



**BOISE STATE UNIVERSITY**

University Policy 2020

## Student Code of Conduct

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### **Effective Date**

1958

### **Last Revision Date**

September 18, 2025

### **Responsible Party**

Dean of Students, (208) 426-1527

### **Scope and Audience**

See Section 1.D - Jurisdiction

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## **Section 1: Introduction and General Information**

### **A. Freedom of Expression**

The University creates an environment where civil discourse may occur free from discrimination, harassment, threats or intimidation. The pursuit of higher learning through civil discourse, both in and out of the classroom, is encouraged and welcomed for all who attend the University. To that end, nothing in the Student Code of Conduct (“the Code”) shall infringe on rights guaranteed by the Constitution of the United States, federal or state law, or Boise State University policy.

Each Member of the University Community is obligated to assume individual responsibility for the member’s personal freedom and actions. As a Member of the University Community, students enjoy the freedoms of speech, peaceful assembly, and right of petition. The time, place, and manner of such expression may be regulated to promote the safe and efficient operation of the University. Expression that substantially disrupts, or is reasonably forecast to substantially

disrupt, University activities or invade the rights of others may also be curtailed to the extent authorized by law. Students and student groups are responsible for making it clear that their expressions represent the views of the students or student group, and not of the University.

The Code also applies to online postings such as blogs, web postings, chats, and social networking sites because they are in the public sphere and are not private. While most speech occurring outside of Boise State University premises, including electronic and online speech not occurring through the University's network or related equipment or services, is protected as free expression, such speech may constitute behavior subject to the Code where it is:

- A true threat, defined as a threat made with subjective understanding of the statement's threatening nature or recklessness, meaning conscious disregard of a substantial risk that the communication would be viewed as threatening violence, when aimed at one or more Member of the University Community or the University Community in whole or in part;
- Severe harassment targeting particular Members of the University Community;
- Other speech that materially and substantially disrupts, or reasonably could be foreseen to materially and substantially disrupt, the operation of the University.

## **B. Mission**

The Code exists to assist in providing the best possible learning and living environment for all students. The University upholds the shared values of academic excellence, caring, citizenship, fairness, respect, responsibility, and trustworthiness as the foundation for a successful academic environment.

As a tool, the Code helps promote growth and learning as students interact with their environment and accept responsibility for decision-making. The Boise State University student conduct process ("SCP") educates students about their responsibilities as members of an academic community and imposes sanctions when student behavior puts members of the University in jeopardy, or when the University has a clear and distinct interest in addressing the student behavior, as outlined herein.

Each student, as a Member of the University Community, is responsible for being familiar with the policies of Boise State University, including the Code, and with local, state, and federal laws, since these reasonably guide behaviors.

Students at Boise State University can access a copy of the Code on the University's Policy website. Hard copies and copies in an alternative format are available upon request from the Office of Dean of Students.

### **C. Authority**

The Code is not a code of criminal law and as such, criminal law concepts, processes, and procedures do not apply to it. The University has the authority to take appropriate action when student conduct runs contrary to the University's mission or a clear and distinct University interest in a manner prohibited by this Code, regardless of whether a criminal offense has occurred. The University reserves the right to take necessary and appropriate action to protect the health, safety, and well-being of the University Community.

Students and student groups are subject to the provisions of local, state, and federal law and to all legal and judicial authorities as part of their responsibilities to the larger society. Those who believe that a crime has occurred should inform the University's Department of Public Safety or a local law enforcement agency. Proceedings under the Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

If a visitor or guest of a University student or group does not comply with University policies or with local, state, or federal law, the student or student group may be subject to Code sanctions, as well as to the provisions of local, state, or federal law.

### **D. Scope**

The Code applies to the conduct of individual students, both undergraduate and graduate, and all student groups, including University-affiliated student organizations. More detailed definitions of the term "student" and "student group" are available in Section 3: Definitions.

If sanctioned, a hold may be placed on the student's ability to enroll, re-enroll, obtain official transcripts, or graduate. All sanctions must be satisfied prior to the hold being released.

Visitors to and guests of the University may seek resolution of Code violations committed against them by University students through the Office of the Dean of Students.

In the event of serious misconduct committed while still enrolled but reported after the student has graduated, the University may invoke procedures in the Code, and if the former student is found responsible, that student's degree may be revoked.

The Code applies to behavior conducted through the University's network and related equipment and services, including the University's internet, email services, and online learning platforms.

## Section 2: Student Rights and Responsibilities

In addition to being responsible for themselves and their behavior, students are responsible for or have the right to the following:

### A. Equal Treatment

The University has an obligation to apply its rules equally to all students. This does not mean, however, that the University is required to refrain from engaging in the SCP with some students because there are others who cannot be identified or who are not similarly charged. Procedural fairness incorporates adequate notice of the charges, the opportunity to respond to the charges, and the right of appeal.

### B. Nondiscrimination

For purposes of the Code, the following characteristics are considered protected and individuals and groups cannot and will not be discriminated against based on these characteristics: race, ethnicity, color, religion, sex, gender, age, sexual orientation, pregnancy, national origin, physical or mental disability, veteran status, genetic information, gender identity, gender expression, or any other status protected under applicable federal, state, or local law.

### C. Freedom in the Classroom

The classroom is the center for study and understanding of subject matter for which the faculty member has professional responsibility and institutional accountability. Control of the order and direction of class, as well as control of the scope and treatment of the subject matter must therefore immediately rest with the individual faculty member (see University Policy 3240 - Maintaining Effective Learning Environments, which details Faculty members' larger responsibility and provides examples of behaviors disruptive to the classroom and the procedures for managing those behaviors). Faculty members and students must be free from disruption by students or others who may be in disagreement with the manner in which the faculty member discharges their responsibilities. When taking a class, students have a reasonable expectation to:

- Be informed in reasonable detail at the beginning of each term concerning the nature of the course, the course expectations, the evaluative standards, and the grading system that will be used. Students are responsible for becoming familiar with these details and for asking the faculty member for clarification if they do not understand what the course requires.
- Take reasonable and respectful exception to the data or views offered in class and to reserve judgment about matters of opinion without fear of penalty. Students have a

responsibility not to disrupt class when expressing their views or in reacting to the views of others.

- Be protected against improper disclosure of information concerning their grades, views, beliefs, political associations, or personal characteristics that faculty members acquire in the course of their professional relationship with students. Students have the responsibility to not improperly disclose such information about their fellow students.
- Be protected against prejudiced or capricious academic evaluation as described in University Policy 3130 (Grade Appeal). At the same time, students are responsible for maintaining the standards of academic performance established for each course in which they are enrolled.

#### **D. University Communication**

University email is the University's primary means of communication with students. Each student is responsible for reading all communication delivered to the student's University email address. For more information, see University Policy 2280 (Student Email Communications).

#### **E. Responsibility for Guests**

Students and student groups are responsible for the conduct of their guests and must use their best efforts to ensure their guests comply with the Code and other University policies. This includes, but is not limited to guests attending University-sponsored events on or off University premises, visitors to University Housing, and attendees of activities sponsored by recognized student organizations.

### **Section 3: Definitions**

#### **A. Advisor**

Any individual selected by a Respondent or Complainant to provide support in preparation for or during Student Conduct Processes (SCPs). Advisors are not permitted to participate directly in or to speak on behalf of the individual they are supporting during any portion of the SCP.

#### **B. Board Hearing**

A type of SCP that requires more than one board member to be present in order to meet a quorum, proceed with a hearing, and render a decision. Types of Boards include:

- Behavioral Conduct Boards

- Sanctioning Boards
- Appeal Boards

Descriptions of board procedures can be found in sections 5-9.

### **C. Board Member**

Board members have the authority to uphold and enforce the Code. “Board member” is a general term that includes any person(s) authorized to participate in any format or role of an SCP to determine whether a student or student group is responsible for violating the Code, and/or to determine appropriate sanctions for any violation. Board members can render decisions individually as a Hearing Officer, leading a Conduct Administrative Conference, or in groups (boards) that meet quorum. The Vice President of Student Affairs & Enrollment Management (“VPSAEM”) or designee empowers Student Conduct Administrators (“SCAs”) with the full authority to recruit, select, and train Boise State University faculty, employees, and student members to serve as board members.

### **D. Complainant**

An individual who was subject to alleged misconduct described in the Code. There may be more than one (1) complainant for an incident. A student conduct administrator may designate a university official to the role of complainant on behalf of the University if the University has a clear and distinct interest in addressing the student behavior.

### **E. Conduct Hearing Administrator**

A board member who individually conducts Conduct Administrative Hearings.

### **F. Faculty**

Includes all employees with teaching responsibilities through the Office of the Provost who appear as the instructor of record for a course.

### **G. Good Standing**

The student has resolved any holds, unpaid fees, or sanctions imposed for violations of academic or behavioral misconduct, and any and all portions of the student conduct process are concluded.

## H. Hearing Officer

A SCA, a Housing & Residence Life Resident Director, board member, or Office of the Dean of Students staff designee whose duties include conducting Administrative Conference and Conduct Hearings, and reviewing appeals in matters not involving the possibility of suspension, expulsion, or degree revocation. Faculty members' instructional duties mean that they serve as a hearing officer for their courses where they are responsible for decisions on incidents of potential academic misconduct.

## I. Member of the University Community

Includes any individual who is:

- A University student;
- A University employee (faculty, classified or non-classified);
- A University contractor or vendor;
- A University affiliate or volunteer; or
- Guests including, but not limited to event attendees, participants in University-sponsored co-curricular or auxiliary programs, visitors, and customers.

In situations where clarity is needed, determination of whether an individual is a member of the University Community may be decided by the VPSAEM or their designee.

## J. Policy

The written regulations, policies, and procedures of the University or governing the University and its divisions and departments as outlined in, but not limited to the:

- University undergraduate and graduate catalogs and program handbooks;
- University Housing & Residence Life policies;
- University policy manual; and
- Policies, procedures, and regulations of the Idaho State Board of Education.

**K. Preponderance of Evidence**

The standard for determining responsibility for a violation of the Code is whether it is “more likely than not” (by a “preponderance of the evidence”) that a violation of the Code occurred based on the available information.

**L. Quorum**

The required number of board members present to render a decision for a specific SCP.

- a. When one individual is required by process and is present, a quorum is always met. When only one individual is required, they are more specifically called a Hearing Officer.
- b. When a SCP requires multiple board members to be present, either three (3) or five (5) members must be present so that decisions may be reached by a simple majority.
  - When three (3) members are present, there must be one (1) student, one (1) staff member, and one (1) faculty member in order to meet a quorum.
  - When five (5) members are present, there must be at least two (2) students, at least one (1) staff member, and at least one (1) Faculty member to meet a quorum.

**M. Respondent**

Any student or student group responding to allegations or information that they have violated the Code. In cases of student groups, the president (or a like position) will represent the student group in the SCP.

**N. Staff member**

Either a classified or non-classified employee of the University.

**O. Student**

Any individual from the time they are admitted to Boise State University up through the date of graduation. This includes, but is not limited to:

- New students attending orientation;
- Persons not currently enrolled but who are still seeking a degree from Boise State University;

- Any person enrolled in a credit-earning course offered by Boise State University;
- Any individual who has been suspended or who withdraws or graduates while the SCP process is ongoing;
- Currently enrolled students who have been charged with serious violations of civil or criminal law, regardless of when that violation occurred;
- Any person who has graduated from Boise State University if the University determines that their graduation or receipt of credit may have involved misconduct while they were working toward a degree.

#### **P. Student Conduct Administrator (SCA)**

A University official designated to implement the daily operation of the SCP, including but not limited to:

- Providing Respondents and Complainants information on SCPs and procedures;
- Serving as a Hearing Officer;
- Serving as the administrator of the SCP;
- Recruiting, training, and convening board members in SCP;
- Attending, assisting, and serving notifications of hearings and decisions of board members;
- Ensuring official Student Conduct records are maintained;
- Monitoring sanction(s) compliance; and
- Coordinating the training and development of board members

SCAs are authorized by the VPSAEM or their designee with the authority to recruit, select, and train Boise State University faculty, employees, and student members as board members who serve on University boards, which have the authority to uphold and enforce the Code.

#### **Q. Student Group**

A number of individuals who are associated with the University and each other. Associations may be ongoing or temporary. Student groups include but are not limited to athletic teams,

student governance groups, university-recognized student organizations, department-sponsored student organizations, student agencies, fraternities and sororities, and academic-based organizations whether or not they are officially registered with the University.

#### **R. Student Conduct Process (SCP)**

Includes any and all steps of process(es) in the Code used to address student behavior and misconduct, including but not limited to information-gathering meetings or investigations, a process as a whole, or sanctions. An SCP is initiated at the time a complaint is received and concludes either when the matter is closed by a SCA or designee, or after the Respondent has completed any imposed sanctions. Examples of SCPs include but are not limited to:

- Conduct Administrative Conferences, Administrative Hearings, and Board Hearings
- Academic Misconduct incident decisions by Faculty Members.

#### **S. University**

Boise State University, including all of its regional and extension campuses and online programs.

#### **T. University Housing**

Includes, but is not limited to all residence halls and any other unit owned or leased by the University.

#### **U. University Official**

Any person employed by the University or acting within the scope of their job duties or assigned role. This includes but is not limited to:

- Faculty, staff, administration, and student staff members of the University, including Resident Assistants;
- Department of Public Safety officers and employees;
- Any member of law enforcement;
- Any student or individual in their capacity as a board member.

#### **V. University Premises**

All land, buildings, facilities, and other property in the possession of or owned, used, leased, or controlled by the University. This includes but is not limited to items such as adjacent streets

and sidewalks, vehicles, computers and hardware, websites, software, and University-owned and/or operated computer networks, including wireless internet access.

## Section 4: Violations

Any student found to have committed or attempted to commit any of the following behaviors may be charged with the following violations, may be found in violation of the Code, and may be subject to processes and sanctions outlined in the policy:

### A. Academic Misconduct

Cheating, plagiarism, or other forms of academic misconduct, including attempting any of these acts or assisting another student in attempting to commit, or committing, an act of academic dishonesty (see also Section 7: Academic Misconduct Complaints, Violations, Processes, and Sanctions).

### B. Alcohol

Any use, possession, or distribution of alcoholic beverages in violation of Idaho state law or University Policy 1055 (Alcoholic Beverages), including but not limited to:

- The underage possession or consumption of alcohol;
- Selling, distributing, or furnishing of alcoholic beverages to a person under legal drinking age;
- Operation of a motor vehicle while demonstrating behaviors consistent with alcohol impairment, or with a blood alcohol or breath alcohol level at or above the legal limit;
- Misconduct under the influence of alcohol, including but not limited to disruptive conduct by intoxication, or public intoxication.
- Failure of a student group to take all necessary steps to ensure that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.

### C. Arson or Fire Safety

Any violation of local, state, federal, or University fire policy, including but not limited to:

- Intentionally or recklessly causing a fire;

- Failure to evacuate a University-controlled building during a fire alarm or evacuation order;
- Improper use of University fire safety equipment;
- Tampering with or improperly engaging a fire alarm or fire detection/control equipment.

#### **D. Bribery or Extortion**

Bribery or extortion include, but are not limited to:

- Offering money or some other form of payment, including gifts to a Member of the University Community in order to influence any academic or administrative process or to influence any athletic or University event or an individual's standing;
- Failing to report a bribe;
- Accepting a bribe;
- Attempting to arrange any portion of a bribe;
- Tampering with the election of any Boise State University recognized student organization, including student government (ASBSU);
- Getting or attempting to get money or anything of value through extortion by violence, threats, or misuse of authority or perceived authority.

#### **E. Complicity**

Presence during any known or obvious violation of University rules, regulations, policies, and/or law that enables, condones, or encourages a violation of policy or law and that poses a risk to the health and safety of any person, including oneself. Complicity includes, but is not limited to:

- Failing to act as a responsible bystander when it is safe to do so;
- Choosing not to remove oneself from the situation;
- Choosing not to address the situation directly with other parties; or
- Failing to seek assistance to resolve the situation.

## **F. Destruction, Damage, or Misuse of Property**

Destruction, damage, or misuse of University property or property belonging to a Member of the University Community.

## **G. Disruptive Conduct**

May include, but is not limited to:

- Conduct that a reasonable person would find offensive, such as disorderly, disruptive, lewd, indecent, obscene, and/or profane behavior;
- Conduct that substantially and materially disrupts or interferes with University operations;
- Causing, inciting, or participating in any disturbance that presents a clear and present danger to others, causes physical harm to others, or damages and/or destructs property, including but not limited to participating in or inciting a riot;
- Misuse and/or tampering with any University safety equipment, including but not limited to firefighting equipment, cameras, alarms, smoke detectors, blue light phones, and other life-saving or health-related devices, etc;
- Violations of sporting behavior;
- Public urination.

## **H. Drug or Controlled Substance**

- Unlawful possession, manufacture, distribution, use, or sale of any controlled or illegal substance, drugs (designer or synthetic), or drug paraphernalia, including but not limited to a bong, bowl, hookah, homemade smoking device, pipe.
- Possession or use of a prescription drug by an individual it was not issued to;
- Distribution or selling of a prescription drug to a person for whom it was not prescribed;
- Intentional or reckless ingestion or inhalation of substances that alter the state of mind, including nitrous oxide, glue, etc.

A violation may occur if the odor of an illegal or controlled substance or drug is present when more than one (1) individual can reasonably trace it to a specific individual, group, or location.

**I. Endangering Self or Others**

Any action or plan of action that endangers or could endanger the health, safety, or well-being of any person, including oneself (severity or persistence may be considered). Violations may include, but are not limited to:

- Participating in a dangerous prank;
- Leaning out of or climbing on windows, balconies, or roofs;
- Any other conduct that creates a clear risk of harm to a person or property.

**J. False Information or Identification**

Providing false or misleading information to any University Official, University office, or law enforcement official within the scope of their job. Violations may include but are not limited to:

- Providing false information on any University document or record, including any academic transcript, academic record change form, fee receipt, parking permit or citation, admission application or form, or financial aid form;
- Academic misconduct behavior involving falsifying the identity of who is responsible for the academic work or that is severe, pervasive, repeated, premeditated, or coordinated with others;
- Creating, possessing, attempting to use, or using a forged or altered form of identification issued by the University or any state or federal agency;
- Using or attempting to use another person's authentic form of identification issued by the University or any state or federal agency as an act of impersonation;
- Creating or distorting a document, video, photo, or other information modality in order to mislead or falsify information for the purpose of subterfuge, defamation, or presenting a person or their behavior in a false light.

**K. Firearm or Weapon**

A Firearm/Weapon violation includes, but is not limited to the possession, storing, wearing, carrying, transporting, or use of any firearm, explosive device of any kind, weapon, or anything used to threaten, harm, or disrupt the University community (including dangerous chemicals, switchblade knives, knives with blades over 3 inches, and realistic replicas of weapons) on University premises, including vehicles parked on University premises. For more information

and exact rules on any exceptions, refer to University Policy 12080 (Possession of Firearms/Weapons on University Owned or Controlled Premises).

#### **L. Fiscal Misconduct**

Violations may include, but are not limited to:

- Falsification of Boise State University recognized student group financial records;
- Any purchase or financial transaction made without appropriate organization membership or institutional approval, including, but not limited to copier use, signature on contracts, travel expenses, and rentals;
- Failure to relinquish recognized student organization financial records to officers, advisors, or University/ASBSU officials;
- Failure to uphold the financial obligations and agreements entered into on the part of an individual or student organization;
- Writing a non-sufficient funds (NSF) check to the University or a recognized student organization;
- Forgery; and
- Embezzlement.

#### **M. Group Violation**

Actions that may constitute one or more violations of University policy or law and that involve any Student Group, organization, society, club, or similarly organized group with or without University recognition (defined as the coordinated actions of two or more people). A SCP for a Group Violation may result from SCPs related to individual conduct violations if coordination and intention can be drawn to the Student Group. Examples of coordination and intention for a group violation include but are not limited to:

- Coordination or group collection of funds resulting in or contributing to the violation;
- Evidence or documents involved in the planning of the violation;
- Leadership involvement in any portion of the violation;
- Majority members present at the violation;

- Members hosting the violation;
- Coordination around the concealment of the violation;
- Student Group paraphernalia present, visible, or associated with the violation;
- Members' generalized knowledge of the violation.

Repeated individual violations of the Code may constitute a Group Violation if there is a nexus between the repeated behavior and an activity or location in majority control of members of the group.

Student Groups who identify, report, and address individual violations may negate the need for a Group Offense violation. Groups without University recognition at the time of a potential Group Violation or responsible finding may risk loss or delay of formal University recognition.

#### **N. Harmful Behavior**

Conduct that threatens or causes physical or mental harm may include but is not limited to:

- Impeding or blocking a person's or peoples' movement;
- Intentional unwanted physical contact;
- Use of violence or fighting;
- Striking, slapping, or hitting a person or threatening to do so;
- Publishing to the public an individual's personal address, personal contact, financial information, or other private information without the individual's permission;
- Stalking, which is constituted by two or more acts in which the stalker directly, indirectly, or through third parties, by any or means engages in the following behaviors: follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Specifically, stalking may include but is not limited to:
  - i. Sending unwanted emails, texts, letters, or gifts;
  - ii. Asking someone or someone's acquaintances where they are or where they are going;
  - iii. Repeatedly calling someone on the phone;
  - iv. Using the internet to threaten someone;

- v. Appearing at someone's class or workplace without a legitimate reason.
- Cruelty or attempted cruelty to animals.

## **O. Hazing**

Any activity, regardless of an individual's willingness to participate, that is associated with a group or student group (whether or not it is recognized by the University), and that has the purpose of initiation or admission into, affiliation with, or is a condition for continued membership in such group or organization, and that causes or is likely to cause an individual a risk of mental, emotional, or physical harm. Such activities include but are not limited to:

- Activities that interfere or attempt to interfere with an individual's academic pursuits;
- Compelled ingestion of alcohol or other substances;
- Requirement to carry or wear items or images that are burdensome, could cause embarrassment, or both;
- Morally degrading or humiliating games or pranks;
- Physically harming another person;
- Creation of excessive fatigue or physical or psychological shock;
- Harassment of any individual or group;
- Restraining, detaining, transporting, or abandoning people;
- The willful destruction or removal of public or private property;
- Activity that pressures or requires a student to violate University policy or law;
- Actions causing humiliation, degradation, or ridicule;
- Other activities that create a risk of physical injury or emotional harm or threat to the health and safety of any individual or group;
- Apathy or acquiescence in the presence of hazing is not a neutral act; it is both a hazing and "Complicity" violation.

Hazing does not include practice, training, conditioning, and eligibility requirements for customary athletic events such as intramural or club sports, NCAA athletics, or similar

contests or competitions; however, hazing activities occurring as a part of such athletic events or contests are prohibited.

#### **P. Misuse of Computer Facilities and Resources**

The actual or attempted mistreatment, misuse, or disruption of any University computer facilities and resources, including software and hardware. Such behavior includes, but is not limited to:

- Possessing or using passwords without proper authorization
- Spreading computer viruses;
- Hacking into computer systems;
- Downloading, creating, or sending unauthorized or illegal materials; and
- Allowing unauthorized users to access University computer facilities.

#### **Q. Misuse of the Student Conduct Process (SCP)**

Improper or untruthful engagement with any part of an SCP, including but not limited to:

- Willful falsification, distortion, or misrepresentation of information during the SCP or other disciplinary processes;
- Failure to obey any notice to appear for any required meeting from a board member, hearing officer, or University Official;
- Intimidation or retaliation in response to an individual's participation in, or use of, the SCP;
- Disrupting, interfering, or attempting to discourage or impact another's participation or statement in the SCP;
- Attempting to influence the impartiality or the decision of a member of the SCP prior to or during the course of any SCP;
- Failure to comply with any sanction(s) imposed in a SCP;
- Knowingly filing a false complaint against another person.

**R. Official Order**

Failure to comply promptly with directions of a University Official or a member of law enforcement who is performing their job duties. This includes failure to accurately and promptly identify oneself when requested to do so.

**S. Theft**

Taking or attempting to take another's property - personal, public, or institutional - without express permission or through deception. This includes, but is not limited to the intentional or unauthorized taking of goods, services, and other property.

**T. Trespassing**

Trespass occurs when a person enters or remains on University premises, or any portion thereof, after being notified orally or in writing of their exclusion from the premises. Specifically, trespass violations occur after an authorized University Official or law enforcement officer has notified a person orally or in writing that the person's presence is prohibited on University premises, and that person then knowingly enters, reenters, or remains on the premises. During a person's exclusion, they are not licensed, invited, or otherwise privileged to enter the identified University premises until and unless the excluded person is given prior written permission by the same University Official who excluded them (or other University Official as designated by the Dean of Students.) For more detailed information on exclusions and violations, refer to University Policy 12020 (Exclusion from Campus).

**U. Unauthorized Entry**

Any attempted or actual unauthorized entry into a physical or electronic facility that is owned, used, leased, or controlled by the University. Facilities may include, but are not limited to physical buildings, electronic computer or software systems, or networks. A violation may include, but is not limited to unauthorized possession, duplication, or use of keys or access cards for any facility, building, or computer system or network owned, used, leased, or controlled by the University.

**V. Unauthorized Recording or Broadcasting**

Streaming, making, or otherwise broadcasting any kind of record or image of a person or people without their prior knowledge and effective consent, when the record is of a private conversation or at a time and place where that person or people would have no expectation that their actions or likeness would become more broadly publicized.

## W. University Policy or Law

Violating any University policy, rule, regulation, requirement, directive, or contract, whether published electronically or in hard copy, or violating any local, state, or federal law.

## Section 5: Interim Action Sanctions

An Interim Action is a type of student conduct sanction, as described in Section 8: Sanctions. The Dean of Students or designee may take immediate action (“interim action”) when necessary to secure the health and safety of a Member of the University Community or to address a threat of ongoing disruption to the learning or living environment. Although all student conduct sanctions exist to support the standards and values of the University community, Interim Action Sanctions empower the University to maintain the safety of the students and Members of the University Community.

### A. Interim Action Sanctions

Interim action is effective immediately and may include, but is not limited to:

- a. Immediate suspension from the University;
- b. Loss of privileges, which may include exclusions from or to a specific area of the University’s premises;
- c. A hold being placed upon a student’s registration and records;
- d. Suspension or revocation of University-issued identification card, access, or both;
- e. Class or University Housing adjustments;
- f. Referral for a medical or psychological evaluation at the student’s expense;
  - This evaluation may be conducted by a qualified professional approved by the University;
  - The evaluation may be used to determine the appropriateness of withdrawing the Interim Action(s).
- g. Any other remedy warranted under the circumstances to protect the health and safety of persons, University operations or property, or the University Community.

## B. Interim Action Notification

At the time that the interim action is imposed, the Dean of Students will:

- Inform the Respondent of the interim actions;
- Inform the Respondent of the reason for the interim actions;
- Inform the Respondent that a meeting will take place to review the Interim Action(s)

## C. Interim Action Meeting Procedures

- a. Within ten (10) University business days from interim action notification, a meeting will take place with the Dean of Students or designee to review the interim action. The Respondent may bring a non-participating advisor to the meeting for support.
  - The Respondent will have an opportunity to demonstrate to the Dean of Students or designee why the condition(s) specified in the interim action should not continue;
- b. Based on a reasonable evaluation of the information presented by Respondent at the meeting, the Dean of Students or designee will notify the student within forty-eight (48) hours of the meeting of the decision to:
  - Remove the interim actions and take no further SCP action;
  - Remove the interim actions but proceed to an SCP hearing regarding the Respondent's conduct as prescribed in this Code; or
  - Sustain the interim actions until such time as a hearing regarding the Respondent's hearing may be held.

For a visual representation of this process described under section 5, see Figure 1: Interim Action Sanction Process in Section 14.

## Section 6: Behavioral Misconduct Complaints and Processes

- a. Any individual or entity may submit a complaint regarding student behavior to the Office of the Dean of Students for investigation and processing subject to the Code. Complaints subject to University Policy 1060 (Non-discrimination or Anti-harassment) or University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking) are investigated and processed solely by the Office of Title IX and Institutional Equity as outlined in those respective policies, and not under this Code.

- b. Because the Code applies to students on and off University premises, student actions that are potential violations of this Code may be brought forward as complaints by police or through arrest records or public records and information available to the Office of the Dean of Students.

### **A. Receiving and Processing Complaints**

Complaints are considered the main basis of a student conduct incident and should, therefore, be made as clearly and carefully as possible.

- a. Individuals may file a complaint in writing or verbally by meeting with a Student Conduct Administrator (SCA) or designee.
- b. A complaint alleging a violation of the Code should be filed as soon as possible after the event takes place.
- c. Upon receiving a complaint, an SCA or designee will review the complaint and evaluate the report to determine whether it appears to meet the criteria for a possible violation of the Code.
  - An SCA or designee may find that the complaint does not meet the criteria for a possible violation of the Code. Such a finding will be final, and there will be no Student Conduct Process (SCP).
  - An SCA or designee may determine that it is possible to resolve the complaint by mutual consent of the parties involved and the Office of the Dean of Students. A disposition by mutual consent of the parties and the Office of the Dean of Students is final, and there will be no following SCP.
  - If the complaint is determined to meet criteria, or if the SCA determines that the alleged violation results in harm to the Complainant, the University, or the University Community, the SCA will conduct an investigation. The Respondent will be notified of charges under the Code and will be provided an opportunity to respond to the alleged violations as outlined.
- d. The Complainant and the Respondent will be given the opportunity to express a preference for a Conduct Administrative Conference or a Conduct Board Hearing. Although an SCA may consider a Respondent's and Complainant's requests when referring the case to an SCP, the SCA is the sole and final arbiter in determining which process will be used to resolve charges.

- e. When one (1) or more Complainants are unable or unwilling to participate in the SCP, but the potential violation is sufficient for further disciplinary review by the University, the Dean of Students or designee is empowered to designate a University Official to represent a complaint on behalf of the University.
- f. The SCA may also determine that the complaint or conduct record adequately fulfills the role of “Complainant,” and as a result, may leave the role of Complainant unfilled by any individual person during the SCP.

## **B. Guidelines for Student Conduct Process (SCP) Hearings**

Cases forwarded to a Student Conduct Process (SCP) hearing will adhere to the following guidelines and processes. SCPs do not use or apply criminal or civil courts’ normal rules of process, procedure, and/or technical rules of evidence. Requests for disability-related accommodations needed to participate in the SCP may be requested by emailing [srr@boisestate.edu](mailto:srr@boisestate.edu) no later than five (5) University business days prior to the hearing date.

- a. Official notification is accomplished when notice is emailed to the student’s Boise State University email address at least twenty-four (24) hours in advance of an Administrative Conference or ten (10) University business days in advance of the Conduct Administrative Hearing, Conduct Board, or Sanctioning Board hearing date, or when notice is mailed via U.S. Postal Service to the address listed with the Registrar’s Office and post-marked at least ten (10) University business days in advance of the hearing date. Notification may include but is not limited to notification of hearing and notification of hearing outcome.
- b. The Respondent and Complainant are each solely responsible for submitting their own information on time as described in this Code, and presenting it.
- c. The Respondent and the Complaint have the right to challenge any member of a Conduct Board if either believe that the person is biased (challenges for bias are decided on by the Student Conduct Administrator).
- d. If, after receiving notice of charges and hearing, the Respondent or Complainant does not appear at the hearing, the hearing officer or board member(s) will hear the information from any party who is present and render a decision and sanctions for the case based on the available information and without the other party (or either parties) being present. The presence of either the Respondent(s) or Complainant(s) is not required for SCPs or hearings to proceed.

- e. The Respondent and the Complainant have the right to be supported by any advisor of their choosing during a SCP. If requested, the Office of the Dean of Students can offer assistance in seeking an advisor. Advisors are permitted to speak only with the Respondent or Complainant that they are assisting. Advisors are not permitted to participate directly in or to speak on behalf of the Respondent or Complainant in any part of any SCP or hearing because to do so would disrupt the Respondent or Complainant's opportunity to respond to the alleged violations. Advisors whose actions demonstrate they are unwilling or unable to refrain from direct participation during an SCP and after being reminded to do so one time will be dismissed from hearings. It is the sole responsibility of the Complainant and Respondent to make arrangements for their advisor to be at a hearing.
- f. In a Conduct Administrative Hearing or Conduct Board Hearing, the Respondent and Complainant are permitted to present approved witnesses in order to provide new information. It is not necessary to have multiple witnesses attesting to the same alleged information or to provide character witnesses because behavior, not character, is under review in the Code. Testimony from witnesses who will not be at the hearing may be introduced in signed, written form subject to prescribed deadlines for material submissions. The hearing officer, administrator, or chairperson has the discretion to exclude or deny certain witnesses or information by stating reasonable grounds (e.g., prejudicial, duplicative, or irrelevant information). It is the responsibility of the Complainant and Respondent to arrange for their information to be submitted on time, for their witnesses to be present at the hearing, or both.
- g. No recordings are made of Administrative Conferences. It is in the sole discretion of the SCA to determine whether or not an official audio or visual recording of an Administrative Hearing or a Conduct Board hearing will be made. If a recording is to be made, the Office of the Dean of Students will maintain the single recording of the hearing. Deliberations will not be recorded. The recording will be the sole property of Boise State University. No other audio or visual recordings of hearings are allowed. In accordance with Section 10: Student Conduct Records, all audio and visual records will be destroyed seven (7) years after completion of the Student Conduct Process for the particular Student Conduct case. After that time, the written notification of the decision letter(s) remains as the official University record of the matter.

### B.1 Conduct Administrative Conference

A Conduct Administrative Conference is a type of SCP that requires only one (1) hearing officer to meet quorum, proceed with a hearing, and render a decision that excludes the possibility of suspension, expulsion, or degree revocation.

- a. The Office of the Dean of Students will invite the Respondent to an Administrative Conference, and the Respondent may choose to bring an advisor.
- b. Administrative Conferences conclude with the Respondent making a final verbal or written assertion regarding whether the Respondent believes they are “responsible” or “not responsible” for each violation.
- c. For each alleged violation, the Hearing Officer makes a determination on the basis of whether it is “more likely than not” (preponderance of the evidence) that the Respondent violated the Code. The Hearing Officer also applies sanctions if a violation of the Code is determined to have occurred.
- d. Within ten (10) University business days of the Administrative Conference, the Respondent and Complainant will be notified of the Hearing Officer’s decision, including any sanctions imposed. Notification will come from the Office of the Dean of Students. University Officials with a need to know (as determined by the SCA) may be notified of the outcome of the hearing.
- e. A Respondent or Complainant may appeal an Administrative Conference decision or sanctions in alignment with details provided in Section 9: Appeals.

For a visual representation of this process described under section 6.B.1, see Figure 2: Administrative Conference Hearing Process in Section 14: Figures.

## B.2 Conduct Administrative Hearing

A Conduct Administrative Hearing is a type of SCP that requires one (1) board member or hearing officer to be present to meet a quorum and serve as a Conduct Hearing Administrator, proceed with a hearing, and render a decision that excludes the possibility of expulsion or degree revocation.

- a. At least ten (10) University business days in advance of the hearing date, an SCA will notify all Respondents named in an official complaint:
  - That Code charges have been filed;
  - The date, time, and place of the Conduct Administrative Hearing;

- b. If the charges involve more than one Respondent, the SCA may permit the hearings for each Respondent to be conducted separately or at the same time. A Respondent may express preference concerning separate or joint hearings to the SCA at a Pre-Hearing Conference.
- c. The Conduct Hearing Administrator may consider but is not limited to considering written and verbal statements by any involved party or witness, photographs, investigative summaries, reports, records, documents, recordings, and testimony in relation to the hearing and their decision.
- d. No later than five (5) University business days prior to the date of the Conduct Administrative Hearing, the Respondent and the Complainant must submit to the SCA any available and relevant information that they wish to include in the hearing packet and record (such as the Respondent's written response to the charges, proposed questions, witness lists, witnesses' written testimony, documents, photographs, recordings).
  - Witness lists must include a statement regarding what information each witness is anticipated to provide to the Conduct Hearing Administrator.
  - Prior to the hearing, the Respondent or Complainant may choose to propose questions in writing. The Conduct Hearing Administrator will consider the relevance and appropriateness of any proposed questions and is the sole and final arbiter for choosing and asking questions.
- e. No later than three (3) University business days prior to the hearing date, the Respondent or Complainant may request accommodation regarding concerns for the personal safety, well-being, and/or fears of confrontation of the participants during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, video conferencing, video recording, audio recording, written statement, or other means. Requests for such accommodations must be made to an SCA.
- f. No later than three (3) University business days prior to the Conduct Administrative Hearing, notice that the hearing packet is available will be sent to all hearing participants. The hearing packet will include the Hearing Checklist and available information (including but not limited to the complaint, response, witness list(s), and other information submitted to the SCA before the deadline).
- g. The Conduct Administrative Hearing will proceed according to the process outlined in the Hearing Checklist. All procedural questions during the hearing are subject to the final decision of the Conduct Hearing Administrator at the time of the hearing.

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- h. The hearing will be conducted in private. Admission of any person to the hearing will be at the discretion of the Conduct Hearing Administrator.
  - i. The Complainant, the Respondent, and the University through the Dean of Students or designee may present witnesses at the hearing, subject to cross-questioning by the Conduct Hearing Administrator.
    - Witnesses will be invited into the hearing only to share their information and to be questioned by the Conduct Hearing Administrator and then excused after their testimony concludes.
  - j. Questions must only be asked by the Conduct Hearing Administrator during the hearing.
    - The Complainant and Respondent may not ask questions of witnesses or each other directly.
    - The Conduct Hearing Administrator may ask or exclude any questions that were proposed prior to the hearing. The Conduct Hearing Administrator may also form and ask their own questions.
  - k. Both the Complainant and Respondent will be offered time-bound opportunities to respond to alleged violations and present information to the board.
  - l. At the end of the hearing, all materials disseminated to the parties prior to or during the hearing must be returned to an SCA.
  - m. After the hearing, the Conduct Hearing Administrator will determine whether it is more likely than not that the Respondent has violated the Code as charged.
  - n. Within ten (10) University business days of the Conduct Administrative Hearing, the Respondent and Complainant will be notified by the Dean of Students office of the Conduct Hearing Administrator's decision, including any sanctions imposed if there is a finding of "responsible" for any charge.
    - Complainant's notification will include information regarding sanctions that 1.) apply directly to the Complainant (for example, a "no contact" order or exclusion from University premises), or 2.) in the case of alleged violence, the Complainant may receive all information regarding the decision, including any sanction(s) imposed.

- University personnel with a “need to know” (as determined by an SCA) may be notified of the outcome of the hearing.
- o. A Respondent or Complainant may appeal a Conduct Administrative Conference decision or sanctions in alignment with details provided in Section 9: Appeals.

### B.3 Conduct Board Hearing

A Conduct Board Hearing is a type of SCP that requires more than one (1) board member to be present to form a board, meet quorum, proceed with a hearing, and render a decision that could result in any outcome described in the Code, including but not limited to suspension, expulsion, or degree revocation. One (1) member of the board acts as the chairperson to facilitate the hearing.

- a. At least ten (10) University business days in advance of the hearing date, an SCA will notify all Respondent(s) named in an official complaint:
  - That Code charges have been filed;
  - The date, time, and place of the Conduct Board Hearing;
  - That the Respondent or Complainant may each bring an advisor;
- b. If the charges involve more than one Respondent, the SCA may permit the hearings for each Respondent to be conducted separately or at the same time. A Respondent may express preference concerning separate or joint hearings to the SCA at a Pre-Hearing Conference.
- c. A Conduct Board Hearing includes, but is not limited to consideration of written and verbal statements by any involved party or witness, photographs, investigative summaries, reports, documents, recordings, and testimony.
- d. No later than five (5) University business days prior to the date of the Conduct Board Hearing, the Respondent and the Complainant must submit to the SCA any available and relevant information that they wish to include in the hearing packet and record (such as the Respondent’s written response to the charges, proposed questions, witness lists, witnesses’ written testimony, documents, photographs, recordings).
  - Witness lists must include a statement regarding what information each witness is anticipated to provide to the board members.

- Prior to the hearing, the Respondent or Complainant may choose to propose questions in writing. The board chairperson will consider the relevance and appropriateness of any proposed questions and is the sole and final arbiter for choosing and asking questions.
- e. No later than three (3) University business days prior to the hearing date, the Respondent or Complainant may request accommodation regarding concerns for the personal safety, well-being, and/or fears of confrontation of the participants during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, video conferencing, video recording, audio recording, written statement, or other means. Requests for such accommodations must be made to an SCA.
  - f. No later than three (3) University business days prior to the Conduct Board Hearing, notice that the hearing packet is available will be sent to all hearing participants for review. The hearing packet will include the Hearing Checklist to offer the participants the opportunity to understand the order of the hearing and available information (including, but not limited to the complaint, response, witness list(s), and other information submitted to the SCA before the deadline).
  - g. The Conduct Board must constitute a quorum in order for the hearing to proceed.
  - h. The Conduct Board Hearing will proceed according to the process outlined in the Hearing Checklist. All procedural questions during the hearing are subject to the final decision of the board chairperson at the time of the hearing.
  - i. The hearing will be conducted in private. Admission of any person to the hearing will be at the discretion of the chairperson.
  - j. Both the Complainant and Respondent will be offered time-bound opportunities to respond to alleged violations and present information to the board.
  - k. The Complainant, the Respondent, and the University through the Dean of Students or designee, may present witnesses at the hearing, subject to cross-questioning by the board. Witnesses will be invited into the hearing only to share their information and to be questioned by the board and then excused after their testimony concludes.
  - l. Questions must only be asked by the Conduct Board during the hearing. The Complainant and Respondent may not ask questions of witnesses or each other directly. The board chairperson may ask or exclude any questions that were proposed prior to the hearing. All members of the board may also form and ask their own questions.

- m. At the end of the hearing, all materials disseminated to the parties and Conduct Board members prior to or during the hearing must be returned to an SCA.
- n. After the hearing, the Conduct Board will determine whether the Respondent has violated the Code as charged based on the standard preponderance of the evidence.
- o. Within ten (10) University business days of the Conduct Board Hearing, the Respondent and Complainant will be notified by the Dean of Students office of the Board's decision, including any sanctions imposed if there is a finding of "responsible" for any charge.
  - The Complainant's notification will include information regarding sanctions that 1.) apply directly to the Complainant (for example, a "no contact" order or exclusion from University premises), or 2.) in the case of alleged violence, the Complainant may receive all information regarding the decision, including any sanction(s) imposed.
  - University personnel with a "need to know" (as determined by an SCA) may be notified of the outcome of the hearing.
- p. A Respondent or Complainant may appeal a Conduct Board decision or sanctions in alignment with details provided in Section 9: Appeals.

For a visual representation of the processes described under sections 6.B.2 and 6.B.3, see Figure 3: Administrative Hearing and Conduct Board Hearing in Section 14: Figures

## **Section 7: Academic Misconduct Complaints, Violations, Processes, and Sanctions**

- a. Student academic misconduct is a serious and prohibited violation at the University because it prevents the student's learning, undermines the bonds of trust and honesty between members of the University community, and defrauds those who may eventually depend upon our knowledge and integrity. Boise State University promotes Academic Excellence as a Shared Value and as a hallmark of an institution of higher education. As part of living the value of Academic Excellence, promoting and protecting academic integrity is the responsibility of every member of the University community. The ultimate recognition for a student's scholarly work is the conferring of a degree. The conferring of a degree represents the University's indication that the recipient has engaged in academic work and learning with integrity, as certified by Faculty members who teach the University's courses.
- b. Faculty members are responsible for determining whether a student has engaged in academic misconduct in their course as part of their wider responsibilities for disciplinary expertise,

student learning, and evaluation, as charged by the Office of the Provost. When determining responsibility, it is necessary that the Faculty member follows the processes described in both University Policy 4180 (Faculty Responsibility to Address Student Academic Misconduct) from the Office of the Provost, and in this Code. This responsibility is in recognition of Faculty members' freedom for determining content, instructional delivery, and assessment of their courses. This includes maintaining appropriate academic standards and evaluating whether students comply with University and course standards as outlined in this Code, with the course syllabus, with standards in their academic disciplines, and with written and verbal directions for coursework.

- c. When a student has been found responsible for Academic Misconduct, the department chair or college or school dean may impose additional actions, including removal from an academic program, which are not subject to appeal under this Code. This is because department chairs and academic deans are responsible for maintaining appropriate academic standards and evaluating whether students comply with University and academic program standards, including academic misconduct as outlined in academic program criteria and policies and the Code.

#### **A. Complaints of Academic Misconduct**

- a. When a student places their name on an assignment or otherwise claims credit for its completion and their resulting learning, the student is indicating that the work submitted is their original work unless otherwise identified by appropriate acknowledgements and citations.
- b. Any individual, entity, or member of the University community may report a complaint of student academic misconduct to the Office of the Dean of Students. If a complaint of Academic Misconduct is reported to the Office of the Dean of Students by any individual other than the course Faculty, the complaint will be referred to the Faculty for the course in which the behavior occurred. Faculty members are also responsible for addressing any concerns that they notice in their own students' work or that are reported to them as the course instructor. The Faculty member will review complaints or concerns to make their decision as outlined in this Code and University Policy 4180 (Faculty Responsibility to Address Student Academic Misconduct).
- c. Potentially egregious, expansive, or pervasive academic misconduct complaints may be automatically referred by an SCA for a hearing by a Conduct Board as described in Section 7: Behavioral Misconduct Complaints & Processes.

- d. Both Faculty members and board members are empowered to determine responsibility and sanctions for student academic misconduct.

## **B. Violations of Academic Misconduct**

- a. Academic Misconduct is defined as behavior or action by a student that has the effect of interfering with the learning, pursuit of knowledge, or fair or accurate evaluation of a student's performance, skills, or work. Academic misconduct includes but is not limited to cheating, plagiarism, fabrication (or falsification of information), unauthorized collaboration, and research misconduct. Academic misconduct can be intentional, unintentional, completed, or attempted. A single behavior of academic misconduct may be accurately described by multiple categories.
- b. In addition to assisting in the identification of academic misconduct behaviors, the Code offers specific descriptions in order to empower students to avoid academic misconduct behaviors in pursuit of their own successful learning, as is their responsibility.
- c. Student academic misconduct behavior includes but is not limited to:

### **B.1 Cheating**

Cheating involves the unauthorized possession, use, or attempt to possess or use information, materials, notes, study aids, or other devices in any academic exercise (including but not limited to an assignment or examination), or any unauthorized communication with another person during such an academic exercise, that would result in an unfair advantage over fellow students. Examples of cheating include, but are not limited to:

- Unauthorized copying of a class exercise—before, during, or after the class exercise, either for a student's own use or for the use of others;
- Using, providing, or purchasing the aid of sources not authorized by the Faculty member in preparing for a test, writing a paper, solving a problem, or carrying out any other class exercise;
- Acquiring, without permission, any assignment or other academic material belonging to a member of the University faculty or staff;
- Creating, keeping, or using unauthorized collections of assignments or any part of such a collection;

- Having someone else complete a class exercise instead of the student who has been assigned to complete the exercise;
- Completing a class assignment for someone else or facilitating another student's academic misconduct behavior;
- Submitting, without prior permission, one's own work that was already submitted to fulfill another academic requirement;
- Creating or fabricating nonexistent sources such as books, journal articles, or other media;
- Using an electronic device during an exam, unless authorized by the Faculty member;
- Submitting work for an in-class exam, which was prepared in advance of the exam;
- Violating rules governing the administration of exams;
- Violating any rules relating to academic conduct in a course or program;

## B.2 Plagiarism

Plagiarism is presenting work or ideas from another source as your own, without specific and proper acknowledgment and/or citation. Other sources of works or ideas that require proper acknowledgment and/or citation include other people, agencies or entities, and software, websites, and applications, specifically including those that utilize generative AI (artificial intelligence). It is each student's responsibility to use proper methods for appropriate acknowledgment or citation. Lack of knowledge of proper citation is not a valid excuse for plagiarizing. This policy applies to work or ideas presented for academic consideration, credit, or public presentation, or as part of an application for admission to the University or a University Program. This policy applies to work or ideas presented in any type of academic exercise, including written assignments, discussion board posts, quizzes, exams, and in-person activities. Examples of plagiarism include but are not limited to:

- Copying work or ideas from another source, published or unpublished without proper acknowledgment and/or citation;
- Paraphrasing or summarizing work or ideas from another source, published or unpublished, without proper acknowledgment and/or citation;
- Using ideas, arguments, and/or thesis from another source, published or unpublished, without proper acknowledgment and/or citation;

- Using research from another source, published or unpublished, without proper acknowledgment and/or citation;
- Using materials prepared by a person, entity, or agency engaged in the selling of papers or other academic materials;
- Presenting ideas, data, or language produced by generative AI as your own work and/ or without proper acknowledgment and/or citation.

### B.3 Unauthorized Collaboration

Students should complete all academic coursework and assignments on their own, unless otherwise instructed or granted permission by the Faculty member. Working with others on an assignment is not allowed unless it has been explicitly permitted by the Faculty member. Unauthorized collaboration can also include working with others on assignments that the Faculty member has given explicit permission to collaborate on when the manner of collaboration violates the expectations set by the Faculty member.

### B.4 Fabrication or Falsification

a. Fabrication or falsification includes but is not limited to:

- Creating or faking information without basis and for academic credit;
  - Reporting experiments, measurements, or statistical analyses never performed;
  - Manipulating or altering data or other manifestations of research to achieve a desired result;
  - Falsifying or misrepresenting background information, credentials or other academically relevant information in coursework or for application or admission to or advancement in a program or the University;
  - Fabricating or otherwise falsifying field placement hours, community service hours, practicum hours, or other hours of experiential learning required by an academic course or program;
- b. Fabrication does not include accidental calculation errors when handling accurately recorded information or differences in interpretations or judgments of data and/or results.

## B.5 Research Misconduct

- a. Research misconduct includes, but is not limited to:
  - Sabotage of another’s experiment or research;
  - Fabrication, falsification, or misrepresentation of research and/or data;
  - Plagiarism, fabrication, or suppression in proposing, performing, reviewing research or in reporting research results.
  - Selective reporting, including the deliberate suppression of conflicting or unwanted data.
- b. Any confirmed violation by a student of “University Policy 5060 - Misconduct in Research” is a violation of the Code.

## C. Faculty Processes and Sanctions to Address Student Academic Misconduct

When a violation of Academic Misconduct is alleged to have occurred in a course, the Faculty member of that course is responsible for:

- Determining if a student is “responsible” or “not responsible” for academic misconduct;
- Applying appropriate sanction(s) for “responsible” determinations;
- Deciding whether to report their “responsible” findings as a complaint to the Office of the Dean of Students as a violation of this Code.

To fulfill these responsibilities, Faculty members follow procedures when they notice potential academic misconduct in their course or when potential academic misconduct in their course is brought to their attention or reported to them. Those procedures are:

- a. The Faculty member will notice, examine, review, and document the incident(s) of potential academic misconduct.
- b. The Faculty member will notify the student via their University email address of the alleged violation, and offer an opportunity for that student to respond to the allegation. Following the offered meeting, the Faculty member will make a final decision.

- If an in-person meeting is not possible, phone, email, or video calls may be viable options, as noted in University Policy 4180 (Faculty Responsibility to Address Student Academic Misconduct).
  - The Faculty member may choose to use the “Suggested Conversation Guide” offered by Office of the Dean of Students
  - The student has the right to choose whether or not to engage or respond.
  - Both the student and the Faculty member may have a support person/advisor attend their meeting if they so choose. The support person/advisor may not directly engage in the discussion occurring between the student and the Faculty member. An exception to this may include input from the Department or Program Chair who, if choosing to participate in the discussion, has a responsibility for the broader academic environment of the department or program.
- c. After the student has met with the faculty to discuss the alleged behavior; or had an opportunity to respond, the Faculty member will apply the standard Preponderance of the Evidence (more likely than not) to decide whether their student is “responsible” or “not responsible” for academic misconduct. Although the Faculty member may account for the perspective of others, the Faculty member is the only person responsible for making the decision.
- d. Upon rendering a decision the Faculty member will provide notification to the student on the student's University email address of:
- i. Whether they have found the student “responsible” or “not responsible.”
  - ii. A brief rationale for the finding.
  - iii. If they found the student “responsible,” whether the Faculty Member has assigned grade sanctions. Sanctions may include but are not limited to:
    - No grade sanctions
    - Resubmitting the work in question by a specific date, or accepting a 0%;
    - Completing additional or replacement assignments;
    - Receiving a grade penalty on the assignment, including a 0%;

- Reducing the final course grade by letter grade increment(s);
  - Failure of the course;
- iv. Whether the Faculty member will report the “responsible” incident to the Office of the Dean of Students.
- e. The Faculty member will then [report](#) the incident to the Office of the Dean of Students at the same time as notifying the student. The report must include:
- i. Their finding of “responsibility;”
  - ii. A brief description of the incident;
  - iii. The course title;
  - iv. Any grade sanctions applied;
  - v. The course syllabus;
  - vi. Any other relevant documentation, including but not limited to:
    - The student’s work where misconduct occurred;
    - Any departmental or program policies that informed the decision.
- f. Faculty members may also elect to use the one-page process resource “[Instructor Guide: Handling Potential Academic Misconduct](#)” as offered by the Office of the Dean of Students, after reviewing but not in place of reviewing the authoritative processes outlined in both policies.

For a visual representation of this process described under section 7.C, see Figure 4: Faculty Members' Process for Deciding Student Academic Misconduct in Their Course in Section 14: Figures.

#### **D. Processing Faculty Reports of Academic Misconduct**

Following the report, the Office of the Dean of Students is responsible for:

- Processing the report and providing official notification to the student's University email address;
- Assigning and requiring educational or developmental sanctions such as an online academic integrity workshop, meeting, paper, or other task.
- Furnishing the student's rights to appeal a Faculty member's decision of "responsibility" for academic misconduct in alignment with Section 9: Appeals;
- Updating the Faculty member with the status of any student appeals of the decision or other pertinent information.

### **E. Processes for Sanctioning Multiple Incidents of Academic Misconduct**

- a. When a student has been found in violation of the Code for more than one (1) act of Academic Misconduct, the Office of the Dean of Students may then schedule an Academic Sanctioning Board Hearing for the student. All guidelines for SCP Hearings in Section 6 apply to the Sanctioning Board process because it is an SCP.
- b. The Academic Sanctioning Board's role is not to determine responsibility for violating the Code because the student has already been found in violation of the Code by Faculty member(s) for multiple separate incidents, and the appellate periods for each have passed. Instead, the Academic Sanctioning Board reviews the totality of the student's persistent behavior. At the hearing, the student may address the Academic Sanctioning Board and respond to the multiple incidents on record. The Academic Sanctioning Board may then impose additional sanctions to respond to the student's behavior, including but not limited to conduct probation, suspension, expulsion, or degree revocation. The Sanctioning Board process does not include the role of a complainant because the student's academic misconduct history and record forms the complaint.

### **F. Sanctioning Board Hearing**

A Sanctioning Board hearing is a type of SCP that requires more than one (1) board member to be present in order to form a board, meet quorum, proceed with a hearing, and render a sanctioning decision including any sanctions described in the Code. One member of the board acts as a chairperson in order to facilitate the hearing.

- a. At least ten (10) University business days in advance of the hearing date, an SCA in the Office of the Dean of Students will notify the Respondent of the hearing:
  - The date, time, and location of the Sanctioning Board Hearing

- b. No later than five (5) University business days prior to the date of the Conduct Board Hearing, the Respondent must submit to the SCA any written statement or other information that they wish to include in the hearing packet.
- c. No later than three (3) days prior to the Sanctioning Board hearing, notice that the hearing packet is available will be sent to the Respondent and board members for review. The hearing packet will include the Hearing Checklist to offer the participants the opportunity to understand the order of the hearing, and available information (including but not limited to the complaint, response, and other information submitted to the SCA before the deadline).
- d. The Sanctioning Board must constitute a quorum in order for the hearing to proceed.
- e. The Sanctioning Board hearing will proceed according to the process outlined in the Hearing Checklist. All procedural questions during the hearing are subject to the final decision of the board chairperson at the time of the hearing.
- f. The hearing will be conducted in private. Admission of any person to the hearing will be at the discretion of the chairperson.
- g. The Respondent will be offered an opportunity to respond to the board regarding the incidents on record.
  - If a Respondent does not appear before the Sanctioning Board after receiving notice of the hearing, the Board will proceed with the hearing without the student's input and determine the appropriateness of additional sanctions based on the information present.
- h. The Respondent and the University through the Dean of Students or designee may present witnesses at the hearing, subject to cross-questioning by the board.
  - Appropriate faculty, academic administrators, and other students relevant to the case may be called upon to participate should it be deemed appropriate by the SCA or Sanctioning Board.
- i. Questions must only be asked by the Sanctioning Board members during the hearing. The Respondent may not ask questions of witnesses directly, but must ask them through the chairperson and with their approval. The Respondent may not question the board.
- j. At the end of the hearing, all materials disseminated to the Respondent and Sanctioning Board members prior to or during the hearing must be returned to an SCA.

- k. After the hearing, the Sanctioning Board will deliberate and impose additional sanctions (if any) in response to the Respondent's continued behavior.
- l. Within ten (10) University business days of the Sanctioning Board Hearing, the Respondent will be notified by the Dean of Students office of the Sanctioning Board's decision to impose any additional sanctions. University personnel with a "need to know" (as determined by an SCA) may be notified of the outcome of the hearing.
- m. A Respondent may appeal any additional sanctions imposed by the Sanctioning Board in alignment with details provided in Section 9: Appeals.

For a visual representation of this process described under section 7.F, see Figure 5: Academic Misconduct Sanctioning Board Process in Section 14: Figures.

## Section 8: Sanctions

- a. Sanctions are assigned when students are found responsible for violations of the Code. Other University policies, procedures, and handbooks may outline sanctions as part of their procedures separate from this Code, and which are not subject to appeal under this Code. The purpose of student conduct sanctions is to:
  - Restore the standards and values of the University community;
  - Educate students about the seriousness of their actions;
  - Promote positive growth and development;
  - Increase student capacity for healthy decision-making, and;
  - Maintain the safety of the students and members of the University community.
- b. Failure to comply with sanctions imposed by a Conduct Body's decision within the specified time period(s) may result in account holds and further, immediate, and interim sanctions. More than one of the following sanctions listed may be imposed for any single violation of the Code.

### A. Warning

A written notice that the Respondent is violating or has violated University policy and that additional infractions of the Code could result in further sanctions.

**B. Parental Notification**

A written letter will be sent to the parent(s)/legal guardian(s) indicating you have been found responsible for violating University policy related to drugs or alcohol.

**C. Grade Sanctions**

Faculty members may assign a variety of grade sanctions in response to a student's academic misconduct behavior in their course. Section 7 describes grade sanctions in detail.

**D. Educational Sanctions**

Educational sanctions include but are not limited to reflection papers, educational modules or projects designed to assist the Respondent in reflecting on their decision making. Some educational sanctions will incur a user registration fee which will be disclosed to the Respondent at the time the sanction is assigned.

**E. Student Conduct Probation**

A student may be placed on Student Conduct Probation ("Probation") following a violation of the Code. Probation is for a designated period of time. Probation may be assigned in conjunction with other sanctions or stand alone as the only sanction for a violation. Additional violations while on Probation may be treated as immediately more severe or resistant to University intervention and may include the additional imposition of more severe Student Conduct sanctions.

**F. Restitution**

Monetary payment required to be made by Respondent to reimburse for repair or replacement of damaged or misappropriated property or to reimburse for medical or other expenses incurred by a third party as a direct result of misconduct.

**G. Community Service Hours**

Work assignments, service to the University or community, or other related discretionary assignments. This assignment may include required proof of completion as determined by the SCA or board members assigning community service hours.

**H. Fines**

Monetary penalty or a specified amount required to be paid by Respondent and imposed for a violation of the Code.

**I. Loss of Privileges**

Action prohibiting a Respondent from participating in certain activities or enjoying certain privileges for a prescribed period of time. Loss of privileges may include, but is not limited to:

- Removal from University Housing;
- Revocation and deactivation of a student identification card;
- Removal from a student leadership positions (elected or appointed);
- Removal from an athletic team or club sport;
- Loss of University employment;
- Exclusion from all or specific University premises.

**J. Student Housing Suspension**

Removal of the Respondent from University Housing for a defined period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.

**K. Student Housing Expulsion**

Permanent removal of the Respondent from University Housing which may include a prohibition against the Respondent making future applications for University Housing.

**L. Hold on Academic Records**

Action restricting the Respondent's admission and registration until a Student Conduct sanction is fulfilled by the Respondent. Holds may result from non-compliance with completion deadlines, or be placed when a sanction is assigned and until it is completed. A hold will also restrict the University from releasing official academic transcripts or awarding a diploma until the sanction is fulfilled by the Respondent.

**M. University Suspension**

Action terminating the Respondent's registration in some or all University classes for a prescribed period of time. Conditions for readmission may be specified by the board member(s) at the time of assignment.

## **N. University Expulsion**

Action permanently terminating the Respondent's registration and relationship with the University. This action separates the Respondent from the University permanently for all current and future academic terms. An expelled student is ineligible for readmission to the University.

## **O. Group and Organization Sanctions**

Sanctions for groups may result in permanent or temporary suspension of the group from the University, loss of recognition or charter, social probation, loss of rights or privileges, or other actions deemed appropriate by the University. An individual involved in a group offense or sanction can also be subject to additional individual charges, SCPs, and sanctions.

## **P. Revocation of Degree**

Admission to the University or a degree awarded by Boise State University may be revoked for fraud, misrepresentation, or other violations of Boise State University standards in obtaining the admission or degree or for other serious violations committed by a student prior to graduation.

## **Q. Withholding Degree**

- a. Boise State University will withhold awarding a degree otherwise earned by a Respondent until the completion of the Student Conduct Process as set forth in the Code, including but not limited to the Respondent's completion of all sanctions imposed, if any.

## **Section 9: Appeals**

- a. The right to file an appeal applies to both the Complainant (or designated Complainant) and the Respondent in both behavioral misconduct and academic misconduct processes. Decisions and/or sanctions by Hearing officers; Board members in any SCP format; or Faculty members regarding an academic misconduct decision or sanction(s) in their course are subject to appeals. Each case is subject to one (1) appeal per appealing party.
- b. While an appeal is pending, imposed sanctions may or may not be placed on hold until the appeal process is completed. Some sanctions, including Interim Actions, may remain in effect pending the outcome of the appeal process to ensure the safety, security, or well-being of members or guests of the University community, University property, or the ability of the University to maintain normal operations and carry on its normal services, activities, and programs free of disruption.

## A. Criteria for an Appeal

An appeal must:

- a. Be submitted electronically or using the Office of the Dean of Students' [Appeal Form](#);
- b. Include a written statement (maximum of 5 pages) providing the reason(s) for appeal;
- c. Be submitted to the Office of the Dean of Students no later than ten (10) University business days after the date printed on the Notification of Decision.
  - It is the student's responsibility to ensure that the Appeal Form and written statement is received by the Office of the Dean of Students by the specified due date to be formally processed.
  - A decision not properly appealed by such date is deemed final. Any exceptions to the appeal deadline are at the sole discretion of an SCA.

## B. Reasons for Appeal

The appealing party must submit a concise written statement (5 pages maximum) along with the appeal form, alleging one or more of the following grounds for appeal:

- a. A substantive procedural error occurred that significantly impacted the outcome of the SCP. Examples of a substantive procedural error that may impact the hearing outcome include substantiated bias by the hearing officer or board member(s), or the hearing officer or board member(s) failure to follow established University procedures, including procedures in the Code, or (in Academic Misconduct cases) a deviation from the Faculty member's course syllabus. A minor deviation from a procedure in the Code or other established University procedures are excluded, unless substantial prejudice is alleged to have resulted. The student's appeal statement must specifically state what substantial prejudice is alleged to have occurred as a result of a failure to follow an established University procedure.
- b. Significant new information related to the Code of Conduct violation(s) is now available that could not be obtained by the time of the original hearing, and which would alter the finding of a policy violation and/or sanctioning decision. The new information and its potential impact on the finding of a policy violation or sanctioning decision must be detailed in the appealing party's written statement. The written statement must include an explanation of why the information could not be obtained by the time of the SCP hearing. A student who does not appear for the initial conduct proceeding when proper notice was sent to the student's University-issued email address may not appeal on the basis of "significant new

information” unless it is substantiated that the information was not available to the student at the time of the initial conduct proceeding. Similarly, information that was available but not shared at the time of the hearing is not “new information.”

- c. The sanction(s) imposed as a result of the SCP is (are) grossly disproportionate to the violation. The appealing party’s written statement must include a description of why the sanction(s) imposed are disproportionate in comparison to the student’s behavior that was a Code violation. Sanctions that are not appealable include written warnings and parental notifications.

### **C. Processing Appeals**

- a. Within two (2) University business days of receiving an appeal within the deadline described by Section 9.A, the appellant will receive a “Notice of Appeal Received” from the Office of the Dean of Students.
- b. Within ten (10) University business days of a student submitting an appeal, an SCA or designee will determine whether the appeal meets the criteria outlined in Section 9.A, and includes reasons for an appeal in the written statement and form, as outlined in Section 9.B.
  - If the appeal is determined not to meet the criteria and reasons for consideration, the existing decision and any sanction(s) will be considered final and binding for all involved. The Office of the Dean of Students will email the appealing party a Notice of Appeal Outcome reflecting that determination.
  - If the appeal is determined to meet one or more of the criteria and reasons for consideration, it will be forwarded for review.
- c. No later than five (5) University business days from the date printed on the Notice of Appeal Receipt, an SCA or designee will invite the non-appealing party to review the submitted appeal and submit a concise written response statement (5 pages maximum) to be included for consideration with the appeal.
- d. A hearing officer who was not the original decision-making hearing officer for a case will review and decide appeals where the assigned sanction(s) are not suspension, expulsion, or degree revocation.
- e. An SCA will convene an Appeal Board to review and decide appeals where the assigned sanction(s) include suspension, expulsion, or degree revocation.

## D. Appeal Hearings

Consideration of an appeal is conducted in a closed record-review session, with no parties, witnesses, or members of the original SCP allowed to be present. Closed sessions apply to appeal considerations by both appeal boards and hearing officers.

- a. The appeal board or hearing officer is limited to considering:
  - The grounds for appeal as marked by the appealing party on the appeal form;
  - The written appeal statement and accompanying appeal form;
  - The non-appealing party's statement in response to the appeal, if submitted;
  - The hearing record (the hearing packet and any documents it contains including University notifications, any additional documents considered by the original hearing officer or board member(s), and any recording of the hearing).
  - The appeal board or hearing officer may consider new information only in an appeal where "new information" is alleged, and must therefore be presented in the written statement of the appeal.
- b. The appeal board or hearing officer reviews materials to determine whether information substantiating at least one (1) of the three (3) reasons for appeal is present or not present. After considering all pertinent aspects of the matter, the appeal board or hearing officer will use simple majority vote to reach one (1) of the following decisions:
  - i. That the board member(s)', Faculty member's, or hearing officer's original decision and sanction(s) be upheld;
  - ii. That the board member(s)' or hearing officer's original decision(s) of responsibility for one (1) or more violations be reversed; or that the board recommends that the Provost or designee reverse a Faculty member's original decision of responsibility for academic misconduct in their course;
  - iii. That the board member(s)' or hearing officer's sanction(s) assigned be amended; or that the board recommends that the Provost or designee alter the sanction(s) originally assigned by a Faculty member for academic misconduct in their course;
  - iv. That an error in following University procedure(s) may be addressed by convening a new SCP hearing. Another hearing will not be conducted unless the Appeal Board provides explicit direction to do so.

- Different members must comprise the new hearing, and the decision and sanctions from the new hearing are final, binding, and not subject to further appeal.
- This decision is not applicable to cases of academic misconduct in a Faculty member's course because the Provost or designee's review already constitutes a new hearing or review of the decision(s).

### **E. Special Circumstances**

- a. If the Provost or designee is to review an appeal of a Faculty member's decision, an SCA will provide the Provost or designee with the board's recommendation and all case materials for review and a final and binding decision. The Provost or designee will deliver their decision within ten (10) days of receiving information from the SCA and in accordance with Section 9.E. The Office of the Dean of Students will retain records of the board's recommendation and the dean's decision letter.
- b. If the Appeal Board decision involves a suspension, expulsion, or degree revocation, or there is no University precedent, the VPSAEM or designee has discretion to review the decision and may modify or uphold the Appeal Board decision prior to the issuance of the Notice of Appeal Outcome to the parties.
- c. All appeals involving degree revocations must be reviewed by the VPSAEM or designee who has discretion to review the decision and may modify or uphold the Appeal Board decision prior to the issuance of the Notice of Appeal Outcome to the parties.

### **F. Delivery of Appeal Outcomes**

- a. Within ten (10) University business days of the Appeal Board's or hearing officer's decision, a Student Conduct Administrator will send the Complainant and Respondent a Notice of Appeal Outcome in accordance with applicable privacy laws. All parties will be informed of the appeal outcome separately and at the same time.
- b. Within ten (10) days of receiving the appeal materials from the SCA, the Provost or designee will deliver the decision through a Notice of Appeal Outcome to the appealing party and the Faculty member who made the original decision(s), separately and at the same time. The Provost or designee will also simultaneously provide the Office of the Dean of Students with the Notice of Appeal Outcome for inclusion in the record.

- c. A Notice of Appeal Outcome is considered final and may not be appealed further at the University. The Idaho State Board of Education may consider an additional appeal (see Idaho State Board of Education Policy, Section III.P).
- d. During the summer session or during University breaks, an appeal may be reviewed and decided upon by an Appeal Board that includes one student, one faculty member, and one University official, each to be selected by a Student Conduct Administrator.

For a visual representation of the appeal process for outcomes from any of the three behavioral conduct hearing formats and sanctioning boards described under this section, see Figure 6: Appeal Process for Outcomes from any of the Three Behavioral Conduct Hearing Formats and Sanctioning Boards in Section 14: Figures

For a visual representation of the appeal process of a faculty member's decision described under this section, see Figure 7: Appeal of a Faculty Member's Decision for Academic Misconduct in Section 14: Figures

## **Section 10: Student Conduct Records**

### **A. Maintenance of Records**

- a. A record of any behavioral or academic sanction imposed through the Code process is maintained in the Office of the Dean of Students. Records of behavioral, academic, or professional misconduct may also be maintained in the official files of a department, program, or college. No notation of behavioral or academic sanction is made on a student's academic transcript or diplomas.
- b. All Student Conduct records will be destroyed after a period of seven (7) years from the date of the sanction(s), unless a sanction includes expulsion, degree revocation, or sanctions that a student did not yet complete. In instances involving expulsion or degree revocation, Student Conduct records are kept indefinitely. Student Conduct records are confidential.

### **B. Release of Records**

A student may request a copy of their own Student Conduct record at their own reasonable expense by making a written request to the Office of the Dean of Students.

- a. Personally-identifiable student information besides that of the requesting student is redacted to protect student privacy.

- b. A student may authorize release of the student's own conduct record to a third party in compliance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232(g), 34 CFR pt. 99) by providing written authorization for release of the conduct record to the Office of the Dean of Students.
- c. The University may not communicate a student's Student Conduct record to any person or agency outside the University without the prior written consent of the student, except as required or permitted by law. Exceptions include:
  - The student's parent(s) or legal guardian(s) may review the student's Student Conduct record if the student is a minor or a dependent for tax purposes as defined by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).
  - Release to another educational institution, upon request, where the student seeks to enroll in the other educational institution, as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).
  - If a student is under the age of 21, the University may let parents or guardians know when the student has violated any law or policy concerning the use or possession of alcohol or a controlled substance (34 CFR pt. 99.31).
  - Release to law enforcement and other entities with a "need to know" in the event of emergency or threat of harm to self or others, as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).

### **C. Release of Student Conduct Records Involving Crimes of Violence**

The University may inform the Complainant of the outcome of any conduct proceeding involving certain crimes as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).

### **D. Early Expungement of Alumni Records**

- a. An alumnus who was found responsible for a violation of the Code may request that their Student Conduct record be expunged before seven (7) years if they meet the following eligibility requirements:
  - That it has been one (1) calendar year since completion and awarding of the degree;
  - That the alumnus was found responsible for only one incident of academic misconduct during their time as an undergraduate, or one incident involving Complicity, Alcohol, or Drug or Controlled Substance violation.

- That the alumnus is “in good standing,” having concluded all processes and completed all requirements related to the incident for which they were found responsible;
  - That the alumnus was an undergraduate when the incident occurred.
- b. An alumnus who meets the eligibility requirements to request expungement of their Student Conduct record should complete the [Alumnus Expungement Application Form](#) and the associated 150 word written statement. Both documents need to be submitted to [srr@boisestate.edu](mailto:srr@boisestate.edu). While an expunged record is not typically disclosed during a standard background check, a confidential record may be retained by the university for internal reporting and compliance purposes. The alumnus will receive written notification once the decision is made on their expungement request. Decisions of expungement are made by Student Conduct Administrators in the Office of the Dean of Students, or they can designate those decisions to volunteers serving as Board Members. A decision related to expungement is final and not appealable in any form.

### **E. Additional Provisions**

Other student records shall be retained for the minimum period required to serve the basic official functions of the office or department involved in the keeping of such records, in accordance with the Student Records Policy and the individual practices and policies of each such office or department. For additional information pertaining to the disclosure of student records, see University Policy 2250 (Student Records).

## **Section 11: Interpretation and Revision**

### **A. Interpretation**

Any question of interpretation regarding the Code will be referred to the VPSAEM or their designee for final determination.

### **B. Revision**

- a. The Code is subject to change. In general, the Code will undergo a review once every three (3) years to determine if significant changes need to be made. The Review Committee will include at least one representative each from the student body, the faculty, and the staff. The review may be made sooner at the discretion of the VPSAEM.
- b. The University is responsible for notifying students when significant changes are made to University Policy 2020 and students are responsible for being aware of changes after notification is provided.

## **Section 12: Related Information**

### **A. Federal Laws Referenced**

20 U.S.C. §1232(g)

34 CFR pt. 99: Family Educational Rights and Privacy Act (FERPA)

Title 17 United States Code, the Federal Copyright Act (the Copyright Act), §102-112

### **B. Boise State University Policy References**

University Policy 1055 (Alcoholic Beverages)

University Policy 1060 (Non-Discrimination and Anti-Harassment)

University Policy 1065: (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence & Stalking)

University Policy 1090 (Intellectual Property)

University Policy 2250 (Student Records)

University Policy 2280 (Student Email Communications)

University Policy 3130 (Grade Appeal)

University Policy 3240 (Maintaining Effective Learning Environments)

University Policy 4180 (Faculty Responsibility to Address Student Academic Misconduct)

University Policy 5060 (Misconduct in Research)

University Policy 12170 (Pedestrians and Bicycles, Skateboards, and other Personal Conveyance Vehicles)

University Policy 12080 (Possession of Firearms/Weapons on University Owned or Controlled Premises)

### **C. Other Resources**

Instructor Guide: Handling Potential Academic Misconduct

<https://docs.google.com/document/d/1K6ZCuZcaQq1hmVOwBwsimtVCCyjnLcPbyzhtRz8HtQ0/edit#heading=h.txtk5ofiftko>

Student Code of Conduct Resources for Faculty

<https://www.boisestate.edu/deanofstudents/faculty-resources/>

Student Code of Conduct Resources for Students

<https://www.boisestate.edu/deanofstudents/behavioral-and-academic-misconduct/>

## Section 13: Forms

Expungement Application Form

[https://drive.google.com/file/d/1pj87fHJvdyYA40yXcS6RqyoU9\\_DEVOo7/view](https://drive.google.com/file/d/1pj87fHJvdyYA40yXcS6RqyoU9_DEVOo7/view)

Student Conduct Appeal Form

<https://www.boisestate.edu/deanofstudents/wp-content/uploads/sites/155/2024/04/Appeal-Form-Student-Code-of-Conduct.pdf>

Student Conduct Report Form

[https://boise-advocate.symplicity.com/public\\_report/index.php/pid909076?](https://boise-advocate.symplicity.com/public_report/index.php/pid909076?)

## Section 14: Figures

Figure 1: Interim Action Sanction Process

<https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-1-Interim-Action-Sanction-Process.png>

Figure 2: Administrative Conference Hearing Process

<https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-2-Conduct-Administrative-Conference-process.png>

Figure 3: Administrative Hearing and Conduct Board Hearing

<https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-3-Administrative-Hearing-and-Conduct-Board-Hearings.png>

Figure 4: Faculty Members' Process for Deciding Student Academic Misconduct in Their Course

<https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-4-Faculty-Members-Process-for-Deciding-Student-Academic-Misconduct-in-Their-Course.png>

Figure 5: Academic Misconduct Sanctioning Board Process

<https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-5-Academic-Misconduct-Sanctioning-Board-Process.png>

Figure 6: Appeal Process for Outcomes from any of the Three Behavioral Conduct Hearing Formats and Sanctioning Boards

[https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-6\\_-Appeal-of-a-Behavioral-Conduct-Process-Outcome-or-a-Sanctioning-Board-Hearing-Outcome.png](https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-6_-Appeal-of-a-Behavioral-Conduct-Process-Outcome-or-a-Sanctioning-Board-Hearing-Outcome.png)

Figure 7: Appeal of a Faculty Member's Decision for Academic Misconduct

[https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-7\\_-Appeal-of-a-Faculty-Member s-Decision-for-Academic-Misconduct.png](https://www.boisestate.edu/policy/wp-content/uploads/sites/177/2024/07/Figure-7_-Appeal-of-a-Faculty-Member-s-Decision-for-Academic-Misconduct.png)

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## Revision History

July 1995; April 1998; May 1999; December 1999; April 2001; March 2007; August 2009; September 2014; March 2015; October 2017; March 2018; April 2018; April 2019; January 2020; April 04, 2024; July 05, 2024; February 27, 2025; September 18, 2025