles below, detailing forms of conduct prohibited by the Code, are not intended to define prohibited conduct in exhaustive terms but rather to set forth examples to serve as guidelines for acceptable and unacceptable behavior.

Definitions:

A. Student:

1. all persons taking NIC courses, both full-time and part-time;
2. all persons who are not officially enrolled for a particular term but have a continuing relationship with NIC or intend to enroll in the next semester. (This provision is intended to include within the definition of students those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and students who are first time applicants who engage in misconduct prior to the time of enrollment.)

B. Campus:

1. all land, buildings, facilities, and other property, including adjacent streets and sidewalks, in the possession of or owned, used, or controlled by NIC;
2. all land, buildings, facilities, and other property, including adjacent streets and sidewalks, used as residences in the possession of or owned, used, or controlled by student associations recognized by NIC.

ARTICLE II: ACADEMIC INTEGRITY

To maintain NIC's academic atmosphere and integrity, academic honesty is of the utmost importance. Instructors and students are responsible for maintaining academic standards and integrity in their classes. See NIC's Academic Integrity Policy and Procedure.

Examples include:

- cheating on classroom or outside assignments or tests;
- plagiarism;
- purchasing or using essays or other documents which are available on-line and submitting them as if they were original work to fulfill a class assignment;
- falsification of academic reports;
- acquisition or use of test materials without authorization;
- use, forging, printing, reproducing, altering, removing, or destroying any record, document, or identification used or maintained by NIC.

ARTICLE III: PHYSICAL ABUSE, SEXUAL OFFENSES, HAZING, OR HARASSMENT

Living together in a college community requires a respect for the rights of fellow members of that community to pursue their academic goals and to participate in lawful campus activities. Actions taken intentionally to cause physical discomfort or mental anguish to others are in violation of this code. See NIC's Policy and Procedures on Sexual Harassment, Malicious Harassment, and Disruptive, Hostile or Violent Behavior on NIC Sites.

A. PHYSICAL ABUSE

Examples include:

- physical assault, attempted assault or threat of physical harm;
- sexual misconduct and/or assault;
- terrorist threats;
- reckless endangerment (conduct that creates substantial risk of physical harm to any person, including oneself);
- physical detention of another person.

B. HAZING

Examples include:

- any action imposed on current or potential members of an NIC group which, regardless of location of the incident or consent of the participant, produces, or is reasonably likely to produce, bodily harm, mental or physical discomfort, fright, humiliation, ridicule, substantial interference with academic efforts, or significant impairment or endangerment of physical well-being;
- any action that compels an individual to participate in any activity which is illegal, perverse, or publicly indecent or contrary to college rules, regulations, or policies or which is known by the person(s) compelling the activity to be contrary to the individual's moral or religious beliefs.

C. HARASSMENT

Examples include:

- physical or verbal abuse;
- sexual harassment;
- an act that intentionally causes mental anguish to others;
- intimidation;
- other conduct, including hazing, which unreasonably interferes with or creates a hostile or offensive learning, living, or working environment;
- visual abuse such as obscene gestures or poses;

- stalking or following someone.

D. SEXUAL OFFENSES

Sexual offenses of any kind, including acquaintance rape, indecent liberties, unwanted sexual contact, lewd conduct, and assault of a sexual nature are prohibited.

Examples include:

- rape, which includes sexual intercourse with a person who clearly expressed lack of consent by his or her words or conduct or a person who lacks the opportunity to give clear consent;
- indecent liberties, which includes knowingly causing sexual contact with a person by forcible compulsion or when the person is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness;
- non-consensual sexual contact, which includes any touching of the sex organ or fondling or kissing other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.

ARTICLE IV: CAMPUS DISORDERS AND DISRUPTION

While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others or disrupt the process of the college. See NIC's Policy and Procedure Manual, including Violence in the Work Place.

Examples include:

- obstructing or disrupting teaching, laboratories, offices, services, meetings, or ceremonies;
- interfering with the freedom of movement of any member or guest of the college to enter, use, or leave any college facility, service, or activity;
- remaining in any NIC building or failing to disperse from a crowd or group after being advised by any law enforcement personnel, NIC Campus Security, or NIC official to leave or disperse;
- creating noise, including the use of noisemaking or amplifying devices, or cellular telephone use during class;
- interfering with authorized events on property owned or controlled by NIC or in NIC facilities;
- interfering with law enforcement personnel, NIC Campus Security personnel, or NIC officials in the lawful conduct of their duties.

ARTICLE V: PHYSICAL SAFETY AND WELFARE

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. PROPERTY

The need to safeguard the property of the college community requires that it is a violation of this code to:

- engage in the unauthorized entry or unauthorized attempted entry into or onto any building, land, or property owned or controlled by NIC, including any rooms
- in those buildings or their heating tunnels, elevator shafts, shops, mechanical rooms, trunk rooms, storerooms, roofs, or fire escapes;
- possess, give to another, make, or cause to be made any key or other access device into or onto any building, land, or property owned or controlled by NIC without proper authorization;
- knowingly damage, destroy, or deface NIC property or property that is owned by others and located in or on any building, land, or property owned or controlled by NIC;
- steal or misappropriate NIC property or the private property of any person occurring on or in any building, land, or property owned or controlled by NIC;
- use the campus buildings or grounds for unauthorized overnight camping;
- smoke within 20 feet of the entrance of a building (Idaho's Indoor Clean Air Act).

B. FIRE

Protecting the college community against fire is a major concern. The following are violations of this code:

- in the interest of the health and safety of students, staff and the public, smoking is not allowed within any building or vehicle owned or operated by or for North Idaho College;
- building or setting fires in or on any building, land, or property owned or controlled by NIC without proper authorization;
- removing or tampering with fire equipment or fire alarm systems in or on any building, and of property owned or controlled by NIC;
- failure to promptly vacate any buildings owned or controlled by NIC when fire alarms sound.

ARTICLE VI: COMPUTER MISUSE, ABUSE

Conduct that violates the college's property rights with respect to computing resources is subject to NIC disciplinary action.

Examples include:

- unauthorized copying, including copying college owned or licensed software or data for personal or external use without prior approval from the director of computer services;
- modifying or damaging or attempting to modify or damage computer equipment, software, databases, or communications lines without permission;
- disrupting or attempting to disrupt computer operations;
- invading the privacy of an individual by using electronic means to ascertain confidential information, even if an individual or department inadvertently allows access to such information;
- abusing or harassing, including sexually harassing, another computer user through electronic means;
- using the college's computing facilities in the commission of a crime;
- using computer services without authorization or allowing another individual to use one's computer identity/account or using another individual's computer identity/account. (This includes, but is not limited to, logging on to the account, accessing programs, and reading or altering computer records);
- using college computer equipment to access child pornographic materials or web sites.

ARTICLE VII: WEAPONS

Dangerous weapons are potential safety hazards. Possession, use or display of dangerous weapons or firearms is inappropriate in an academic community unless authorized by North Idaho College. It is the intent of this policy to ensure a safe educational, social and working environment at North Idaho College and property controlled by North Idaho College. For definitions, enforcement, exemptions, and violations, see NIC's Policy and Procedure on Weapons.

Possession, display or storage of a dangerous weapon, including, but not limited to firearms, ammunition, destructive devices, fireworks or hazardous chemicals in any form, is prohibited on property owned or controlled by North Idaho College except as noted under the procedures relevant to this policy.

This policy involves the prohibition of the above-referenced items on or in college property and facilities, including, but not limited to, academic buildings, athletic and recreation facilities, administrative offices, college housing, college parking areas, college streets, and college vehicles. It shall also apply to private vehicles parked or operated on college owned or controlled property.

ARTICLE VIII: DISCRIMINATION

Discrimination subverts the mission of North Idaho College, and threatens, in both obvious and subtle ways, the well being of students and staff. Denial of human dignity is unacceptable and will not be tolerated at North Idaho College. Any violation of

the basic rights of a human being is contrary to the very nature of North Idaho College's nondiscrimination policies and procedures. See the following Policies and Procedures: Sexual Harassment, Americans with Disabilities, Civil Rights, and Malicious Harassment.

Examples include:

- practices or regulations that discriminate on the basis of race, color, national origin, religion, gender, age, disability, sexual orientation, or ethnicity as each of these bases is defined by law, are neither condoned nor permitted in any area of NIC operations, including personnel appointments, student admissions, housing assignments, use of dining hall, classrooms, or other facilities, or in any activities of the faculty, staff, or students that may be commonly regarded as sponsored or sanctioned by NIC;
- no functions, business transactions or official actions by any organization, division, department or other unit of NIC may be held or undertaken at any facility of a lodge, club or organization that has as its policy the practice of discrimination on any of the bases specified above;
- nothing herein shall be deemed to affect the classification of people based on the differences between males and females or between other persons or groups that is not irrational, capricious, or arbitrary, and that is intended to accomplish a lawful purpose (e.g., women's or men's living groups may exclude persons of the opposite sex, and students with substandard grades may be denied membership in honor societies and other groups having minimum grade requirements).

ARTICLE IX: DRUGS AND ALCOHOL

Abuse of alcohol and/or drugs is one of the major reasons students do not succeed in college. The examples provided in this section of the articles constituting forms of conduct prohibited by the Code are not intended to define prohibited conduct in exhaustive terms, but rather set forth examples to serve as guidelines for acceptable and unacceptable behavior. See NIC's Policies and Procedures on Drug-Free Workplace and on Substance Abuse.

Examples include:

- The manufacture, sale, possession, distribution, or consumption of alcoholic beverages or illegal drugs in or on any building, land, or property owned or controlled by NIC; or
- A student athlete who takes a legal but performance enhancing drug prohibited under athletic conference, NJCAA rules, or NWACC rules.

ARTICLE X: AIDING, SOLICITATION AND ATTEMPT

A person is in violation of this code if he or she intentionally aids or abets another in the commission of any offense(s) mentioned in this code; or requests, hires, encourages, or otherwise solicits another person to commit any offense mentioned in this code, either intending that the other person commit the offense or with the knowledge that the other person intends to commit the offense, or attempts to commit any offense mentioned in this code.

ARTICLE XI: STUDENTS LIVING ON CAMPUS

The Residence Hall Code of Conduct is a supplement to the NIC Code of Conduct. All policies and procedures for the Residence Hall are outlined in the Residence Hall handbook and violations of these policies are likewise violations of the general code.

ARTICLE XII: PROFESSIONAL STANDARDS FOR INTERNSHIPS OR CLINICAL EXPERIENCES

All students that have a clinical or internship experience that moves their instructional program into a community or professional setting are subject to the professional standards set forth by that particular profession.

It is the faculty responsibility to inform the student of those standards which would apply to their experience before they begin the clinical or practical application of their program and the student's responsibility to uphold those standards.

Failure to abide by these professional standards can result in disciplinary sanctions including removal from the program.

ARTICLE XIII: DISPOSITION OF DISCIPLINARY MATTERS; JUDICIAL PROCESS for ACADEMIC MISCONDUCT (Article II)**A. Judicial Process for Academic Misconduct:**

1. If an instructor determines that a student has violated the Academic Integrity Policy (Article II), the instructor will resolve the problem directly with the student. All specific procedures are described in detail in the Academic Integrity Policy and Procedure. In summary, the instructor will
 - a. Present the evidence of misconduct to the student;
 - b. Discuss with the student why the behavior is considered misconduct;
 - c. Assign a sanction(s) to the student, ranging from a verbal reprimand to course failure as outlined in the Policy;

- d. Inform the student of the appeal process;
 - e. Document the resulting action in writing and sending a copy to the student, the division chair, and the vice president for student services. The VPSS will place the documentation in the student's permanent disciplinary file.
2. All actions taken by the instructor are confidential as dictated by the Family Educational Right to Privacy Act. The instructor may consult with the VPSS before making a determination about sanctions to see if the student has had previous disciplinary action.

B. Appeals and Disciplinary Review for Academic Misconduct:

1. A student appeal to the division chair or the vice president for instruction will occur in the process outlined in the above procedure, 5.06.01. In summary, an appeal begins with an "Academic Integrity Resolution Form" completed by the student within five days after the student has been notified of the misconduct. The division chair sets up a meeting described in full in 5.06.01, and if the student pursues a further appeal, the vice president for instruction will hear it and make a determination.
2. In the case of an "egregious" offense or repeated misconduct, the vice president for student services will conduct a disciplinary review as described in 5.06.01.

ARTICLE XIV: DISPOSITION OF DISCIPLINARY MATTERS; JUDICIAL PROCESS for BEHAVIORAL MISCONDUCT (Articles III through XII)

A. Judicial Process for Behavioral Misconduct:

1. Alleged misconduct must be reported to an NIC judicial officer. NIC judicial officers include the coordinator of residence life, the director of auxiliary services, and the vice president for student services. The stewardship for this code rests with the vice president for student services and he/she may designate other judicial officers as necessary. To report misconduct, an individual must submit a written incident report available from a judicial officer or their office.
2. Upon receipt of an incident report, the judicial officer will summons a student to an interview to discuss the alleged misconduct. A student has six (6) class days to respond to the summons. An academic HOLD will be placed on a student's records should they fail to meet with the judicial officer. A summons will include:
 - a. A description of the policy allegedly violated
 - b. Date, time, and location of alleged misconduct (if applicable)
 - c. A statement of the student's rights with regard to NIC judicial processes

3. After the Interview, the judicial officer may:
 - a. Dismiss the case
 - b. Investigate further
 - c. Issue a sanction
 - d. Refer the case to an Administrative Review
 - e. Refer the case to a Judicial Hearing.
4. Should the student accept responsibility for their actions and accept the sanctions issued by the judicial officer, the case is closed. The judicial officer will summarize in writing the action being taken as outlined in 3 above and deliver this summary to the student.
5. A student who wishes to appeal either their culpability (innocence or guilt) or the sanction assigned, may request an Administrative Review (go to **XIII.B**). An appeal must be made in writing to the Judicial Officer and received no later than five (5) working days from the date of the summary letter.

B. Administrative Review for Behavioral Misconduct:

1. Should a student wish to appeal either their culpability or the sanction assigned to them by the judicial officer, the student must submit this intent in writing to the judicial officer within five (5) working days of the date of the summary letter.
2. The student will then engage in an Administrative Review with a higher ranking judicial officer. The student may attempt to resolve the case or present more information during the Administrative Review. If the initial Interview was held with the vice president for student services, appeals will be forwarded to a Judicial Hearing.
3. The Administrative Review Officer may:
 - a. Dismiss the case
 - b. Investigate further
 - c. Issue a sanction
 - d. Refer the case to a Judicial Hearing.
4. Should the student accept the resolution created during the Administrative
5. Review, the case is closed. The Administrative Review officer will summarize in writing the action being taken as outlined in 3 above and deliver this summary to the student.

6. A student who wishes to continue an appeal may request a Judicial Hearing (go to **XIV.C**). The request for a continued appeal must be made in writing to the Administrative Review officer and received no later than five (5) working days from the date of the summary letter.

C. Judicial Hearings for Behavioral Misconduct:

1. Membership:

The North Idaho College Judicial Board (hereafter referred to as NICJB or the Board) will be composed of five members. Minimally, the Board will have one member who will serve from the Staff Assembly, one from the Faculty Assembly, and one from ASNIC. The other two members may represent any of the aforementioned constituent groups. In cases where there is academic misconduct (Article II) at least two members must be from the Faculty Assembly. Students are eligible to serve on the Board if they are in good academic and disciplinary standing and appointed by ASNIC. Staff and Faculty members will be appointed by their respective Assemblies. The NICJB shall select its chair and the chair will normally serve as the hearing officer, however the NICJB may also elect to use a qualified third party to conduct the hearing. In the case of a third party hearing officer, only the five members of the NICJB may vote on the guilt or innocence of the accused.

Students who are charged with violations of the Code, which, if proven, could result in suspension or expulsion from the college will be afforded the opportunity for a hearing.

2. Notification and Timing of Hearing:

Board members and the student alleged of misconduct will receive official notification to appear for a hearing from the vice president for student services. The notification will include the date and time of the hearing. The disciplinary hearing shall occur not less than five (5) working days or more than fifteen (15) working days from the date the student submits the request for a Judicial Hearing. Under exceptional circumstances, the college may delay the hearing with written notification provided to the student as to the reasons why. This action is only taken when necessary to provide due process to the student.

3. Waiver of Right to Hearing:

A disciplinary hearing may be waived and disposition of disciplinary action including the sanction can be imposed by an agreed settlement, in writing, between the student charged with code violations and the vice president for student services or the vice president's designee. The sanctions imposed in the

agreed settlement will be effective upon signature of the accused student(s) and the VPSS or designee and does not depend upon the approval of the Judicial Board, but shall have full force and effect as if the sanctions had been imposed by the NICJB.

4. Privacy of Hearing:

Hearings shall be conducted in private unless the student charged with the violation states on the record that he or she wishes the disciplinary hearing to be public. The student charged with the violation can request the chair of the NICJB to order that the disciplinary hearing be open only to specified members of the public. The decision on whether to open a hearing is at the discretion of NICJB chair. The only persons permitted to attend the "private" hearing will normally be the members of the NICJB, the vice president for student services and/or the vice president's designee, the college counsel or the college counsel's designee, the party bringing the charges against the student, the accused student, the accused student's attorney or advisor, and witnesses. Although the student charged with a violation has the right to request a public hearing, the chairperson of the NICJB has the discretion to refuse. Any party can request that witnesses be removed from the hearing when they are not giving testimony. In hearings involving more than one accused student, the chairperson of the NICJB has the discretion to permit the hearings concerning each student to be conducted separately.

5. Right to Representation:

The college may be represented during the hearing by any advisor or attorney it chooses. Likewise, the student charged with the violation has the right to be assisted by any advisor or attorney he or she chooses at his or her own expense.

Advisors or attorneys will not be permitted to speak or participate directly in the hearing. A student must notify NIC at least three (3) working days prior to the hearing of their intent to bring legal counsel. Likewise, NIC will inform the student in the same time frame if the college desires to have legal representation.

6. Evidence and Witnesses:

- a. The accused student, the party filing charges against the accused student, and the NICJB shall have the right to present witnesses and evidence and shall have the right to be present and hear and question witnesses, as well as the right to object to the admission of testimony and evidence.

- b. Irrelevant evidence is not admissible. All evidence, pertinent records, exhibits, and written statements, as well as copies or recordings of such evidence, may be accepted as evidence at the discretion of the chair. Hearsay evidence is admissible if it is of the type commonly relied upon by prudent persons in the conduct of their affairs.
- c. All questions of procedure and evidence are subject to the final decision of the NICJB Chair.

7. Conduct of the Hearing:

Generally, the hearing shall be conducted in the following order:

- a. The NICJB Chair shall determine whether the accused student has requested a public or a private hearing, shall state for the record the names and roles of the persons present at the hearing, and shall remind the accused student of the right to have an advisor, of the right to refuse to testify.
- b. The NICJB Chair will clarify whether the Judicial Hearing is to determine culpability or to evaluate whether the assigned sanction was appropriate.
- c. Both the VPSS or designee who represents the college and the accused student shall have the opportunity to present opening statements in which they summarize the evidence they intend to present to the NICJB.
- d. The VPSS or designee shall present its evidence first, and the accused student shall have the right to present his or her evidence afterwards.
Procedure # 5.06 [Page 12 of 15]
- e. Following the presentation of evidence, the party filing charges shall have the opportunity to summarize the evidence presented. Afterwards, the accused student shall have the opportunity to summarize the evidence presented.
- f. After the presentation of evidence and summaries, the NICJB shall make its decision in a closed session.
 - i. The NICJB shall determine by majority vote whether a) the student has violated each section of the Student Code of Conduct that the student is charged with violating, or b) the sanction was appropriate. The chairperson of the NICJB, or designee in the event of absence of the chairperson, is permitted to vote only in the event of a tie ballot unless a third party hearing officer is used. The burden of proof shall be on the party bringing the charges against the accused student.
 - ii. In cases of culpability, the NICJB's conclusion shall be made on the basis of whether it is more likely than not that the accused student violated a specific provision or provisions of the Student Code of Conduct.

8. Failure to Appear:

The failure of an accused student to appear at a hearing after notification is neither an admission nor evidence as to the charges. No accused student may be found to have violated the Student Code of Conduct solely because the student failed to appear before the NICJB.

If the accused student fails to appear at the hearing after proper notification, the VPSS or designee shall present the evidence in support of the charges, and the NICJB shall conclude based on the evidence whether it is more likely than not that the accused student had violated the Student Code of Conduct. If the NICJB concludes that the student had violated the Student Code of Conduct, the NICJB shall inform the parties in writing of its conclusion, its "findings of fact," and the right of the student to appeal the decision of the NICJB.

9. Findings of Fact:

If the NICJB concludes that the accused student violated a provision or provisions of the Student Code of Conduct, the NICJB must state in writing the facts, conduct, or circumstances it has found to support its conclusion. These "findings of fact" must be based exclusively upon the evidence and testimony properly presented to the NICJB and upon facts that are universally regarded as true. The NICJB shall inform the parties in writing of its "findings of fact," its conclusion that the student has violated the Student Code of Conduct. A similar finding will be submitted to the student for appeals regarding assigned sanctions. The decision of the Judicial Board is final and may not be appealed.

10. Hearing Record:

The NICJB shall maintain a single verbatim record, such as a tape recording, of all hearings. The record shall be the property of the college.

11. Compliance with Procedural Rules:

Failure to comply with any procedural rule may render invalid the decision of the NICJB if such failure materially prejudiced the rights of a party.

ARTICLE XV: RANGE OF SANCTIONS

A. RANGE OF SANCTIONS for All Misconduct in this Code includes the following, which may be defined or described in more detail below:

1. educational opportunities;
2. counseling;

3. assessment for drug, alcohol, or other psychological disorder;
4. warning or censure: written notice to student that continuation or repetition of
5. the conduct found wrongful may be cause for more severe disciplinary sanction;
6. fees or restitution;
7. community service;
8. disqualification from activity, class, or specific privilege, curtailing or barring a student from participating in a specified activity or exercising a specific privilege for a stated period of time;
9. disciplinary probation;
10. special sanctions deemed appropriate and reasonable;
11. interim suspension;
12. suspension;
13. expulsion.

B. INTERIM SUSPENSION: When the vice president for student services determines it is necessary, and in consultation with the chair of the NICJB, if available, an interim suspension (XIII A) may be imposed during the implementation of the NIC judicial process. An interim suspension may be imposed only to ensure the safety and well-being of members of the college community or preservation of property, to ensure the student's own physical or emotional safety and well-being, or if it appears the student may pose a threat of disruption of or interference with the normal operations of the college. During the interim suspension, the student may be denied access to the residence halls and the campus (including classes) and/or all other college activities or privileges for which the student might otherwise be eligible. As soon as is practical, but not to exceed 10 class days, the student subjected to an interim suspension shall be provided notice of the reasons for the college's action and shall be accorded the normal procedures of the NICJB, including the filing of a complaint and the right to a hearing.

C. SUSPENSION: Before the imposition of a sanction of suspension or expulsion (XIV A), the judicial officer must make a specific finding in writing that the student's misconduct seriously and critically endangered the essential operation of NIC or the safety of members of the college community. Students assigned suspension or expulsion may elect to have the NICJB review the appropriateness of the sanction.

D. OTHER SANCTIONS: In addition to the sanctions explained in Article XIV, item A, a hearing officer may impose any combination of the following and may include them as terms of probation:

1. community service (to be performed for a specified period of time under the direction of the vice president for student services or designee);
2. restitution of damages; reimbursement for damage to or misappropriation of property, repair, or other appropriate forms of compensation,

3. special sanctions deemed appropriate and reasonable (e.g., restrictions on behavior, requiring letters of apology to be written, etc);
4. counseling or other educational interventions
5. assessment for drug, alcohol, or other psychological disorder

E. SANCTIONS NOT COMPLETED: If sanctions, including community service hours and restitution, have not been completed or if sanctions agreed to by a student in an agreed settlement have not been completed, NIC, at the discretion of the vice president for student services or the vice president's designee, may deny a student the privilege of registering for classes.

F. ON-CAMPUS LIVING: Sanctions affecting a student's residence in NIC-controlled housing may be imposed. These sanctions are loss of privileges within the living group and temporary or permanent removal from NIC-controlled housing.

G. CIVIL AND CRIMINAL OFFENSES: Sanctions already imposed by civil or criminal process will be taken into account when any NIC sanction is imposed.

H. SEVERE VIOLATIONS: Extensive, organized, serious, or repeated violations of this code will be taken into account when determining the appropriate sanction.

APPENDIX TO THE STUDENT CODE OF CONDUCT:

- (1) Idaho Code, section 33-3715: "The legislature, in recognition of unlawful campus disorders across the nation which are disruptive of the educational process and dangerous to the health and safety of persons and damaging to public and private property, establishes by this act criminal penalties for conduct declared in this act to be unlawful. However, this act shall not be construed as preventing institutions of higher education from establishing standards of conduct, scholastic and behavioral, reasonably relevant to their lawful missions, process, and functions, and to invoke appropriate discipline for violations of such standards."
- (2) Idaho Code, section 33-3716: "No person shall, on the campus of any community college, junior college, college, or college in this state, hereinafter referred to as 'institutions of higher education,' or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education, willfully deny to students, school officials, employees, and invitees: (a) lawful freedom of movement on campus; (b) lawful use of property, facilities, or parts of any institution of higher education; or (c) the right of lawful ingress [entry] and egress [exit] of the institution's physical facilities.
- (3) No person shall, on the campus of any institution of higher education, or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution, willfully impede the staff or faculty of such institution in the

lawful performance of their duties, or willfully impede a student of such institution in the lawful pursuit of his educational activities, through the use of restraint, abduction, coercion, or intimidation, or when force and violence are present or threatened.

- (4) No person shall willfully refuse or fail to leave the property of, or any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education upon being requested to do so by the chief administrative officer, his designee charged with maintaining order on the campus and in its facilities, or a Vice President of such college or college, if such person is committing, threatens to commit, or incites others to commit, any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.
- (5) Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between the institution of higher education and its employees.
- (6) Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500), or imprisoned in the county jail for a period not to exceed one (1) year, or by both."