

**Idaho State**  
**UNIVERSITY**

# Student Handbook



## **MESSAGE FROM THE UNIVERSITY PRESIDENT**

**Arthur C. Vailas, Ph.D.**

Welcome to Idaho State University! We are glad you chose our institution.

At ISU, we offer more than just a classroom experience. As a member of our academic community, I encourage you to take advantage of every opportunity, both in and outside the classroom, to learn and prepare yourself for the future. In addition to being scholars in the classroom and laboratories, our students are making a difference both here and around the world. They volunteer at medical clinics in foreign countries and tutor children here at home. They lead academic honor societies and participate in internships both on campus and in the community, sharing their knowledge and expertise while learning new skills. With more than 250 clubs and organizations, there is truly something for everyone to discover. And if there's an activity you are interested in that we don't offer, we'll help you start it.

Above all, ISU is here to assist you. Please do not hesitate to ask for help whenever you need it. This Student Handbook is a resource guide to support you and ensure that you are aware of ISU policies and our services.

I look forward to seeing you on campus. Go Bengals!

## **MESSAGE FROM THE VICE PRESIDENT FOR STUDENT AFFAIRS**

**Patricia S. Terrell, Ed.D.**

A university is a special place, where people from differing backgrounds, experiences and ideologies come together to learn, explore, experiment and gain a better understanding of themselves and our world. The opportunities to elevate yourself as a person, accept and expand your responsibilities to others, and lay the foundation for a fulfilling and rewarding life are endless. Our faculty and staff are dedicated to your success, both in and out of the classroom. We stand ready to assist and support you through challenging academic and co-curricular assignments and projects.

The formula for success is tried and true: immerse yourself in your studies; attend all study sessions and complete all assignments; attend class and be engaged while you are there; participate in co-curricular programs such as leadership, service and student clubs and organizations.

You are the reason we are here. Our goal is to serve and support you through the attainment of your educational goals. Together, we make Idaho State University THE place to be. So whether you are a new or continuing student, welcome! Go Bengals!

## **A BRIEF HISTORY OF IDAHO STATE UNIVERSITY**

Idaho State University has served the citizens of the state since 1901 when the institution was first established as the Academy of Idaho. Renamed the Idaho Technical Institute in 1914 and reorganized as the Southern Branch of the University of Idaho in 1927, it was established as Idaho State College in 1947. By action of the 37th Idaho Legislature, the institution became Idaho State University on July 1, 1963.

Idaho State University is a public research institution which serves a diverse population through its broad educational programming and basic, translational, and clinical research. Idaho State University serves and engages its communities with health care clinics and services, professional technical training, early college opportunities, and economic development activities. The University provides leadership in the health professions and related biomedical and pharmaceutical sciences, as well as serving the region and the nation through its environmental science and energy programs.

### **MISSION STATEMENT**

The mission of Idaho State University is to advance scholarly and creative endeavors through the creation of new knowledge, cutting-edge research, innovative artistic pursuits and high-quality academic instruction; to use these qualities to enhance technical, undergraduate, graduate, and professional education, health care, and other services provided to the people of Idaho, the Nation, and the World; and to develop citizens who will learn from the past, think critically about the present, and provide leadership to enrich the future in a diverse, global society.

### **POLICY STATEMENT**

Catalogs, bulletins, course and fee schedules, etc., are not to be considered as binding contracts between Idaho State University and students. The University and its divisions reserve the right at any time, without advance notice, to: (a) withdraw or cancel classes, courses, and programs; (b) change fee schedules; (c) change the academic calendar; (d) change admissions and registration requirements; (e) change the regulations and requirements governing instruction in, and graduation from, the University and its various divisions; and (f) change any other regulations affecting students. Changes shall go into force whenever the proper authorities so determine, and shall apply not only to prospective students but also to those who are matriculated at the time in the University. When economic and other conditions permit, the University tries to provide advance notice of such changes. In particular, when an instructional program is to be withdrawn, the University will make every reasonable effort to ensure that students who are within two (2) years of completing graduation requirements, and who are making normal progress toward completion of those requirements, will have the opportunity to complete the program which is to be withdrawn.

Students enrolled in a program that is closed, relocated, or discontinued should be given notice of the closure as soon as is practical. Notwithstanding any other provision of State Board of Education policy, University policy, or University catalog statements to the contrary, arrangements should be made for enrolled students to complete affected programs in a timely manner and with minimum interruptions. When there is a similar program within the institutions governed by the Board, an affected student will be provided with information on transferring to that program, although admission to any such program is contingent upon the availability of a position and the student's meeting any applicable admission requirements. If there is no similar program available within the institutions governed by the Board or the student is not able to gain admission to a similar program, the University will make reasonable efforts to place the student in a related or comparable program within the University. If none is available, the University will make reasonable efforts to assist the student in locating to another program at the University or elsewhere for which he or she is qualified.

Idaho State University is committed to providing a positive education for all students. The University has a legal and ethical responsibility to ensure that all students and employees can learn and work in an environment free of harassment and discrimination. It is the ISU policy to prohibit and eliminate discrimination on the basis of race, color, national origin, religion, sex, age, or disability. This policy applies to all programs, services, and facilities, and includes, but is not limited to, recruitment, applications, admissions, access to programs and services, and employment. For additional information and specific contact information, see: <http://www.isu.edu/aaction/>

**The University and its divisions reserve the right at any time, without advance notice, to change regulations affecting students.**

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## STUDENT RIGHTS AND RESPONSIBILITIES

### Student Substantive Rights

Where the general enumeration of Student Substantive Rights conflicts with specific laws and provisions of the United States of America, the State of Idaho, the State Board of Education or Idaho State University, the specific laws and provisions would apply.

#### A) Freedom of Association

Students are free to organize and to participate in associations of their own choosing, subject only to reasonable University regulations insuring that such associations are neither illegally discriminatory in their treatment of other members of the University nor operating in a manner which substantially interferes with the rights of others. Freedom of association may not be forbidden because of the general political or philosophical orientation of any particular group. However, campus organizations have a strong obligation to avoid representation or giving the impression that their actions reflect the views of the University.

1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who are students in the University. Such organizations, to receive recognition within the academic community, must adhere to the organizational criteria.
2. Affiliation with an extramural organization shall not in itself disqualify a student organization from institutional recognition or from the use of University facilities, although reasonable provisions may be made to safeguard the autonomy of a campus organization from domination by outside groups.
3. All student organizations wishing to be officially recognized by the Associated Students of Idaho State University (ASISU) must have an advisor who is a full-time employee of the University. The advisor's role is to assist the organization, but not to control the activities of the organization. Freedom of association will not be denied if an association is unwilling or unable to secure an advisor.
4. As a condition of recognition, student organizations are required to submit a statement of purpose, criteria for membership, rules of procedure and a current list of officers to the Committee on Student Organizations.
5. A student organization which is found by the Committee on Student Organizations to be operating in a manner that is illegally discriminatory in its treatment of other members of the University community, may have its privileges to use University facilities withdrawn.

#### B) Freedom of Speech and Assembly

No rule will restrict students' expression solely on the basis of disapproval of or fear regarding their ideas or motives. Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. Modes of expression will neither be controlled nor forbidden when they are neither disruptive nor in violation of applicable rules of conduct. Modes of expression or assembly that are manifestly unreasonable in terms of time, place or manner may be forbidden. (Students are also governed by applicable city, state, and federal laws.) Accordingly, defamation, public obscenity, certain incitements to crime, as well as other civil or criminal misconduct under laws applicable to a manner of speech or assembly directly damaging to the rights of others may be subject to institutional redress as specified in the Student Code of Conduct, Rights, Responsibilities and Conduct Code Governance.

1. Students and student associations will always be free to support causes by orderly and peaceful assembly which do not infringe upon the rights of others. The involved students have the responsibility to clarify to the academic and larger community that they represent views of the students or student association and not the University.
2. Student groups are allowed to invite and to hear any person of their own choosing. Routine procedures required by the University before a guest speaker is invited to appear on campus shall be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the

event. Institutional control of campus facilities shall not be used as a device of censorship. It shall be made clear to the academic and larger community that sponsorship of guest speakers or events does not necessarily imply approval or endorsement of the view expressed. (See University Speakers Policy, page 47.)

**C) Freedom of the Press**

There will be no ideological censorship in the determination of printed matter on campus; access to publications is not to be denied because of disapproval of content. Regulations of student publications that operate on the same basis as other private enterprises are subject only to the same control as those respecting reasonableness of time, place, and manner of distribution and those rules and regulations found in the Student Media Board Statement of General Policy <http://www.isu.edu/policy/fs-handbook/part6/6.6/6.6a.html>.

**D) Privacy and Educational Records**

To safeguard student privacy, student records are not to be available to unauthorized on-campus and off-campus personnel without the express consent of the student. Students have the right to inspect the official transcripts of their own academic records. They also have the right to inspect reports and evaluations of their conduct, except letters of recommendation and similar evaluations that are prepared on a confidential basis. (See the Family Educational Rights and Privacy Act, i.e., Buckley Amendment, for further details.) However, there are limited exceptions.

Idaho State University may disclose, without consent, "directory" information such as a student's name, address listings, telephone listings, e-mail addresses, full-time/part-time status, class level, college, major field of study, degree types and dates, enrollment status, club and athletic participation records, and dates of attendance including whether or not currently enrolled. However, a student (or a minor student's parent) is entitled to request the University not to disclose the student's directory information

**E) Right of Privacy**

Campus authorities will not enter premises occupied by students unless appropriate authorization has been obtained. Residence hall rooms may, however, be subjected to reasonable inspections by staff and resident advisors for order, safety, or cleanliness.

In general, searches may be conducted when there is reason to believe University regulations and/or state and federal laws are being violated. If a search is conducted in the residence halls by campus authorities, application for such search must be made to the Vice President for Student Affairs or his/her designee, who may issue authorization upon reasonable belief that the act being complained of has occurred or is occurring on the premises.

The application must specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. If a search is conducted anywhere else on campus, for example lockers, desks, etc., authorization must be obtained from the Vice President for Student Affairs or his/her designee.

**F) Equal Protection**

The University has an obligation and shall apply its rules equally to all students who are similarly situated. This does not mean, however, that the University is required to refrain from taking action against some offenders because there are other offenders who cannot be identified or who are not presently being charged for some other valid reason. In the absence of evidence of illegal discriminatory enforcement, the University may properly take action against some offenders although it is clear that there are other offenders who are not before the student conduct code.

**G) Protection from Sexual Harassment**

Students have the right to protection from sexual harassment, as defined and addressed in the following policies:

1. ISU Student Conduct Code
  - a) Harassment-Article III.P. (page 10) [ISUPP 5000: Student Conduct Code](#) and
  - b) Gender-Based and Sexual Misconduct -Article III.T. "(page 10) [ISUPP 5000: Student Conduct Code](#)
2. Title IX Notice of Non-Discrimination, Sexual and Gender-Based Discrimination, Harassment and other Sexual Misconduct. <http://www.isu.edu/aaction/title9.shtml>

Information can also be found in the Office of the Vice President for Student Affairs, Hypostyle, RM. 204.

## THE STUDENT CONDUCT CODE

### Preamble

Idaho State University's *Student Conduct Code (hereinafter as "Code")* is predicated on the premise that communities have the authority and the responsibility to establish standards and expectations for the behavior of their members. The late Dr. Ernest Boyer, President of the Carnegie Foundation for the Advancement of Teaching, identified six principles of community that provide the foundation for the University's *Code*:

#### **Purposeful**

A college is an educationally *purposeful* community, a place where faculty and students share academic goals and work together to strengthen teaching and learning.

#### **Open**

A college is an *open* community, a place where freedom of expression is uncompromisingly protected and where civility is powerfully affirmed.

#### **Just**

A college is a *just* community, a place where the sacredness of the person is honored and where diversity is aggressively pursued.

#### **Disciplined**

A college is a *disciplined* community, a place where individuals accept their obligations to the group and where well-defined governance procedures guide behavior for the common good.

#### **Caring**

A college is a *caring* community, a place where the well-being of each member is sensitively supported and where service to others is encouraged.

#### **Celebrative**

A college is a *celebrative* community, one in which the heritage of the institution is remembered and where rituals affirming both tradition and change are widely shared.<sup>1</sup>

The Code contains conduct standards based on values essential to a flourishing academic community, such as honesty, integrity, respect, civility and fairness. The standards are higher than the general law, as our expectations for ISU students, as future alumni and citizen-leaders, are considerable. That said, the University strives to honor core tenets of our society and our academic legacy, such as free expression. Therefore, expression that may be offensive or unpopular may not be actionable under this Code. Further, those who administer the Code attempt to facilitate hearings and sanctions that consider the developmental and educational needs of students, whenever possible.

Students are also citizens of the larger society. As citizens, they retain those rights, protections and guarantees of fair treatment that are held by all citizens. In addition, students are subject to the reasonable and basic standards of the University regarding discipline and maintenance of an educational institution. The enforcement of the student's duties to the larger society is, however, the responsibility of the legal and judicial authorities established for that purpose.

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<sup>1</sup> Campus Life: In Search of Community (1990). The Carnegie Foundation for the Advancement of Teaching. Ernest L. Boyer (frwrdr); Princeton, NJ. (verbatim on pp. 7-8)

## Article I: Definitions

All definitions appertain to the Student Conduct Code; definitions in this policy may not be the same as other University policies.

- A. **“Academic”** refers to school-related endeavors, whether the school is academic, professional or technical.
- B. **“Accused”** means any student accused of violating the Code. The accused may also be referred to as a Respondent.
- C. **“Address of Record”** is the student’s ISU email address and/or the address on file with the Office of the Registrar. Notice is considered to have been received if sent to either of these addresses.
- D. **“Complainant”** means any person who submits a complaint alleging an ISU student violated the Code. When an individual believes he or she has been victimized by a student’s misconduct, he or she will have the same rights under the Code as are provided to complainants, even if they did not submit the complaints.
- E. **“Conduct”** is a manner of behaving or acting, including inaction when asked to act or when a reasonably prudent person would know to act.
- F. **“Conduct Proceedings”** is a general term referring to University processes and procedures established within the Code for the purpose of resolving allegations and complaints of student misconduct. These proceedings include administrative resolution meetings, conduct board hearings, and appeals.
- G. **“Faculty member”** or **“Instructor”** is a person responsible for teaching a class or laboratory or other instructional activities. This definition includes instructors (regardless of rank), instructional staff, graduate assistants, visiting lecturers, and affiliate or visiting faculty.
- H. **“May”** is used in the permissive sense.
- I. **“Members of the University community”** refers to students, faculty members, staff members, administrators (including governing board members), or any other person employed by or volunteering for, the University. The Conduct Administrator and/or the Vice President for Student Affairs determine a person’s status in a particular situation.
- J. **“Policy”** means the written regulations of the University as found in, but not limited to, the Code, Standards of Residence, Information Technology Acceptable Use policy, and University catalogs.
- K. **“Protected Class”** is a term used in anti-discrimination law to describe characteristics or factors that cannot be targeted for discrimination and harassment. For purposes of the Code, the following characteristics are considered “Protected Classes” and, to the extent permitted by applicable law, individuals cannot be discriminated against based on these characteristics: race, color, religion, gender, age, national origin, physical or mental disability, veteran status, genetic information, sexual orientation, gender identity/expression, marital and familial status or any other status protected under applicable federal, state, local law or ISU policy.
- L. **“Shall”** is used in the imperative sense.
- M. **“Student”** includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether degree or non-degree seeking, and continuing education classes or special programs. Persons who withdraw after allegedly violating the Code who are not officially enrolled for a particular term but have a continuing relationship with the University or who have submitted an application for admission are considered students.
- N. **“Student Conduct Boards”** refer to persons authorized by the Conduct Administrator to determine whether a student has violated the Code and to impose sanctions when a Code violation has been committed.
- O. **“Student Conduct Officer”** is a University staff or faculty member authorized by the Conduct Administrator, on a case-by-case basis, to impose sanctions upon students found to have violated the Code. The Conduct Administrator is also a Student Conduct Officer.
- P. **“Student Organization”** means any number of students who have complied with the requirements for registered student organizations at the University.

- Q. “University premises”** includes all land, buildings, facilities, and other property possessed, owned, used, or controlled by ISU (including adjacent streets and sidewalks)

## **Article II: University Authority to Regulate Student Conduct**

Students are subject to University authority. The University derives its authority to regulate student conduct from the Idaho State Board of Education<sup>2</sup>. The President of the University delegates this authority to the Vice President for Student Affairs who then extends the authority to the Conduct Administrator.

- A.** The Conduct Administrator and/or the Vice President for Student Affairs may develop policies for the administration of the Code and establish procedural rules for Conduct Officers and Student Conduct Boards that are consistent with the Code.
- B.** The Conduct Administrator determines which Conduct Officer or Conduct Boards will hear a particular complaint. The Vice President for Student Affairs evaluates requests for appeals and determines who may hear them.
- C.** The University’s authority to regulate conduct applies to:
1. Students, registered student organizations, and student groups if their collective action violates the Code and displays a lack of internal control that is detrimental to the purposes of the University or the maintenance of a secure and productive learning environment.
  2. Students, from the time they submit an application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of enrollment. If misconduct occurred prior to the awarding of a degree, but was not discovered until after the degree was awarded, the University may institute its conduct proceedings.
  3. Students, even if they withdraw from school while a complaint, investigation or conduct proceeding is pending or underway.
  4. Conduct that occurs on University premises (all locations and centers), at University sponsored activities, and off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. The Conduct Administrator and/or the Vice President for Student Affairs decide whether the Code shall be applied to conduct occurring off campus on a case-by-case basis at their discretion.
  5. Conduct that occurs while students are studying in another country even if the University does not coordinate or supervise the experience.

**D. Misconduct that is also a Violation of Law**

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Conduct proceedings under the Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Conduct Administrator in consultation with the Vice President for Student Affairs and General Counsel.

Determinations made or sanctions imposed under the Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

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<sup>2</sup> ISBOE Governing Policies and Procedures § III.P.12

### Article III: Conduct Rules and Regulations

The University encourages students to approach personal decision making with the following expectations and principles, but not all behaviors that violate these principles may be actionable under the code.

- The University expects its students to be honest, forthright and authentic. Integrity is basic to the University's mission and core functions of teaching, learning, research and public service. As a public institution, the University is a steward of shared resources and public trust, and students assume an obligation to assist faculty, staff and administrators in meeting the responsibilities of stewardship.
- The University values civil discourse, equity and human dignity as essential to supporting the marketplace of ideas. Students are expected to be considerate and respectful of others' efforts to share and receive ideas even though they may disagree with them. The best remedy or recourse for offensive expression, ideas or opinions is more expression and the introduction of other ideas.
- The University expects students to respect and honor the core functions and processes of the University and to act in a manner that allows those functions (e.g. learning, teaching, research, public service, free expression, and enforcement of campus regulations) to progress without unnecessary impediments.
- The University expects students to respect the rights and dignity of each individual in all contexts, but particularly in close interpersonal relationships. All people should be afforded autonomy and the ability to live free from violence, discrimination, harassment, threats, coercion or the use of force.

*The proscribed behaviors that follow are not an exhaustive list, but represent types of student misconduct that have occurred on campus. Any student, student organization, or student group found responsible for committing or attempting to commit the following misconduct will be subject to conduct sanctions.*

**Acts of dishonesty**, including but not limited to the following:

1. Furnishing false information to the University. This includes filing false, knowingly incomplete or intentionally exaggerated reports or documents with Public Safety, the Vice President for Student Affairs, or other departments, staff and faculty.
2. Forgery, alteration, or misuse of any University document, record, or instrument of identification including parking passes or any document, record, or instrument requested by or provided to the University.
3. Unauthorized possession, duplication or use of keys or access codes to any University premises or unauthorized entry to or use of University premises.
4. Cheating on tests administered by any ISU testing center

Possible violations of the ISU Academic Dishonesty Policy are administered separately by faculty members and academic administrators. Certain behaviors may violate both the Academic Dishonesty Policy and this section, or others, of the Code. In that case, the Conduct Administrator will consult with the relevant department(s) and determine whether one process or both will be utilized.

**Disruptive or obstructive actions or activities**, including but not limited to the following:

1. Disruption or obstruction of teaching, research, administration, conduct proceedings, Public Safety proceedings, other University activities, or its public service functions on or off campus. This includes speech that is manifestly unreasonable in time, place or manner.<sup>3</sup>

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<sup>3</sup> Examples of speech that are inconsistent with time, place and manner include shouting in a residence hall at 2:00 AM when no emergency would justify using elevated volume; intentionally interrupting an instructor during a lecture with statements that are not germane to the lecture topic or after being asked to stop

2. Participating in an on-or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
3. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
4. Persistent speech, expression or action that is so objectively offensive or concerning that it interferes with other's ability to live, learn, work or pursue educational opportunities at the University.<sup>4</sup>

**Disorderly and/or Irresponsible Conduct**, including but not limited to the following:

1. Public conduct that is objectively offensive, lewd or indecent.
2. Breach of peace, or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by the University or members of the community.
3. Conduct that endangers the health and safety of others and/or the public.<sup>5</sup>

**Destruction, Damage, or Misuse of University or Private Property:** This includes, but is not limited to, all University property, whether that property be buildings, library materials, computer hardware, software and network, trees and shrubbery or University files and records; violation of University or Associated Students of Idaho State University (ASISU) rules for use of campus facilities; tampering with safety equipment, including but not limited to fire alarms, fire equipment or escape mechanisms and elevators.

**Theft**, including but not limited to the following:

1. Taking or removing others' property (including the University's), or attempting to take it without their knowledge or permission, or by the use, attempted use or threat of force or violence. Theft also occurs when a student appropriates retail goods or services without paying the retailer for them.
2. Assuming or appropriating the identity of another person for any reason.

**Failure to comply with directions of University officials**, including ISU Public Safety officials, acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

**Dangerous Materials:** Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes others to fear for their safety.

**Misuse of Technology:** Abuse of computer facilities and resources, including but not limited to:

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
2. Unauthorized transfer of a file.

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interrupting; heckling performers during a public performance; and using sound amplification equipment during protests or demonstrations that interfere with nearby classes.

<sup>4</sup> The University has used the word "concerning" to represent certain types of speech that would lead hearers of the speech to become concerned for health, safety or wellbeing of the speaker. For example, if a student persistently speaks of suicide to his or her roommates but is unresponsive to their requests to get help, the student may be disrupting the living environment because the roommates are unable to focus on anything other than preventing the suicide.

<sup>5</sup> Examples of disorderly conduct that may endanger the health and safety of others include ignoring an order to be quarantined when diagnosed with a highly contagious and life-threatening illness, urinating or defecating in an indoor facility outside of a bathroom, or engaging in a typically private behavior in a public place.

3. Use of another individual's identification and/or password or sharing one's identification and/or password with others.
4. Interfering with the normal operation of the University computing system or the work of another student, faculty member, or University official.
5. Sending obscene, harassing, or threatening messages.
6. Downloading, sharing, and/or distributing copyrighted materials without the permission of the copyright holder and/or any other use of computing/network resources in violation of copyright law. This includes unauthorized peer-to-peer file sharing, which may subject students to civil and criminal liabilities in addition to conduct sanctions ranging from warning to expulsion.
7. Any violation of the University Acceptable Use Policy and/or the Student Computing Contract.

**Physical Abuse:** Pushing, hitting, kicking, choking, battering, assaulting etc.

**Intimidation:** Behavior or conduct intended to induce fear in others for the purpose of deterring them from acting or forcing them to act against their will.

**Threats:** Making statements or engaging in non-verbal acts that communicate clear and serious expression of an intent to commit an act of unlawful violence to a particular person, persons, or property or has the intent to inflict severe emotional distress.

**Coercion:** The use or threat of physical violence or the improper use of actual or perceived power, position, status or influence to pressure others to do something against their will.

**Bullying:** Repeated adverse acts or actions directed at a specific person(s) that are unwanted and unprovoked and are used to establish and maintain an actual or perceived imbalance of power between the aggressor and the subject of aggression.<sup>6</sup>

**Hazing:** An act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act and are violations of this rule, as are violations of the Idaho Hazing Statute §18-917.

**Discrimination:** Discrimination occurs when an individual or group of individuals is treated adversely (i.e. denied rights, benefits, equitable treatment or access to facilities available to others) based on the individual's or group's actual or perceived membership in a protected class.

**Harassment:** Unwanted or unwelcome behavior or conduct toward an individual because of his or her protected class that is sufficiently severe, persistent or pervasive to have the impact of unreasonably interfering with a person's ability to live, learn, work or recreate at the University.<sup>7</sup>

**Relationship Violence and/or Intimate Partner Abuse:** The use of physical violence, coercion, threats, intimidation, isolation, stalking or other forms of emotional, sexual or economic abuse directed towards a partner in a dating or domestic relationship constitutes relationship violence. This includes any behavior that intimidates, isolates, frightens, threatens, or otherwise physically, emotionally or economically harms

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<sup>6</sup> "What is bullying?" U.S. Department of Health and Human Services' website <http://www.stopbullying.gov/what-is-bullying/index.html>. Bullying includes harsh practical jokes, spreading rumors and gossip, teasing, taunting and using social media to humiliate and ridicule others; using aggressive communication such as insults, offensive remarks, shouting, yelling, angry outbursts, and invading others personal space; and taking intentional actions to exclude or ostracize others from a group.

<sup>7</sup> This definition is derived from three sources: (A) *Davis vs. Monroe County Board of Education (1999) 526 U.S. 629*, (B) Harvey A. Silvergate, David French, and Greg Lukianoff's *FIRE's Guide to Free Speech on Campus, 2<sup>nd</sup> Edition* (2012), p. 91, and (C) Edinboro University of Pennsylvania's policy on Harassment, Intimidation and Institutional Vandalism – Policy No. C0006.

one's partner. Relationship violence can be a single act or a pattern of behavior in relationships.<sup>8</sup> The University will use federal regulations to classify a relationship as dating or domestic for the purposes of reporting.<sup>9</sup>

**Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to feel fear. A course of conduct can be defined as a pattern of behavior composed of two or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behavior includes communicating orally, in writing, or electronically with another individual or directing someone else to do so or remaining in the physical presence of the other person.

**Invasion of Privacy:** Making, using, disclosing or distributing a recording or a photograph of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it.<sup>10</sup>

### **Gender-Based and Sexual Misconduct**

To better inform students about what actions or behaviors constitute gender-based and sexual misconduct, the definitions of consent, force and incapacitation precede specific policy violations.<sup>11</sup>

#### **Consent**

Sexual permission that is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give consent, one must be of legal age, 18 in the state of Idaho.
- Sexual activity with someone who is known to be—or based on the circumstances should reasonably have been known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a lack of consent and is a violation of the Code. This also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption of incapacitating substances.

Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and “Yes” may not always mean, “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.” The use of alcohol or drugs will never function as a defense to a Gender-Based or Sexual Misconduct violation.

#### **Force**

The use of physical violence and/or imposing on someone physically. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces unwilling consent.<sup>12</sup>

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<sup>8</sup> This definition was adapted from Columbia University's Gender-based Misconduct Policy for Students.

<sup>9</sup> Information regarding the regulations for defining dating and domestic violence can be found in the *Federal Register*, Vol. 79, No. 202 (October 20, 2014) 34 CFR Part 668.

<sup>10</sup> This definition was obtained from the University of Florida Non-Discrimination/Harassment/Invasion of Privacy Policies.

<sup>11</sup> NCHERM Group: The 2012 ATIXA Campus Title IX Coordinator and Administrator Training and Certification Course Materials (September 11-14, 2012): Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

<sup>12</sup> ATIXA Note 1: Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### **Incapacitation**

A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, or how” of their circumstances or interpersonal interaction that could lead to sex).

### **Incapacitating Substances**

The use and/or distribution of Rohypnol, Ketamine, GHB, Scopolamine, or other substance of this type. Possession or administration of one of these drugs is a violation of the Code. More information on these drugs can be found at <http://www.911rape.org/>

1. **Sexual Harassment:** Unwelcome conduct of a sexual nature that includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.

There are two types of sexual harassment: Quid Pro Quo and Hostile Environment.

Quid pro Quo (this for that) Harassment: Employment or program-based (academic or extracurricular) decisions that result in a significant change in status because an employee or student’s submission to or rejection of unwelcome verbal, nonverbal or physical sexual conduct.

Examples include:

- Requiring sexual favors in exchange for hiring, a promotion, a raise in pay, a better grade, more playing time, or a leadership position.
- Disciplining, demoting or firing an employee because he or she ends a consensual relationship.
- Disciplining, demoting or removing a club member from a student club because he or she ends a consensual relationship.
- Refusing to write recommendations for a student because he or she refuses sexual advances.
- Changing work or academic assignments because an employee or student refuses invitations for a date or other private, social meetings.

Hostile Environment Harassment: Sexually harassing conduct that is sufficiently serious to deny or limit the student’s ability to participate in or benefit from a University program or employment. In determining whether a denial or limitation has occurred, the University examines all the relevant circumstances from an objective and subjective perspective including:

- The type of harassment (e.g. whether it was verbal or physical);
- The frequency and severity of the conduct;
- The age, sex, and relationship of the individuals involved (e.g. teacher-student or student-student);
- The setting and context in which the harassment occurred;
- Whether other incidents have occurred at the University; and
- Other relevant factors.

A hostile environment can occur when sexual harassment is severe or pervasive. The more severe the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment, particularly if the harassment is physical. Examples include:

- One incident of sexual assault or sexual violence;
- Persistent unwelcome remarks about someone’s body parts or looks;

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ATIXA Note 2: There is no requirement that a person resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

- Displaying pornography on a laptop in class so that others stop coming to class or cannot concentrate; and
  - Stalking<sup>13</sup>
2. **Non-Consensual Sexual Contact** (or attempts to commit same): Any intentional sexual touching, however slight, with any object, by one person upon another person (regardless of gender) that is without consent and/or by force. This includes but is not limited to intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
  3. **Non-Consensual Sexual Intercourse or Rape** (or attempts to commit same): Any sexual intercourse however slight, with any object, by one person upon another person (regardless of gender) that is without consent and/or by force. This includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
  4. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for the student's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples include but are not limited to:
    - a. Invading sexual privacy;
    - b. Prostituting another student;
    - c. Non-consensual video or audio-taping of sexual activity;
    - d. Going beyond the boundaries of consent within sexual activity (such as, letting your friends hide in the closet to watch you having consensual sex, sharing sexual photos);
    - e. Engaging in voyeurism;
    - f. Knowingly transmitting an STI (Sexually Transmitted Infection) or HIV (Human Immunodeficiency virus) to another student;
    - g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
    - h. Stalking, hazing, intimate partner violence and/or bullying may also be forms of sexual exploitation.

**Smoking:** The University maintains smoke-free campuses. Smoking with any device or product, including e-cigarettes, is prohibited on University premises unless a person is on a public street or sidewalk maintained by the surrounding municipality.

**Drugs:** Use, possession, manufacture, or distribution of controlled substances, as defined by the United States Department of Justice, and synthetic substances used as a substitute for a controlled substance. Abusing prescription drugs is also prohibited. Violation of alcohol or drug regulations may lead to notification of a student's parents. Additionally, a conviction for violation of state or federal drug laws may jeopardize federal financial aid.

The University expects its students to comply with local, state, and federal laws regarding proscribed substances, in addition to University policies. We recognize that our society provides certain privileges to

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<sup>13</sup> US Dept. of Ed. Office for Civil Rights and US Dept of Justice, Civil Rights Division, *University of Montana Letter of Findings*, May 9, 2013, pgs. 4-5.

its citizens at different ages, but following the law and University policies, even while working to change them, is part of our obligations as citizens.

FEDERAL TRAFFICKING PENALTIES—ILLEGAL SUBSTANCES

DRUGS/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 --- 4999 gms mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual. 2 or More Prior Offenses: Life imprisonment</p>
Cocaine Base (Schedule II)	5---49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 --- 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 --- 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 --- 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 --- 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 --- 49 gms pure or 50 --- 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 --- 99 gms pure or 100 --- 999 gms mixture	100 gm or more pure or 1 kg or more mixture		
DRUGS/SCHEDULE	QUANTITY	PENALTIES		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Flunitrazepam (Schedule IV)	1 gm or more			
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule V)	30 to 999 mgs	Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
All other Schedule IV drugs	Any amount	First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 6 yrs. Fine not more than \$500,000		

Flunitrazepam (Schedule IV)	Less than 30 mgs	if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

**FEDERAL TRAFFICKING PENALTIES—MARIJUANA**

DRUG	QNT.	1ST OFFENSE	2ND OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture  more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>
Hashish	10kg or less		
Hashish Oil	1kg or less		

**Alcohol:** Illegal or unauthorized procurement, consumption, use, possession, manufacture, or distribution of alcoholic beverages. Violation of alcohol or drug regulations may lead to notification of a student's parents. Alcoholic beverages may not, in any circumstances, be used by, possessed by or distributed to persons under twenty-one (21) years of age.

1. Regulations

- a. Consumption and possession of alcohol is prohibited in general use areas and all University residence halls. General use areas include all University owned, leased, or operated facilities, and campus grounds.
- b. Consumption and possession of alcohol, by persons of legal age, is only authorized in the University apartments and other areas designated by the President with the approval of the State Board of Education. Distribution of alcohol to a minor is prohibited.
- c. Possession and consumption of alcohol by a minor is prohibited.
- d. Possession or consumption of alcohol in areas that are designated as "alcohol free" is prohibited.
- e. If a student violates the Code while under the influence of alcohol, this policy will also apply.
- f. Sale of alcohol, unless authorized by the State Board of Education and with the appropriate licenses and permits, is prohibited.

2. Enforcement

- a. All incidents of alcohol violations shall be reported to the Public Safety Office.
- b. All reports of incidents involving alcohol will be forwarded to the Conduct Administrator.
- c. The Conduct Administrator, or designee, will be responsible for the following:
  - i. Determining if a reported incident constitutes a violation of the University alcohol regulations.
  - ii. Recording and tracking all students responsible for alcohol violations.
  - iii. Notifying the criminal justice system, when warranted, of the behavior of an individual involved in an incident.
  - iv. Enforcing sanctions described.

3. Sanctions

a. Infractions and Mandatory Sanctions:

The sanctions described are minimum sanctions and do not limit the disciplinary power of the University in any matter involving Code violations.

- i. First infraction of the Academic Year – The student must pay for and complete an alcohol education program assigned by a Conduct Officer and will be placed on probation.
- ii. Second infraction in the Academic Year without injury or conduct likely to lead to injury – The student is placed on conduct probation and, at the student's expense, must submit to a substance abuse evaluation administered by a qualified authority. The student will provide the evaluation results or authorize the release of the evaluation results to the Conduct Administrator, or designee.
- iii. Second infraction in the Academic Year with injury or conduct likely to lead to injury – The student is placed on conduct probation, and, at the student's expense, must submit to a substance abuse evaluation performed by a recognized authority. The student will provide the evaluation results or authorize the release of the evaluation results to the Conduct Administrator. The Conduct Administrator or designee may share all records of the incident with the Pocatello Police Department or other appropriate law enforcement agencies as deemed necessary.

- iv. Third infraction in the Academic Year without injury or conduct likely to lead to injury – The student is suspended from the University for one academic semester.
  - v. Third Infraction in the Academic Year with injury or conduct likely to lead to injury – The student is suspended from the University for at least one academic year and all records involving the incident may be shared with the Pocatello Police Department or other appropriate law enforcement agencies as deemed necessary by the Conduct Administrator or designee.
- b. Recording Cycle for Violations
- For the purpose of recording alcohol violations, the University will use a calendar year beginning on the first day of school.
- c. Right of Appeal
- Students may appeal to the Vice President for Student Affairs. The procedure described in the Code will apply for all appeals. Students that reside in University Housing and violate the alcohol regulations while on or in housing premises will be governed by the policy and appeals process described in the University Housing Standards of Residence Life Handbook.

**Misuse of the Student Conduct Code** and Conduct Proceedings, including but not limited to:

1. Failing to comply with a notice from a Conduct Officer, Conduct Board, or other University official to set an appointment or appear for a meeting or hearing.
2. Falsifying, distorting, or misrepresenting information before a Conduct Officer or Conduct Board.
3. Disrupting or interfering with conduct proceedings.
4. Submitting a complaint in bad faith.
5. Attempting to discourage others from participating in or using conduct proceedings.
6. Attempting to influence the impartiality of a Conduct Officer or a member of a Conduct Board prior to, and/or during the course of conduct proceedings.
7. Harassing or intimidating a Conduct Officer or a member of a Conduct Board prior to, during and/or after a conduct proceeding.
8. Failing to comply with the sanction(s) imposed through a conduct proceeding.
9. Influencing or attempting to influence another person to commit an abuse of the Code.
10. Retaliating against any person for participating in a protected activity. The university considers the following activities protected:
  - Making a report that alleges misconduct
  - Speaking with University investigators about alleged misconduct
  - Supporting a person who is participating in an investigation or conduct proceeding
  - Sharing information with the University as a witness in an investigation or conduct proceeding.

**Other Acts of Misconduct:** Violations of any local, state or federal laws and/or any published University policies may be actionable under the Code.

## **Article IV: Student Conduct Process and Procedural Rights**

### **Information Alleging Student Misconduct**

Any person may share information with the University alleging a student has violated the Code. Most often, information about an alleged violation is shared with ISU Public Safety officers who then create a standard report and forward it to the Conduct Administrator for consideration as a possible violation of the Code. Alternatively, a person may prepare a written statement containing information that alleges a violation and submit it to the Conduct Administrator or the Office of Student Affairs. Information about alleged violations of the Code should be shared as soon as possible. However, there are no time limitations on when information alleging misconduct can be brought to the attention of Public Safety, Student Affairs, or the Conduct Administrator.

### **Review of Information Alleging Misconduct**

The Conduct Administrator reviews ISU Public Safety reports and statements from concerned individuals to determine if the alleged facts, if true, would constitute a violation of the Code's provisions. At the time of review, the Conduct Administrator assumes the claims made by the reporter to be true.

### **Investigations**

Depending on the amount, clarity and specificity of the information presented to the Conduct Administrator, it may be helpful for the Conduct Administrator or designated Conduct Officer to investigate the allegations for the purpose of obtaining additional information. Often, the content of reports from Public Safety or others is sufficiently informative to request meetings with students accused of alleged misconduct without conducting an investigation. The decision to conduct an investigation for most allegations of misconduct is the prerogative of the Conduct Administrator and based on her/his professional judgment and discretion. For allegations of sexual or gender-based misconduct, the Conduct Administrator confers with the University's Title IX Coordinator to determine if an investigation is needed and who should conduct the investigation.

Students may be asked to meet with the Conduct Administrator or designated Conduct Officer as part of the preliminary investigation for the purpose of gathering information that corroborates the alleged facts. During these meetings, students may admit to misconduct and agree to participate in an Administrative Resolution Meeting (see below) while concurrently participating in an investigation.

When the amount, clarity and specificity of the information presented in a report of misconduct is sufficient for a reasonable person to conclude the accused student is responsible, students will be invited to participate in an Administrative Resolution Meeting without an investigation.

### **Administrative Resolution Meetings**

The Conduct Administrator or designated Conduct Officer will notify students accused of misconduct in writing and request a meeting to discuss the allegations. This meeting will provide the student with an opportunity to:

1. Review the Student Conduct Code's procedural provisions,
2. Learn about the allegations and specific policies that may have been violated,
3. Discuss the information alleging misconduct, and
4. Present an alternative explanation for the allegations.

Students who do not respond to the notice of allegations and request for an Administrative Resolution Meeting within three (3) business days may be subject to the decision of the Conduct Administrator or designated Conduct Officer without input. The same result may occur if the student schedules a meeting and subsequently chooses not to attend.

The Administrative Resolution Meeting with students is considered an opportunity to be heard on the allegations, and will afford students many of the procedural rights provided to students during a Student Conduct Board hearing. The Administrative Resolution Meeting provides the student with an opportunity to resolve the allegations in a less formal setting. The Administrative Resolution Meeting may be audio recorded at the discretion of the Conduct Administrator or designated Conduct Officer.

## **Outcomes of an Administrative Resolution Meeting**

The following outcomes may result from an Administrative Resolution Meeting:

### **1. A Finding of No Responsibility**

The accused student may persuade the Conduct Administrator or designated Conduct Officer that no violation occurred based on an alternative explanation of alleged facts and corroborative evidence. The student will be found not responsible for the alleged misconduct.

### **2. Mutual Finding of Responsibility**

The accused student may review the alleged facts and available evidence and admit responsibility for the misconduct. In these circumstances, the finding is mutual because both the Conduct Administrator or designated Conduct Officer and the accused student agree the student was responsible. A student's willingness to acknowledge a violation of University policy will be considered when determining commensurate sanctions.

### **3. Administrative Finding of Responsibility**

The accused student may offer an alternative explanation of the alleged facts and contend she/he is not responsible for the alleged misconduct, but the available evidence contradicts and outweighs the student's explanation. The Conduct Administrator or designated Conduct Officer may find the student responsible notwithstanding the alternative explanation and impose commensurate sanctions.

The accused student may reject the administrative finding of responsibility and request the report of alleged misconduct be reviewed and adjudicated by a Student Conduct Board.

## **Student Conduct Board Hearings**

Student Conduct Board hearings are held when the accused student rejects an administrative finding of responsibility. The first objective of the empaneled Conduct Board members is to ascertain whether the accused student is responsible for the alleged misconduct. If a student is found to be responsible, the Conduct Board's second objective is to determine what sanctions are commensurate with the committed violation.

The Conduct Board is comprised of faculty, staff and students that are trained to serve as adjudicators. Conduct Board members serve on a voluntary basis. To the extent possible, the Conduct Administrator seeks to identify Conduct Board members that are representative of a diverse campus community. The Conduct Board for the hearing will be composed of no less than three (3) and no more than five (5) members drawn from a larger pool of trained personnel. The composition of the Conduct Board may be affected by the time of year at which the hearing occurs and the availability of Conduct Board members at times that are suitable for the complainant and the accused.

## **Procedural Guidelines for Student Conduct Board Hearings**

- 1. Student Conduct Board Hearings are private. Only the complainant, accused, their advisors, witnesses, members of the Conduct Board and the Student Conduct Administrator or Officers may attend. However, at the discretion of the Conduct Administrator, other persons may be admitted. Hearings are recorded. The recording is the property of the University and maintained according to applicable laws and policies.**
- 2. The complainant and accused may be accompanied by an advisor of their choosing. Students should provide the name of their advisor to the Conduct Administrator no fewer than three (3) business days prior to the hearing. The advisor does not speak directly to Conduct Board members or otherwise participate in the hearing. However, the advisor may confer with the student that they have accompanied. The complainant and accused are responsible for presenting their own information. A student should select an advisor whose schedule permits attendance. No delays shall be granted on the basis of an advisor's scheduling conflicts. If requested, the Conduct Administrator will recommend an advisor.**
- 3. The hearing may be held even if the complainant or accused do not attend provided the Conduct Board can confirm there was a good faith effort to notify the complainant and the accused in writing. A complainant or accused may not appeal a Conduct Board decision based on their absence at the**

hearing unless unusual, exigent circumstances beyond their control, prevented attendance as determined by the Conduct Administrator, whose decision is final.

4. The complainant and the accused may request that an empaneled Conduct Board member be excluded from participating in a hearing on the basis of an inability to serve impartially.
5. The complainant and accused may call and question witnesses. All questions asked of witnesses must be directed to the Conduct Board Chair. The names of witnesses who will be called to testify at the hearing must be provided to the Conduct Administrator no fewer than three (3) business days prior to the hearing. The University cannot compel witnesses to testify. It is the responsibility of the complainant and the accused to persuade their witnesses to attend. In general, character witnesses are inappropriate and do not contribute to fact-finding or determining responsibility. Rather the Conduct Board's focus is on witnesses who may have information about the incident(s) in question.
6. The complainant and accused may present evidence (e.g. records, exhibits, artifacts, written statements, etc.) of their choosing at the hearing. Whether the evidence is relevant or accepted as information for consideration by the Conduct Board is at the sole discretion of the Conduct Board Chair.
7. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in Conduct Board proceedings.
8. All procedural questions and/or exceptions are subject to the final decision of the Conduct Board Chair.
9. The complainant and accused will be invited to give opening statements. Then the complainant presents his/her case followed by the accused student's presentation. The complainant and the accused will have the opportunity to question witnesses through the Conduct Board Chair. Lastly, the complainant is invited to give a closing statement followed by the accused.
10. The Conduct Board shall go into closed session following the hearing with only Conduct Board members present. Deliberations are not recorded. The Conduct Board's decision shall be based on a preponderance of the evidence, whether "it is more likely than not," that the accused is responsible for the alleged Code violation(s). The Conduct Board's decision may be rendered with or without statements of fact or comments. However, in cases involving sexual misconduct, relationship violence, and stalking the Conduct Board will provide a reason for its finding.
11. If an accused student or complainant chooses not to attend the hearing, the hearing may commence without his or her presence. However, no assumptions shall be made about the accused student's responsibility due to his or her absence.
12. The Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused, and/or witnesses during the hearing by providing accommodations not limited to separate facilities, using a visual screen and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means. Implementing such measures is done at the sole judgment of the Conduct Administrator.
13. The complainant and accused may be verbally notified by the Conduct Administrator of the outcome of the hearing within forty-eight (48) hours after the Conduct Board has reached a decision. Written notification will be sent within five (5) business days.

### **Sanctions**

1. In keeping with the University's focus, sanctions may include educational and learning based outcomes as appropriate. The following sanctions may be imposed, singly or in combination, upon any student found to have violated the Code:
  - a. Written Warning – A written notice to the student that the student is violating or has violated University policies. A record of the warning is kept in the student's file.
  - b. Probation – A written reprimand for violation of specified policies. Probation is for a designated period of time. Sanctions may include loss of privileges or benefits. Additional sanctions up to and including suspension or expulsion may occur for additional violations of the Code.

- c. Loss of Privileges – Denial of specified privileges for a designated period of time, including the privilege of representing the University in official capacities. However, decisions about eligibility to participate in NCAA intercollegiate competitions are reserved to the Department of Athletics.
  - d. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. Financial penalties may be added to the student’s ISU financial account.
  - e. Discretionary Sanctions – Work assignments, essays, service to the University or the community, or other related discretionary assignments.
  - f. University Housing Suspension – Separation of the student from University Housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - g. University Housing Expulsion – Permanent separation of the student from University Housing.
  - h. University Suspension – Separation of the student from the University for a definite period of time, after which the student is eligible to apply to return. Conditions for readmission may be specified and all sanctions must be completed prior to applying for re-admission. Suspension shall in no case be longer than two (2) calendar years. Suspensions will be recorded on the student’s University transcripts.
  - i. University Expulsion – Permanent separation of the student from the University. Expulsions will be recorded on the student’s University transcripts.
  - j. Alcohol Sanctions – Sanctions have been established for alcohol violations at the University. See Article III.W.3.
  - k. Revocation of Admission and/or Degree – Admission to or a degree awarded from ISU may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - l. Withholding Degree –ISU may withhold awarding a degree otherwise earned until the completion of the student conduct process set forth in the Code, including the completion of all sanctions imposed, if any.
2. Sanctions for Sexual Misconduct
- a. Any student found responsible for Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous Code violations.
  - b. Any student found responsible for Non-Consensual Sexual Intercourse will likely receive a sanction of suspension or expulsion depending on the severity of the incident, and taking into account any previous Code violations.
  - c. Any student found responsible for Sexual Exploitation or Sexual Harassment will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous Code violations.

The Conduct Administrator or the Conduct Board may broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. There will be no deviation from the range of recommended sanctions unless compelling justification exists to do so.

3. A conduct sanction becomes part of the student's permanent academic record only as set forth in this paragraph. A student's permanent academic record includes any conduct sanction that comprises:
- a. suspension, which the University automatically records onto the student’s academic transcript, or
  - b. expulsion, which the University automatically records onto the student's academic transcript, or
  - c. any revocation or withholding of the student's degree.

4. Each registered student organization is offered the privilege to conduct its activities at the University, subject to its compliance with the Code. Accordingly, the University has discretion to impose upon any registered student organization any one or more of the following sanctions:
  - a. each sanction described in Article IV.H.1
  - b. loss of any applicable University-related privilege during any time period that the University specifies; and
  - c. permanent loss of either University registration or any other applicable University-related privilege.

### **Appeals**

1. A decision reached or sanction assigned by the Conduct Board may be appealed by the accused student to the Vice President for Student Affairs within five (5) business days of receipt of the decision. In cases of alleged sexual misconduct, relationship violence, or stalking the complainant may also appeal. Such appeals shall be in writing and shall be delivered to the Office of the Vice President for Student Affairs.
2. Appeals may be heard by either the Vice President for Student Affairs or a three-person board at the discretion of the Vice President for Student Affairs.
3. The appeal shall consist of a conversation with the appellant (in cases of sexual misconduct, with both parties) and a review of the verbatim record of the Conduct Board hearing or any notes from the hearing and supporting documents for one or more of the following purposes:
  - a. To determine whether the Conduct Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and to present information that the Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
  - b. To determine whether the decision reached regarding the accused student was based on substantial information.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Code that the student was found to have committed.
  - d. To consider new information or evidence, unknown or unavailable to the parties during an investigation or prior conduct proceeding, that is sufficient to alter a decision of the Student Conduct Board.
4. If the appellate body grants the appeal based on any of the above grounds for appeal, then the following will occur:
  - a. If there was significant prejudice resulting from procedural irregularities, the case will be remanded for a new hearing.
  - b. If there was insufficient information for a finding of responsibility or non-responsibility, the appellate body may either reverse the decision or remand the case for a new hearing.
  - c. If the sanctions are inappropriate for the violation, new sanctions may be imposed.
  - d. If there is new information sufficient to alter a decision or other relevant facts not known to the person appealing at the time of the original hearing, the case will be remanded for a new hearing.
  - e. A review of the appellate decision is available by the President of ISU in cases involving sanctions of suspension or expulsion. A letter requesting such a review shall be submitted to the Conduct Administrator within five (5) business days of receipt of the appellate decision.
  - f. Sanctions issued following Conduct Board hearings shall not be implemented until all appeals have been exhausted, waived, or made impermissible by time.

The Vice President for Student Affairs determines if remanded cases will be re-heard by the same Conduct Board or by a newly empaneled Conduct Board.

### **Disclosure of the Outcome of Student Conduct Hearings to Victims and/or Others**

When an alleged Code violation constitutes a crime of violence (e.g., battery, sexual assault), and the Conduct Administrator or Conduct Board finds the alleged violator responsible, the University shall disclose the outcome and the sanction to the victim

In addition, when the alleged Code violation constitutes a crime of violence and the alleged violator is found responsible, the University, under applicable federal law, retains the right to disclose the name of the violator, the portion of the Code that was violated and the sanctions, to anyone to which that information may be re-disclosed. For a legal reference, see the Family Educational Rights and Privacy Act, §99.31(a)(13), and 20 U.S.C. 1232g.

### **Interim Suspension**

In certain circumstances, the Conduct Administrator may impose an interim University or residence hall suspension prior to the initiation of conduct proceedings.

1. Interim suspension may be imposed only:
  - a. to ensure the safety and well-being of members of the University community or preservation of University property; or
  - b. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. During the interim suspension, a student shall be denied access to University Housing and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Conduct Administrator may determine to be appropriate.
3. The interim suspension does not replace the regular student conduct process, which shall proceed on the normal schedule, up to and through a Conduct Board hearing, if required.
4. Students placed on interim suspension may appeal the action by submitting a letter to the Conduct Administrator.

The student must be notified in writing of this action and the reasons for the interim suspension.

Students may request, in writing, that the Conduct Administrator reconsider the interim suspension after three (3) business days.

### **Article V. Interpretation, Revision and Records**

- A. Any question of interpretation or application of the Code shall be referred to the Conduct Administrator, or designee, for final determination.
- B. Where the provisions and procedures of the Code conflict with specific laws and provisions of the United States of America, the State of Idaho, the policies of the Idaho State Board of Education or Idaho State University, the specific laws and policies would apply. If state or federal statutory provisions, regulatory guidance, or court interpretations or guidance provided by any authorized regulating agency change or conflict with University policy and/or procedure including but not limited to the hearing procedures set forth in the Code, the University's policy and/or procedure will be deemed amended as of the time of the decision, ruling, legislative enactment or guidance.<sup>14</sup>
- C. The Code shall be reviewed annually under the direction of the Conduct Administrator.
- D. Student Conduct files and official records will be stored in the Office of the Vice President for Student Affairs. The access, storage and destruction of these files and records will be in accordance and compliance with current law, related University policies and the Family Educational Rights & Privacy Act (FERPA).

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<sup>14</sup> Language adapted from West Virginia University Parkersburg.

## HOW TO BE A SUCCESSFUL STUDENT AT ISU

ISU has people, facilities, programs, services, and other resources to help students to succeed in college and in life, but it is up to YOU, the student, to seek out these support systems in your pursuit of success. If you have questions or are having problems in your academic or personal life, it is important to ask for help as soon as possible. (While our Pocatello campus has the most to offer, students at our outreach centers can access much support at those sites, or from the Pocatello offices through the web, or by phone. Link to "Other ISU Centers" at [www.isu.edu/other.shtml](http://www.isu.edu/other.shtml))

### **Academic Success**

Research shows that attending class is the number one factor that contributes to academic success. It also shows that during college, successful students can develop competence, purpose, integrity, and mature interpersonal relationships; manage emotions; establish identity; and move through autonomy toward interdependence (Chickering & Reisser, 1993).

Successful college students also strive to increase their ability to communicate, think critically, reason morally, prepare to function as citizens, live and work effectively with other people in a more global and diverse society, explore a breadth of interests, and prepare for their career (Bok, 2006). To work toward these learning outcomes, be intentional in your approach to learning, and take advantage of the many ISU offices that provide support systems for your academic success.

### **Healthy Lifestyles**

There's more to health and wellness than eating right, getting some exercise and enough sleep, and practicing good hygiene, health and safety habits (although these are solid foundations). To stay at the top of your game, use ISU resources to help you stay active, productive, and feeling good.

### **Campus Life**

Get involved with campus activities to interact with people who share similar interests. Gain valuable experience through hands-on learning by participating in or helping to organize campus activities, or just relax and enjoy some of the many events that ISU has to offer. Check your Bengal e-mail for weekly information updates on the student electronic bulletin board, and pay attention to posters on campus.

## ACADEMIC INFORMATION

### **Attendance Policy**

Students are expected to attend all meetings or classes in which they are registered. Each instructor may, consistent with departmental policy, establish such specific regulations governing attendance as may seem suited to a particular course. No one is authorized to excuse a student from class meeting except the instructor in charge of the class.

Students who must be absent from class for serious illness, severe weather, religious holidays or approved university activities (e.g., extracurricular athletics, performance groups, student government) should consult with their instructors. Faculty may make reasonable exceptions to their attendance policies as appropriate for the specific class. The student is responsible for any course work missed. Some programs may have requirements that effectively limit absences. Students retain the right to the Scholastic Appeals process (page 34) if they believe they have been unfairly penalized for absence from class.

## Withdrawing from Courses

Students often consider ending their participation in a course for a variety of reasons:

- Poor performance
- Stress
- Unforeseen circumstances (e.g. illness, accident, change in work schedule)
- Disinterest in the subject matter
- Change of major
- Disagreement/disdain for the instructor

It is important for students to understand that ending their participation in a course requires them to notify the University of their intentions. **It is not enough to stop attending class and assume the instructor and the University will know.**

Additionally, the timing of withdrawal is also very important. The University establishes key deadlines for student registration that impact how a withdrawal will be notated on your transcript. Moreover, depending on when you withdraw there may also be consequences for financial aid eligibility.

The following sections are intended to help students think more intentionally about managing their course schedules and withdrawing from courses.

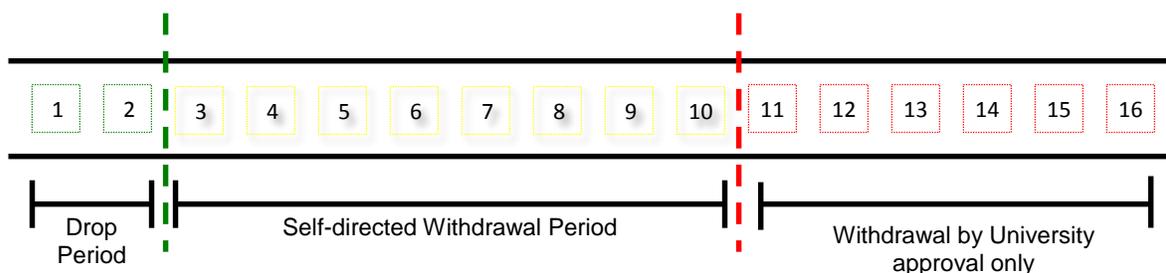
### Key Deadlines

Students should be aware of two (2) crucially important deadlines for any given term: (a) add/drop deadline and (b) the withdrawal deadline. These two deadlines form time periods when certain registration actions are permissible.

The add/drop deadline is the date after which you can no longer add a course to your schedule or drop a course from your schedule. This deadline occurs after the tenth (10<sup>th</sup>) day of class for full semester courses. It creates a drop period during the first two weeks of full semester classes.

The withdrawal deadline is the date after which you can no longer withdraw from a course on your own. This deadline occurs at the end of the 10<sup>th</sup> week of classes (usually around the 50<sup>th</sup> day). This deadline corresponds to a financial aid timeline at which point 60% of the semester has elapsed. This deadline creates the “self-directed withdrawal period” wherein a student can withdraw from any course individually through Bengal Web.

The following diagram depicts the deadlines and time periods for a full semester (16 weeks) course.



After the withdrawal deadline has passed, students may still be able to withdraw for courses, but two important conditions apply:

- The University’s administration must approve a petition for a “hardship withdrawal.”

- In most cases, students must withdraw from **all** courses not individual courses.

Thus, after the withdrawal deadline, students cede control over their registration to the University.

#### Difference between Dropping & Withdrawing

Students often wonder what the difference is between dropping and withdrawing. Both actions signal to the University that students intend to stop attending and participating in a course or courses. The primary difference is how the two actions are accounted for on the student's transcript.

If a student drops a course within the first two weeks of a full semester course, the course will not appear on the transcript. It is as if the student never registered for the course in the first place.

If a student withdraws from a course between week 3 and week 10 of a full semester course, the course will remain listed on the transcript and a grade of 'W' will be entered. W's are not included in GPA calculations.

#### Financial Aid Consequences of Withdrawing

##### REPAYMENT OF FINANCIAL AID

The amount of financial aid students receive is based on the number of courses/credits they attempt. Depending on the number of classes and credits, students are classified as full-time (at least 12 credits), three-quarter-time (9 credits) or part-time (at least 6 credits). If the Government gives a student funding for full-time study, but the student reduces his/her credit load below full-time, the student will be receiving aid that he/she will not earn by going to class. With this as the basis for financial aid awards, it is apparent why withdrawing or dropping courses can create an adverse consequence for students. **If a student drops below the credit threshold for a particular status** (full-time, three-quarter time, or part-time) **they may be expected to repay awarded funds.**

The University's withdrawal deadline for full-semester courses coincides with the date at which the semester is 60% complete. For the purposes of financial aid, once the semester is 60% complete student borrowers are no longer expected to repay awarded funds. This means that if you withdraw from a course before the withdrawal deadline, you will end up having to repay a percentage of your student aid. The Financial Aid Office will determine how much you must repay based on your last day of attendance in the course.

If you decide to withdraw from a course, you will be best served to withdraw on the last day of the withdrawal period – the day of the withdrawal deadline. By doing so, you will not be required to repay funds. Even though you won't have to repay funds, withdrawal may affect your eligibility to receive Federal financial aid in future semesters.

##### LOSS OF FINANCIAL AID ELIGIBILITY

In order for students to continue receiving Federal financial aid, they must demonstrate they are making [satisfactory academic progress](#) towards their degree. The [Federal Government](#) is not interested in providing aid to students who are not making good use of the funds. The University determines academic progress by calculating a course completion rate. Students need to complete at least 67% of all the courses they have attempted.

$$\frac{\text{Completed Credits}}{\text{Attempted Credits}} \geq 0.67$$

Credits completed are defined as all classes for which a student receives a passing grade of “D-” or better, or “P”. Incompletes, audits, and grades of F, U, NP, X, W and NR do not count as passing grades. Therefore, withdrawing from a course or courses can lower your course completion rate.

Multiple withdrawals can also extend the time it takes you to earn a degree, and increase the number of credits you attempt. Students cannot attempt more than one and one-half times the number of credits it takes to earn a degree. For most baccalaureate degrees students must complete 120 credits. Therefore, if you are trying to earn a baccalaureate degree you cannot attempt more than 180 credits to earn it.

### Academic Consequences of Withdrawing

#### PROFESSIONAL & GRADUATE SCHOOL APPLICANTS

Students interested in pursuing a graduate or professional degree often wonder how having a ‘W’ on their transcript will impact their admission to graduate or professional school. Because W’s are not included in GPA calculations it can be tempting to withdraw from courses rather than earn a poor grade (anything less than a C-). Students should be cautious in using withdrawals to manage their GPAs. Too many W’s on a transcript may signal to graduate and professional schools that a rigorous curriculum may be too difficult for a student with multiple, persistent W’s.

A few isolated W’s may not be harmful for graduate and professional school aspirations. Sometimes W’s are necessary to address unforeseen circumstances. Students should be prudent and deliberate in selecting a course schedule that is manageable for them, and they should consult with their academic advisors regularly.

#### TIME TO GRADUATION

When students withdraw from courses, it often has the effect of extending their time to graduation. Depending on the course from which a student withdraws, it can have long term or future effects. For example, if a student withdraws from a course that is a pre-requisite for another course, the student will not be able to take the course for which a pre-requisite exists until the pre-requisite is complete. This creates a sequencing challenge for a student’s schedule. In tightly coupled, highly sequenced degree programs like engineering and health sciences, getting out of the recommended course sequence can be problematic and frustrating.

The longer it takes to earn a degree can increase the cost of the degree when accounting for tuition increases over time.

**The best advice for students contemplating a course withdrawal is to speak with an academic advisor and a financial aid counselor before you make the decision.**

## Medical Withdrawals

Students may experience serious physical, mental and/or emotional health difficulties that have an adverse effect on their academic performance during the course of a semester. In such circumstances, students may benefit from seeking a medical withdrawal from the University. The primary difference between a medical withdrawal and a non-medical withdrawal is that students receiving a medical withdrawal are eligible for a refund for tuition and fees depending on the timing of the medical withdrawal. **However, students should understand that receiving a medical withdrawal does not guarantee a tuition refund.**

The process for obtaining a medical withdrawal depends on when in the semester the student and his/her healthcare provider determine a withdrawal is needed. Medical withdrawals usually require a student to withdraw from all courses.

### **BEFORE THE WITHDRAWAL DEADLINE (Before Week 10 of the Semester)**

STEP 1: Log into Bengal Web and withdraw from all courses.

If a student is unable to use Bengal Web contact the Office of Student Affairs.

STEP 2: Submit a completed application for Medical Withdrawal to the University Health Center.

### **AFTER THE WITHDRAWAL DEADLINE (After Week 10 of the Semester)**

STEP 1: Submit a completed petition for late withdrawal to the student's College Dean. The petition application is available in the Office of Student Affairs (Hypostyle 204)

Because multiple academic administrators must approve the petition, it may take several days for the petition to be approved.

STEP 2: Submit a completed application for Medical Withdrawal to the University Health Center.

Students should apply for a medical withdrawal as soon as possible after determining the withdrawal is needed for treatment and/or recovery. When possible, applications for medical withdrawal should be submitted within 10 school days after a course withdrawal is entered or approved.

The Medical Director of the University Health Center evaluates applications for medical withdrawal. If the application for medical withdrawal is denied, students may appeal the decision to the Vice President for Student Affairs. A letter from the student explaining their circumstances must be submitted to the Office of Student Affairs within 10 school days of receiving the denial.

As a condition of receiving a medical withdrawal, a student may be required to seek the permission of the Medical Director of the University Health Center to be re-enrolled or re-admitted to the University. Such requirements are instituted to confirm (a) that the student's medical condition has been treated adequately, (b) that the student does not present a risk to others, and (c) that necessary accommodations have been prepared to support the student while enrolled. If the student is granted a medical withdrawal but subsequently denied an opportunity to re-enroll, the student may appeal to the Vice President for Student Affairs. A letter from the student explaining their circumstances must be submitted to the Office of Student Affairs within 10 school days of receiving notice that they will not be permitted to re-enroll.

## Academic Standing

Academic standing refers to a student's position or status resulting from his/her performance in courses as measured by grades. The University has designated four (4) standings:

- Good Standing
- Academic Warning
- Probation One
- Probation Two

An undergraduate student's academic standing is determined at the end of each semester. As long as a student's cumulative GPA meets or exceeds 2.0, the student is considered in Good Standing. Cumulative GPAs are calculated using only course credit earned at Idaho State University. Transfer GPAs are excluded from GPA calculations.

If a student's cumulative GPA falls below 2.0 after one semester, the student is placed on Academic Warning. Students on Academic Warning are limited to attempting thirteen (13) credits for the next semester of attendance, are required to complete an Online Probation Workshop, and are expected to meet with their academic advisor of record prior to registering for classes.

If an undergraduate student is on Academic Warning and does not earn a semester (term) GPA of 2.0 at the end of the next semester of attendance *and the cumulative GPA remains below 2.0*<sup>15</sup>, he/she will be placed on Probation One. Students on Probation One are limited to attempting nine (9) credits for the next semester of attendance, are required to complete the Online Probation Workshop, and are expected to meet with their academic advisor of record prior to registering for classes. If students on Academic Warning earn a semester GPA that meets or exceeds 2.0 but does not raise their cumulative GPA above 2.0 they will remain on Academic Warning until their cumulative GPA meets or exceeds 2.0.

If an undergraduate student is on Probation One and does not earn a semester (term) GPA of 2.0 at the end of the next semester of attendance *and the cumulative GPA remains below 2.0*, he/she will be placed on Probation Two. Students on Probation Two are limited to attempting six (6) credits for the next semester of attendance, are required to complete the Online Probation Workshop, and are expected to meet with their academic advisor of record prior to registering for classes. If students on Probation One earn a semester GPA that meets or exceeds 2.0 but does not raise their cumulative GPA above 2.0 then they will remain on Probation One until their cumulative GPA meets or exceeds 2.0.

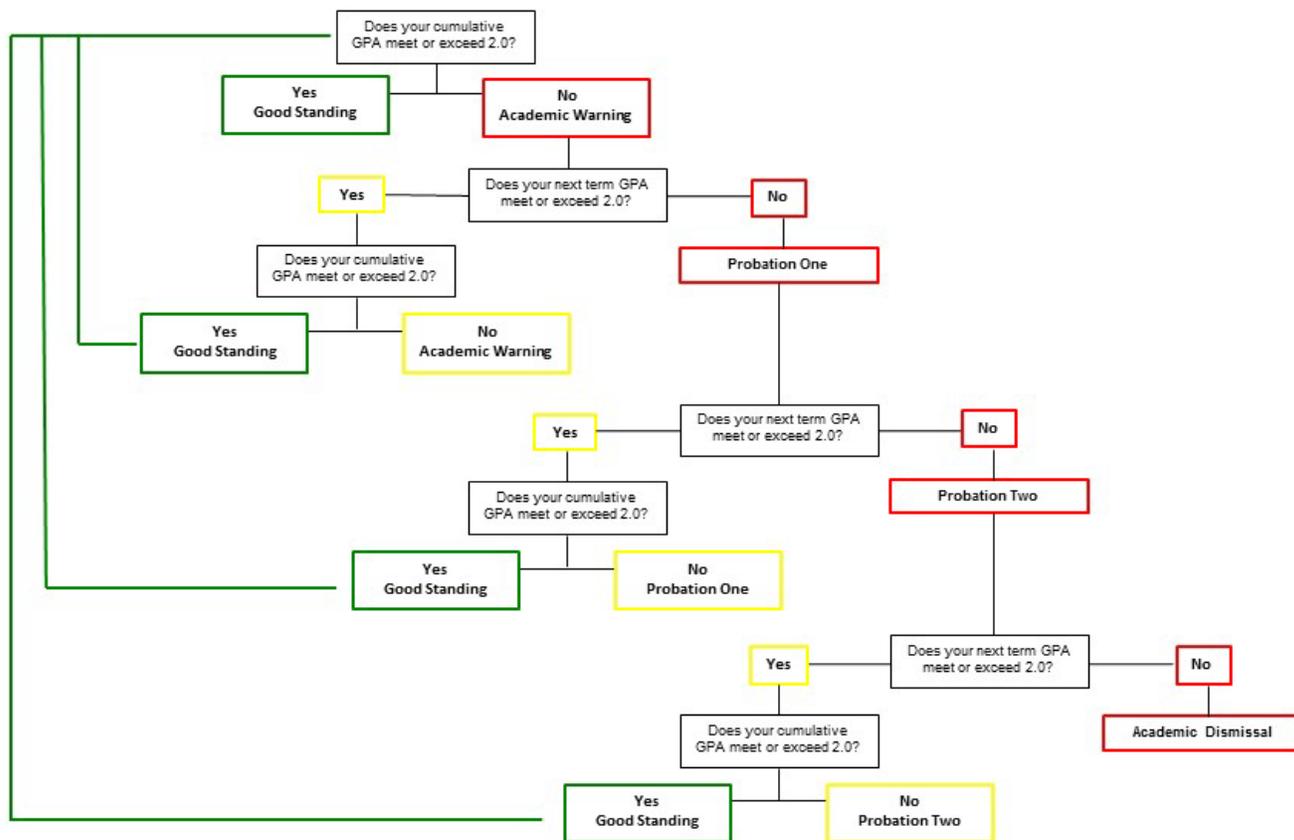
If an undergraduate student is on Probation Two and does not earn a semester (term) GPA of 2.0 at the end of the next semester of attendance, he/she will be dismissed from the University. If students on Probation Two earn a semester GPA that meets or exceeds 2.0 but does not raise their cumulative GPA above 2.0 they will remain on Probation Two.

Even though a student may have a term GPA that meets or exceeds 2.0, if his or her cumulative GPA remains below 2.0 he/she will remain at his/her current level of academic standing with the corresponding credit limitation specified above.

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<sup>15</sup> A student may be able to earn a semester (term) GPA below 2.0 but increase the cumulative GPA. This can occur when a student retakes a course and earns a much higher grade for the repeated course. The previous term's GPA and cumulative GPA are retroactively adjusted to exclude the original grade.

Diagram. Academic Standing Decision Tree



### Appealing a Course Grade

The University does not have a policy for undergraduate students to appeal course grades. Over time the University has adopted a practice for evaluating student claims that contend a grade is incorrect or given in error. This section of the Student Handbook is intended to provide guidance for students as they approach submitting a grade appeal.

#### Rationales for Appealing a Grade

Students may reasonably expect their instructors to assign grades based on their performance that is demonstrated by class participation, assignments and assessments (e.g. quizzes and exams). Although students desire objective evaluations of their course work, not all assignments or assessments are conducive to objective evaluation, and depending on the subject of study (academic discipline), may not even be possible. The subjective professional judgment of instructors is acquired and refined by experience teaching, research, personal study, and work history. Because objective grading can be elusive, students are better served by valuing and anticipating careful and conscientious professional judgments from their instructors that are transparent and consistent.

Disagreeing with the subjective professional judgment of your instructor is not a sufficient reason to appeal your grade. To prevail on a grade appeal, you will need to demonstrate with credible evidence that one or more of the following resulted in an incorrect or erroneous grade:

1. The instructor made a clerical or computational error.

2. The instructor departed from the grading scheme established in the course syllabus, and the departure caused an incorrect grade to be assigned.
3. The instructor relied upon some standard or basis other than your performance on assignments and assessments. In some cases an instructor's standards may be irrelevant, arbitrary, prejudicial or unlawfully discriminatory.
4. The standards or criteria for evaluation were applied inconsistently between students in the same course section without good reason.

Demonstrating one or more of these conditions would indicate that the assigned grade was arbitrary and capricious or given without fundamental fairness. The student assumes the burden of proof when appealing a grade. An accusation of caprice, prejudice, discrimination or unfairness must be supported by a preponderance of the evidence.

### Initiating a Grade Appeal

Students should begin the process of appealing a grade by carefully re-reading the syllabus and reviewing the grading process articulated therein. If consulting the syllabus does not resolve the concern, students should begin to collect and organize information or evidence that leads them to suspect their grade was assigned incorrectly or inappropriately.

Once the student has collected the available evidence they should engage the academic administration in the following sequence:

1. The Course Instructor

Students should request to meet with the course instructor to discuss their concerns. Students should bring their documentation to the meeting. Starting with the instructor can resolve inadvertent mistakes or errors, and avoid unnecessarily involving other academic administrators who will be less familiar with the specifics of your concerns.

In some situations, it would be inappropriate for a student to meet with the instructor to appeal a grade. For example, if an instructor had sexually harassed a student by proposing to give the student a good grade in return for a sexual favor, the student should not try to resolve the claim with their harasser. If a student is uncomfortable meeting with their instructor, they should speak with the Student Affairs staff (Hypostyle Building – Room 204) to develop an alternative plan for appealing their grade.

If the instructor cannot resolve the grade appeal, the student should prepare a written statement (e.g. letter or memo) that documents the impasse and schedule an appointment with the department chair that supervises the course.

2. The Department Chair

Students should present their written statement that documents their meeting with the instructor and provide the information/evidence that supports their claim. It may be wise to provide the statement and evidence in advance of the meeting so the Department Chair can prepare and identify any elements of the statement or evidence that need clarification.

Students should anticipate that the Department Chair will request information from the instructor. The Department Chair may even request to meet with you and the instructor together.

If the impasse persists and the grade is not changed, the student should update their written statement to include information about his/her meeting with the Department Chair and prepare to provide their appeal to the College/School Dean that supervises the course.

If the instructor is also the Department Chair, students may present their appeal directly to the Dean.

### 3. The College/School Dean

Students should follow the same guidance for College/School Deans as was suggested for Department Chairs. Students should anticipate that Deans may also request that the student, the instructor and the department chair meet with the Dean together to address the concerns raised by the student.

If the Dean does not resolve the grade appeal, the student may request the Scholastic Appeals Committee consider the appeal.

### 4. Scholastic Appeals Committee

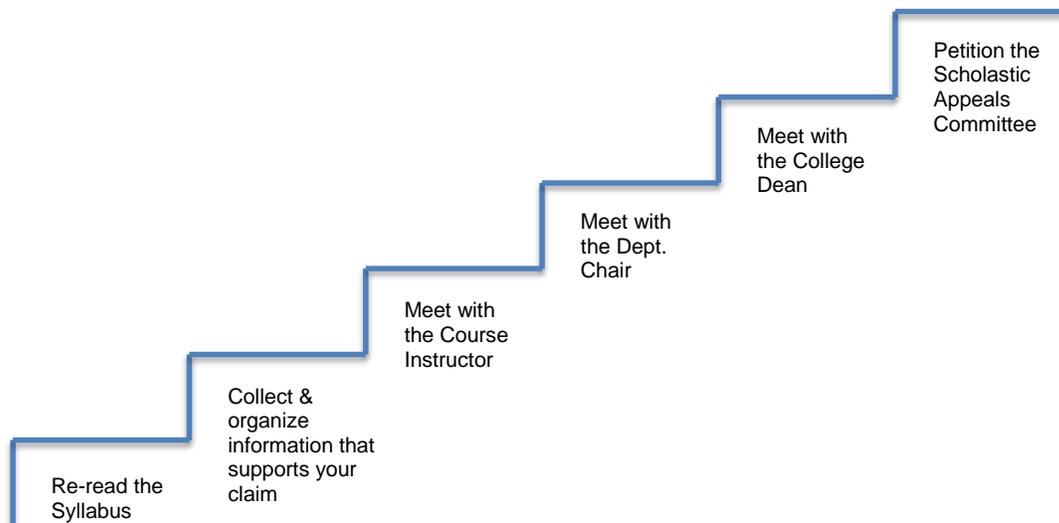
The Scholastic Appeals Committee is comprised of three (3) faculty and three (3) students. Faculty members are appointed by the Faculty Senate and students are appointed by the ASISU Senate. The Committee is co-chaired by a faculty member and the ASISU Vice President.

To engage the Scholastic Appeals Committee, students must complete a petition application that documents the previous attempts to resolve the grade appeal. The petition application is available in the Office of Student Affairs.

The Scholastic Appeals Committee review of the grade appeal is a two-step process. The first step is to review the documentary record. If after reviewing all the documents the Committee votes to hold a hearing, the student and instructor will be invited to meet with the Committee to present information, persuade the Committee on unresolved questions, and clarify missing or confusing elements of the relevant issues.

The decision of the Scholastic Appeals Committee is final.

*Diagram. Grade Appeal Procedural Sequence*



## Scholastic Appeals

Scholastic Appeals provide redress for students who believe they have experienced unfair treatment from instructors and academic administrators (department chairs and college deans). Students may want to consider a Scholastic Appeal when they believe their rights have been violated or disregarded. Student rights are explained in the Student Handbook under the section of Student Rights and Responsibilities. In addition, University policies enumerate rights that pertain to specific administrative processes and procedures. Many University policies incorporate an appeal procedure for specific administrative decisions and actions. When an appeal process is included in a policy, that appeal process precludes a Scholastic Appeal. For this reason, Scholastic Appeals are typically reserved for the following situations:

1. Dismissal from a program of study; or
2. Adverse decisions regarding a student's final course grade for reasons other than academic dishonesty.

If a student believes his/her dismissal or poor final grade was the result of prejudice or discrimination based on their status as a member of a protected class (e.g. race, gender, gender identity, sexual orientation, disability, nationality, age, religion, etc.), then he/she should seek a remedy through the Office of Equal Opportunity, Affirmative Action and Diversity.

Scholastic Appeals should not be used to express disagreement with teaching practices and their effectiveness.

### Filing a Scholastic Appeal

Before requesting or petitioning for a Scholastic Appeal, students should exhaust all other administrative remedies for their concerns. To do so, students are expected to work with instructors and academic administrators in the following sequence:

1. Primary Actor (normally the instructor or program coordinator)

Students should seek to meet with the person most directly involved with or responsible for an adverse decision. As part of this meeting, the student should fully disclose the specific complaints/concerns and the outcome they are seeking. If students are worried about meeting with the primary actor, they should contact the Office of Student Affairs for guidance.

2. The Primary Actor's Supervisor (normally the department chairperson)

If the primary actor did not resolve the complaints/concerns, students should meet with that person's supervisor. In most cases, this will be the Department Chairperson for instructors and program coordinators.

3. College Dean or Designee

If the student's complaints/concerns remain unresolved after meeting the primary actor's supervisor, the student should present the unresolved issues in a formal hearing before the College Dean. In the case of dismissal from a program, that is the college in which the program resides; for an appeal of a course grade, it is the college in which the course was offered. At this hearing, parties shall submit written charges, answers, and arguments to the Dean. The Dean shall preserve these documents for use in later appeals to a Scholastic Appeals Board, if such an appeal becomes necessary. Only written charges, answers and arguments presented at the Dean's formal hearing will be subject to review by a Scholastic Appeals Board.

The Deans shall be charged with preserving all tangible evidence and all written charges, answers, and arguments submitted at hearings before them. The student must have specifically

demonstrated at the formal hearing before the Dean how the alleged infraction led to his or her dismissal from the program or adversely affected his or her final grade in order to pursue an appeal to a Scholastic Appeals Board. The Dean must notify, in writing, the student and faculty member of his or her decision within one week following the formal hearing. The Dean shall have the authority to direct the Registrar to change a student's grade.

Any Department Chairperson or College Dean may elect to utilize an internal committee to assist in making a decision on academic appeals at the departmental and/or college levels. Department Chairs and Deans may interview the student and/or instructor, or conduct any additional investigation deemed appropriate to help in the decision-making process. Nothing contained in these procedures shall act to enlarge or restrict the existing authority, if any, of any Dean or the Provost and Vice President for Academic Affairs to take any action, including the changing of student grades or reinstating a student, outside of the appeals process described herein.

#### 4. Petitioning the Scholastic Appeals Board

If the student wants to appeal the decision reached in the Dean's formal hearing, the student must obtain an appeal petition form from the Office of Student Affairs. Once the student has completed their portion of the form, the Office of Student Affairs will route the form to the other parties listed in the form.

Petitions will be accepted for review provided they are submitted within six months of the Dean's decision.

The Office of Student Affairs will obtain copies of all documentation submitted for the Dean's hearing. Once all documentation is secured, the Vice President for Student Affairs or his/her designee will notify the Co-chairs of the Scholastic Appeals Board that a petition is ready for the Board's review.

### The Scholastic Appeals Board

A Scholastic Appeals Board consists of six voting members:

- A faculty chairperson: A tenured faculty member selected by the Faculty Senate
- A student co-chairperson: The ASISU Vice President
- Two faculty members selected by the faculty chairperson from a pool of faculty members selected by the Faculty Senate. The board shall not contain faculty members from the College in which the alleged violation of rights or infraction occurred.
- Two students selected by the student co-chairperson from a pool of students selected by the ASISU senate. The board shall not contain students from the College in which the alleged violation of rights or infraction occurred.

A non-voting member appointed by the Vice President for Student Affairs or his/her designee will be allowed to observe the meetings of a Scholastic Appeals Board.

### Operating Procedures of a Scholastic Appeals Board

Once the members of a Scholastic Appeals Board have been determined, the Office of Student Affairs will make the Scholastic Appeals petition and supporting documentation available for the Board members to review. Each member of the Board is required to review, in a timely manner, the petition and supporting documentation.

Once all members have reviewed the petition and supporting documentation, the Office of Student Affairs will notify the faculty chairperson, and the chairperson will convene a meeting of the Board to discuss the

petition. At the conclusion of the discussion, the Board members will vote to decide if the petitioner will be granted a hearing before the Board. All Board members must be present at the meeting for a vote to occur, and a majority of the voting members must vote in favor of a formal hearing for one to occur.

If a majority of Board members do not vote to grant a hearing, the student's petition is denied.

If a majority of Board members vote to grant a hearing, a date, time and location for the hearing will be set. The faculty chairperson will inform the Office of Student Affairs of the date, time and location of the hearing, and the Office of Student Affairs will prepare written notice to the petitioning student and the primary actor. Notice should be sent at least five (5) school days prior to the date and time of the hearing.

The notice should inform the petitioning student and the primary actor that an advisor may accompany them to the hearing. An advisor must be an ISU student, faculty or staff member, and may not be an attorney. All members of the Board must be present at the hearing.

After holding the hearing, the Scholastic Appeals Board will vote on the issue. A majority vote of the Board's voting members is necessary to uphold the appeal. The Scholastic Appeals Board decision is final and no further appeals are available to the petitioning student.

The Provost and Vice President for Academic Affairs will implement the decision of the Scholastic Appeals Board.

#### Post-Decision Notification & Record Keeping

The faculty chairperson of the Board will make a written record of the Board's decision and send it to the Office of Student Affairs. The Vice President for Student Affairs or his/her designee will be responsible for providing written notice of the Board's decision to the following parties:

- The petitioning student;
- The primary actor;
- The primary actor's supervisor;
- The College Dean;
- The Registrar; and
- The Provost and Vice President for Academic Affairs.

The petition, supporting documentation and any related materials will be securely held in the Office of Student Affairs for at least five years after the issue has been decided.

### **Academic Integrity and Dishonesty Policy**

#### **This is the policy for Undergraduate Students**

The core principles of integrity create a foundation for success in all of life's endeavors. Integrity in academic settings is a fundamental component of success and growth in the classroom. It prepares students for personal and professional challenges as well as providing a blueprint for future fulfillment and success" (The International Center for Academic Integrity, "About Integrity," [www.academicintegrity.org/icai/integrity-1.php](http://www.academicintegrity.org/icai/integrity-1.php), downloaded on 03-26-14).

Academic integrity is expected of all individuals in academe. Behavior beyond reproach must be the norm. Academic dishonesty in any form is unacceptable.

- A.** Academic dishonesty includes, but is not limited to, cheating and plagiarism.

- B.** This policy applies to all forms of university educational activities, including but not limited to, classroom, lab and online formats.
- C.** Instructors are encouraged to include specific information in the course syllabus on academic integrity and dishonesty guidelines specific to the course format and evaluation activities, as well as the link to this policy.
- D.** Students should not assume that any materials or collaborative learning activities are authorized unless explicitly stated by the instructor in the course syllabus.

The Academic Dishonesty Policy is administered and supervised by Academic Affairs. Instructors are responsible for addressing suspected incidents of academic dishonesty within their respective courses. Deans serve as appellate officers when students challenge the findings and outcomes determined by instructors. Revisions and modifications to this policy are managed by the Office of the Provost and Vice President for Academic Affairs.

## **DEFINITIONS**

- A. CHEATING** is defined as using or attempting to use materials, information, or study aids that are not permitted by the instructor in examinations or other academic work.

Cheating includes, but is not limited to:

1. Obtaining, providing, or using unauthorized materials or devices for an examination or assignment, whether verbally, visually, electronically, or by notes, books, or other means.
2. Acquiring examinations or other course materials, possessing them, or providing them to others without the explicit permission of the instructor. This includes buying or selling an assignment or exam, or providing any information about an examination in advance of the examination.
3. Taking an examination in place of another person or arranging for someone else to take an examination in one's place.
4. Submitting the same work or substantial portions of the same work in two different classes without the explicit prior approval of the instructor.
5. Fabricating information for any report or other academic exercise.
6. Fabricating or misrepresenting data.
7. Copying down answers when provided during course testing or other standardized testing and giving them to other students who have not taken the test. This includes using smartphones to photograph and transmit restricted test materials.
8. Removing the test instrument or test information from the testing room or other location without the instructor's explicit permission.
9. Assisting another student without the instructor's permission.
10. Deceiving instructors or other university officials about academic work.
11. Altering grades on one's own or another student's work.
12. Offering money or other remuneration in exchange for a grade.

- B. PLAGIARISM** is defined as presenting or representing another person's words, ideas, data, or work as one's own.

Plagiarism includes, but is not limited to:

1. The exact duplication of another's work and the incorporation of a substantial or essential portion without appropriate citation.
2. The acts of appropriating creative works or substantial portions in such fields as art, music, and technology and presenting them as one's own.

The guiding principle is that all work submitted must properly credit sources of information. In written work, direct quotations, statements that are paraphrased, summaries of the work of another, and other information that is not considered common knowledge must be cited or acknowledged. Quotation marks or a proper form of identification shall be used to indicate direct quotations. Students should be aware that most instructors require certain forms of acknowledgement or references and may evaluate a project on the basis of proper form.

- C. ACADEMIC** as used in this policy is synonymous with “scholastic” and refers to school-related endeavors, whether the school is vocational or academic.
- D. INSTRUCTOR/FACULTY MEMBER** as used in this policy is defined as a person who is responsible for the teaching of a class or laboratory or other instruction. These terms include professors regardless of rank, instructional staff, graduate assistants, visiting lecturers, and adjunct, affiliate or visiting faculty.

## **1. Academic Dishonesty**

### **Penalties for Academic Dishonesty**

- A.** Any penalty imposed by an instructor for academic dishonesty shall be based on the instructor’s professional judgment and wisdom.
- B.** Penalties that may be imposed by the instructor are:
  - 1. **Written Warning:** The instructor informs the student in writing that further academic dishonesty will result in other penalties being imposed.
  - 2. **Resubmission of work:** The instructor may inform the student in writing that he or she requires that the work in question be redone to conform to proper academic standards or may require that a new project be submitted. The instructor may specify additional requirements in writing.
  - 3. **Grade reduction:** The instructor may lower a student’s grade or assign a failing grade for a test, project or other academic work. The instructor will notify the student, department chair, dean, Office of the Vice President for Student Affairs, and Office of the Registrar in writing when these actions are taken.
  - 4. **Fail the Course:** The instructor may assign an “F” for the course. The instructor will notify the student, department chair, dean, Office of the Vice President for Student Affairs, and Office of the Registrar in writing when this action is taken
- C.** Penalties that may be imposed at the University level are:
  - 1. **Suspension from the University:** This is the administrative withdrawal of the student found responsible by the University. The student is suspended for a length of time, determined by the University Academic Dishonesty Board, which may depend upon the circumstances that led to the sanction. This action is permanently recorded on the student’s transcript.
  - 2. **Expulsion from the University:** This is the most severe penalty for academic dishonesty and may be imposed by the University Academic Dishonesty Board for extreme or multiple acts of academic dishonesty. Once expelled, the student is not eligible for readmission to the University. This action is permanently recorded on the student’s transcript.
- D.** Both an instructor penalty and University level penalty may be imposed. (See Section B. Academic Dishonesty Board)
- E.** Withdrawal from a course does not exempt a student from penalties for academic dishonesty. In no case should an instructor recommend that a student withdraw from the course to avoid charges and/or penalties.

### **Procedures for Determination of Academic Dishonesty and Imposition of Penalties**

- A.** The instructor of the course is responsible for investigating each suspected incident of academic dishonesty. The instructor is encouraged to consult with the Office of the Provost and Vice President for Academic Affairs or the Office of the Vice President for Student Affairs for guidance on adhering to the policy process, as needed. Students alleged to have violated this policy may consult with the Office of the Vice President for Student Affairs for guidance on rights and responsibilities regarding the Academic Dishonesty Policy.

When the instructor witnesses such an incident, has evidence of one, or is informed of one by a witness, the instructor shall proceed as follows:

1. The instructor may intervene and shall gather evidence to see whether further action is necessary.
  2. If the instructor feels that a penalty of a grade reduction or failing the course is warranted, he/she shall discuss the incident with his/her department head. If, after this meeting, the instructor decides not to impose penalties, then no further action is necessary.
  3. If, after the meeting, the instructor decides to proceed, he/she shall inform the student or students involved (orally and in writing) of the evidence of academic dishonesty and request a meeting with the student. Students will be given at least three (3) school days to schedule an appointment with the instructor. The instructor shall then meet with the student, consider the student's response (which should be given orally and in writing), and collect any available evidence and testimony from witnesses. In cases of suspected plagiarism, the instructor may ask the student to supply the references used and the student must comply with such a request.
  4. On the basis of this information and the preponderance of the evidence, the instructor may decide to impose a penalty. If the penalty is only a written warning or a written demand that work be resubmitted, then no further action is necessary.
  5. If, after those steps, the instructor concludes that academic dishonesty has occurred and decides to impose a penalty of grade reduction or failing the course, he/she shall prepare a written incident report. (A sample incident report template is included herein – see Addendum.) The report shall include the student's name, the date of the incident, a description of the incident and the available evidence, and the instructor's decision regarding penalties. The report shall state the specific penalties imposed—grade reduction or failing the course. When more than one student is involved in academic dishonesty for a course assignment, the instructor will prepare individual reports and ensure that all students' FERPA rights are protected.
  6. The instructor shall keep a copy of the report and send copies to:
    - i. the student,
    - ii. the chairperson (or designee) of the department in which the instructor holds an appointment,
    - iii. the chairperson (or designee) of the department in which the student is a major,
    - iv. the dean (or designee) of the college in which the instructor holds an appointment,
    - v. the dean (or designee) of the college in which the student is a major,
    - vi. the Office of the Vice President for Student Affairs, and
    - vii. the Office of the Registrar. A copy of the incident report shall be placed in the student's permanent file in that office.
  7. The instructor shall also inform the student of the procedures for appeal outlined in Section 5 below.
- B.** For incidents that occur near the end of the semester, the instructor will issue an incomplete grade to the accused student(s) while the investigation and resolution of the accusation continues. Once the instructor has rendered a decision and imposed a penalty, if any, the grade will be updated.
- C.** Any student who is found responsible for academic dishonesty and receives "Fail the Course" penalties for two separate incidents is subject to university suspension or expulsion. When a student receives a

second “Fail the Course” penalty, the Office of the Registrar shall notify the Office of the Provost and Vice President for Academic Affairs and the Office of the Vice President for Student Affairs. The VPSA’s Office will then convene the Academic Dishonesty Board. This Board will then decide whether the student should be suspended, expelled, or neither, following the procedures in Section 2 below.

### **Procedures for Students’ Appeal of Imposed Penalties**

- A. The student may appeal penalties for academic dishonesty to the dean (or designee) of the college in which the course was offered. This is the final level of appeal for penalties of resubmission of work, grade reduction, or failing the course that are imposed for academic dishonesty by the instructor.
- B. The appeal to the dean (or designee) must be filed, in writing, no later than fifteen (15) business days after the student has received written notification of the instructor’s final decision and penalties regarding academic dishonesty.
- C. When a student files an appeal, the dean (or designee) shall set a date for a formal hearing to discuss the allegations and penalties. He/she shall chair and conduct the hearing and keep a written record of it. The hearing shall include the instructor, the student, the chairperson (or designee) of the department in which the instructor holds an appointment, the chairperson (or designee) of the department in which the student is a major, and the dean (or designee) of the college in which the student is a major. In addition, the student may bring one support person (faculty, staff or student) but this individual does not participate in the hearing. Within five (5) business days following the hearing, the dean shall issue a final determination in writing of responsibility or non-responsibility based upon a preponderance of the evidence.
- D. If the formal hearing results in the student being exonerated of all charges of academic dishonesty, the dean (or designee) of the college in which the course was offered shall prepare a letter of memorandum stating that the student has been exonerated and requesting that all records about the alleged act of dishonesty be destroyed, other than the dean’s own record of the hearing.

The dean (or designee) shall send copies of the letter of memorandum to:

- 1. the instructor,
  - 2. the student,
  - 3. the chairperson of the department in which the instructor holds an appointment,
  - 4. the chairperson of the department in which the student is a major,
  - 5. the dean of the college in which the student is a major,
  - 6. the Office of the Vice President for Student Affairs, and
  - 7. the Office of the Registrar. That office shall remove all records about the alleged dishonest conduct from the student’s permanent file.
- E. If the student is not exonerated of all charges, then the dean (or designee) of the college in which the course was offered shall send copies of the written record of the formal hearing to parties (i – vii above).
  - F. If the penalty is reduced or rescinded as a result of the hearing, the dean (or designee) of the college in which the course was offered shall direct the Registrar to make any changes in the student’s grade.
  - G. Penalties for academic dishonesty may not be challenged through the scholastic appeals process.
  - H. The decision of the dean (or designee) is final.

### **Procedures for Implementation of Penalties at the University Level**

- A. Authority to assign the penalties of suspension or expulsion from the University rests with the Academic Dishonesty Board. See Section B below.

## **2. Academic Dishonesty Board**

### **Charge and Scope of Academic Dishonesty Board**

- A.** The Academic Dishonesty Board considers significant infractions of academic honesty. It is the sole body with authority to assign the University level penalties of suspension or expulsion for academic dishonesty. Cases coming before the Board must be fully documented by evidence. The Board shall not hear matters subject to the jurisdiction of the Student Conduct Board or general academic complaints that should be referred to a dean or the Provost and Vice President for Academic Affairs. Its decision is final and may not be challenged through the scholastic appeals process.

### **Procedures**

- A.** Notice from the Registrar that a student has received two “Fail the Course” penalties for academic dishonesty violations activates the Board. (See section A.4.g. on notice from the Registrar.) An instructor may also ask the Academic Dishonesty Board to consider suspension or expulsion when he/she deems the incident of academic dishonesty to be significant and warranting a university level penalty. Such a request shall be in writing and shall include complete documentation, including all documents presented at any formal hearing before the dean. Finally, an instructor or administrator may ask the Academic Dishonesty Board to consider university suspension or expulsion of a student with multiple penalties for academic dishonesty. Such a request shall again be in writing; it must include the reasons for recommending suspension or expulsion and shall include supporting documents.
- B.** The Academic Dishonesty Board will consist of seven voting members:
1. A faculty member selected by the Faculty Senate to serve as chair,
  2. The ASISU Vice President, who serves as vice chair,
  3. Three members chosen by the Academic Dishonesty Board chair from a pool of faculty members selected by the Faculty Senate, and
  4. Two members chosen by the Academic Dishonesty Board vice chair from a pool of students selected by the ASISU Senate.

There shall also be a non-voting member from the Office of the Vice President for Student Affairs.

- C.** Once the Board is constituted, the Office of the Vice President for Student Affairs shall give the instructor’s request, along with supporting documents, to the Academic Dishonesty Board Chair. The Office of the Vice President for Student Affairs will notify the student, outlining the procedures, informing the student that he/she may review the materials in the VPSA’s Office, and allowing the student a reasonable amount of time to present to that office any documents in his/her defense.
- D.** The Academic Dishonesty Board Chair shall then set a date for a formal hearing, one that allows the student sufficient time to prepare a defense and allows Board members sufficient time to review all the materials held in the Office of the Vice President for Student Affairs, including any submitted by the student. The student may choose one ISU student, staff or faculty member to accompany them to the hearing. However, this person does not directly participate in the hearing. In addition, the person who initiated the Board review (Registrar, instructor, or administrator) shall be invited to give testimony.
- E.** All members of the Board must be present at the hearing. However, neither the student nor the person who initiated the review need be present for the Board to act.
- F.** After the formal hearing, the Board will vote on whether to suspend or expel the student, or neither. A majority of the Board members must vote for suspension or expulsion for such an action to occur. The length of any suspension shall also be determined by majority vote.
- G.** The Board Chair will send a written record of the Board’s decision to the Vice President for Student Affairs, who will be responsible for relaying the decision to the student, the Registrar, and the Provost and Vice

President for Academic Affairs. The Office of the Vice President for Student Affairs will hold all materials related to the case permanently.

- H. The Board's decision shall be implemented by the Provost and Vice President for Academic Affairs (or designee).
- I. When the Board imposes suspension, the Office of the Registrar shall record "Suspension for Academic Dishonesty" on the student's permanent transcript. When the Board imposes expulsion, "Expulsion for Academic Dishonesty" shall be recorded on the student's permanent transcript.

Idaho State University gratefully acknowledges the International Center for Academic Integrity and the University of Alaska Anchorage for resources and ISU faculty for comments and suggestions that greatly assisted in providing updates to this policy.

### **This is the policy for Graduate Students**

Academic dishonesty includes, but is not limited to, cheating and plagiarism. Academic dishonesty at the graduate level is considered a serious offense and may result in dismissal from a graduate program.

When a faculty member suspects a graduate student of academic dishonesty, the instructor should present the evidence to the student and consider the student's response. If the instructor concludes after consultation with the student that academic dishonesty occurred, the instructor writes a letter to the chair of the department in which the student is seeking a graduate degree, describing the incident. The instructor should include with the letter any evidence used to draw the conclusion that academic dishonesty has occurred (e.g., copies of the student's written assignment, copies of documents thought to have been plagiarized, etc.), and should state clearly the penalty imposed within the course itself. The penalty should be in proportion to the severity of the offense. If the penalty is to be a failing grade, the instructor should first consult with the chair of the department, and the chair should meet jointly with the student and faculty member to review the incident. The student may appeal the penalty by following the procedures in the Graduate Catalog entitled "Appeal of a Grade."

The department chair may, in accordance with the policy and procedures of the department, impose the penalty of dismissal from the program. A student may appeal the dismissal by following the procedures in the Graduate Catalog entitled "Appeal of Dismissal from a Graduate Program."

The chair of the department should send a copy of the instructor's letter reporting the offense, along with any evidence submitted to the chair, to the student, to the Dean of the academic college in which the student is seeking a graduate degree, and to the Dean of the Graduate School. A copy of the letter is to be placed in the student's file in the department and in the Graduate School. If the student's appeal is upheld, the letter and all other records of the accusation of academic dishonesty are to be deleted from the student's files.

### **Petition Policies**

An undergraduate student may petition the appropriate college dean or committee for consideration of problems of curricula or admission which are not covered by stated procedures. Curricular petitions must: 1) include a recommendation from the undergraduate student's advisor, 2) a recommendation by the chair of the department offering courses in the subject field or by a special committee overseeing the requirement, and 3) catalog copy of descriptions of courses transferred from other institutions if the course is to be considered in a test of course equivalency. All copies of the petition are to be advanced to the Registrar's Office for action after all signatures are affixed. Decisions may require several weeks, and notice of the result will be mailed to the undergraduate student.

Undergraduate students with extenuating circumstances that warrant a review of the dismissal status may petition the Readmission Review Board (RRB) located in the Academic Advising Center. Petitions must be accompanied by relevant documentation from appropriate sources and a thoughtfully prepared Readmission Statement. The RRB will be guided in its decision by evidence of academic potential and readiness to handle the curriculum in a satisfactory manner; evidence of motivation to pursue an educational goal; evidence of corrective measures undertaken by the undergraduate student. Readmitted undergraduate students will have stipulations placed upon their readmission which may include: repeating courses previously taken, limiting the number of credits attempted, enrolling in specific courses, having regular follow-up with an advisor or faculty member, receiving specific assistance from the Career Center, ADA, or other ISU resources, and/or participating in specified study labs or help groups. The deadline for petitions is August 1<sup>st</sup> for fall semester and December 1<sup>st</sup> for spring semester. Decisions reached by the RRB are final.

### **Disruptive Behavior During Instruction & Educational Activities** (Formerly Disruptive Behavior in Classrooms & Laboratories)

Idaho State University prohibits student conduct that disrupts teaching, research, administration and public service functions ([See ISUPP # 5000 – Student Conduct Code, Article 3, Section C.1](#)). The core educational functions of colleges and universities are teaching, learning and research. Student behavior that interferes with these core educational functions is troubling to the University because it diminishes the ability of the University and its staff to fulfill its mission. Moreover, when these functions are disrupted, it also affects the participation of other students and their opportunity to learn and grow.

The University recognizes that students have a right to speak and express themselves freely, but that right is not absolute and the context in which student speech and expression is exercised matters. Certain expressive behaviors may not be protected if they are performed at or in a time, place or manner that is not appropriate for the context.

#### REFRAINING FROM DISRUPTIVE BEHAVIOR DURING INSTRUCTION & EDUCATIONAL ACTIVITIES (for Students)

Idaho State University students are expected to observe and follow the directions and instructions of their course instructors. Typically, expectations, directions and instructions are conveyed to students through the course syllabus. However, instructors may also share expectations at the time assignments are given or prior to or during a particular educational activity. Regardless of the time at which expectations are delivered or the medium used, students should observe and follow them. The following statements frame the instructor-student relationship, and explain how students should honor their responsibilities within the relationship.

##### 1. Conduct in the Classroom

Faculty members supervise classroom conduct and may establish reasonable conduct standards for their students through their syllabi or spoken directives. Reasonableness is based on the proposed conduct standard serving a legitimate educational or instructional purpose. Standards should not be arbitrary or capricious.

##### 2. Freedom in Classrooms

The classroom is the center for study and understanding of the subject matter for which the faculty member has professional responsibility and institutional accountability. Faculty members should encourage free discussion, inquiry and expression among their students in their quest for knowledge.

Faculty members should adhere to the scholarly standards for their disciplines. They should honor their role as intellectual guides and mentors. They should model honest academic conduct and evaluate their students fairly and accurately. They should respect the confidential nature of the relationship between instructor and student.

Faculty members should avoid exploiting students for personal or professional advantage and should acknowledge assistance from them. They should protect student rights as defined herein. Controlling the order and direction of a class, as well as the scope and treatment of the subject matter, rests with instructors. Instructor-imposed classroom rules should properly reflect the obligation of each student to respect the rights of others in the maintenance of classroom order and in the observance of courtesy and civility common to every intellectual discipline.

- A. Students may expect to be informed, in sufficient detail at the beginning of each term, of the nature of the course, the course expectations, the evaluative standards and the grading system that will be used.
- B. Students may disagree with the information, data or views offered in the classroom, and may reserve judgment about matters of opinion without fear of adverse action.
- C. Students have the right of protection against improper disclosure of information concerning their academic work and performance with others who do not have a legitimate educational interest (See the Family Educational Rights and Privacy Act).
- D. Students have the right to fair treatment that protects them from prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance for their courses. (See Scholastic Appeals Policy).

### 3. General Behavioral Expectations for Students

Most instructors reasonably assume that the students in their classes meet minimum expectations for behavior in social and educational settings. The following are general minimum expectations for behavior for students at Idaho State University:

- A. Students should attend course meetings and arrive on time and depart at the end of the meeting. Arriving late and leaving early have the potential to shift focus from learning activities to the student arriving or leaving. Instructors understand there may be occasions that require a student to be absent or arrive late or depart early. When such occasions can be anticipated, students should tell their instructors in advance. When they cannot be anticipated, students should communicate as soon as possible thereafter.
- B. Students should be courteous and respectful to the instructor and other students in their courses. In practice, courtesy and respect are expressed and demonstrated by:
  - Waiting to speak out or contribute to discussions until acknowledged by the instructor;
  - Refraining from methods, manners or modes of communication that convey disrespect. Depending on the context, the use of vulgarity, uncouth language, sarcasm, or derisive or demeaning statements could be disrespectful and unprofessional. Nonverbal elements such as gestures, volume and tone can also demonstrate disrespect.
  - Focusing intently on instruction and learning activities. Students should avoid being the source of distraction for themselves and others. Using devices such as laptops, cell phones, mp3 players, and tablets for purposes other than learning course material should be avoided. Additionally, bringing and reading materials (magazines, newspapers, comics) unrelated to the course may distract others and communicate disengagement from learning activities.

Instructors respond to singular incidents of rude and disrespectful behavior to avoid tacitly condoning it and thereby permitting it to spread among students generally.

- C. Students should practice good hygiene. Because many learning activities are collaborative or social, being socially capable of interacting with other students and the instructor is very important. Poor hygiene can impede social interactions and disrupt learning predicated on social exchange.
  - D. Students should attend class unimpaired. Being under the influence of drugs or alcohol is unacceptable. In the case of prescribed substances affecting one's mental faculties, it would be appropriate to inform your instructor about side effects or the influence of medication on your mood and attentiveness. Moreover, students should disclose to Disability Services the use of medication and the condition it has been prescribed to treat.
- ### 4. Behaviors that may be viewed as Disruptive

Depending on the context of the learning environment, many behaviors could be considered disruptive. The following list illustrates behaviors that are frequently reported as disruptive:

- A. Habitually arriving late and/or departing early;
- B. Conspicuously eating during class meetings;
- C. Persistently interrupting the instructor while they are speaking;
- D. Consistently and conspicuously conversing (side conversations) with other students while the instructor is speaking;
- E. Using electronic devices (laptops, cell phones, mp3 players, tablets) to do tasks that are unrelated to the course;
- F. Using electronic devices to do tasks or activities that distract other students (e.g. watching movies, web browsing, listening to music)

- G. Treating others in class with contempt, disdain and disrespect (e.g. shouting others down, name calling, making fun of their questions or responses, derisively commenting about them as opposed to an idea they shared, etc.)
- H. Conspicuously reading materials that are not assigned for the class (newspapers, magazines, notes, etc.)
- I. Making loud and/or obnoxious noises (clicking or tapping pens) or shouting
- J. Persistently asking questions that are unrelated or not germane to the topic of lecture or discussion;
- K. Engaging in threatening speech or actions that lead others to feel afraid for their physical safety and wellbeing;
- L. Disregarding instructions or directions or distracting others while directions or instructions are being given;
- M. Behaving recklessly with equipment or substances that can cause injury
- N. Creating a scene or drawing attention to a situation that should be handled discretely (e.g. receiving critical feedback or correction, discussing personal issue publicly, or challenging/questioning a grade in front of others)
- O. Monopolizing discussion time with needlessly long (time consuming) comments
- P. Receiving or sending phone calls and text messages
- Q. Sleeping

#### 5. How to Respond When Accused of Disruption

If an instructor tells a student that a particular behavior is disrupting the learning activity or instructional interaction, the student should promptly stop doing whatever the instructor indicated was disruptive. Continuing to behave disruptively could lead the instructor to ask you leave the class.

If an instructor asks a student to leave the class for being disruptive, the student should leave the class quietly and discretely. If a student chooses not to leave a Public Safety officer will assist him or her. If a student chooses to leave the class but needlessly draws attention to his or her departure it will only support an allegation of disruptive behavior.

Although a student may disagree with the instructor's directive to leave the class or laboratory, questioning the instructor during the class or instructional interaction only serves to extend the duration of the alleged disruption. Students asked to leave may seek redress for misplaced directives or perceived unfairness by meeting with the instructor during his/her office hours or submitting a complaint to the instructor's supervisor (department chair) or with the Office of Student Affairs.

Failing to comply with the request of an instructor is a violation of the University's Student Conduct Code.

#### 6. Potential Consequences of Disruptive Behavior

Because classroom disruption is both a Student Conduct Code Violation and a classroom management issue, there is the potential for two distinct and discrete consequences. As a matter of classroom management, the instructor may intervene to preserve order and decorum within the classroom. These consequences are known as Classroom Management Interventions (CMIs). They include the following:

##### A. Classroom Management Interventions

- 1. Remedial Action (assigned seating, loss of privileges, group reassignment, class apology, etc.)
- 2. Course completion by alternative format (e.g. online, independent study, correspondence, closed circuit, etc.)
- 3. Course section reassignment if plausible

4. Administrative withdrawal – Student will be withdrawn from the class without a refund of tuition. Withdrawals after the withdrawal deadline will result in an ‘X’ grade.

5. Recommend the student be dismissed from their program of study by informing the appropriate Department Chair and Dean

6. Refer the incident to the Student Conduct Administrator for disciplinary action.

In the event the student is referred to the Conduct Administrator, they will be subject to the resolution framework outlined in the Student Conduct Code. The following sanctions may be applied to students who are found responsible for *Disruptive or Obstructive Actions or Activities*:

B. Student Conduct Sanctions

1. Written Warning

2. Probation

3. Loss of Privileges

4. University Suspension

5. University Expulsion

6. Withholding of a Degree

Some disruptive behaviors may also result in additional violations of the Student Conduct Code. For example, students who are disruptive may also be accused of failing to comply; using threats, coercion or intimidation; harassment; bullying and/or other violations enumerated in the Code. Sanctions will be commensurate or proportionate to the violation. More serious forms of disruption will receive more serious sanctions.

### **Romantic or Sexual Relationships between Faculty and Students**

Students are discouraged from entering into romantic, intimate or sexual relationships with their instructors, teaching or laboratory assistants or employment supervisors. Students are cautioned against this practice because, more often than not, there is an imbalance of power between the two partners. Instructors, teaching/lab assistants, and employment supervisors all have an ability to exert control over students outside of any romantic, intimate or sexual activity. In such circumstances, students have reported it can be difficult to express their true feelings or thoughts about something related to the romantic, intimate or sexual facet of the relationship for fear of jeopardizing some facet of the academic or work relationship. The power to grade or pay can be leveraged to influence a student’s choices regarding the intimate, romantic or sexual relationship. These conditions can and do lead to coercion on the part of the more powerful partner.

Students who feel uncomfortable in their interactions with their instructors, teaching/lab assistants, or employment supervisors because those individuals have expressed a romantic or sexual interest in them should share their feelings with the Office of Student Affairs.

## **UNIVERSITY POLICIES AND PROCEDURES**

### **Student Representation on University Committees**

Student representation on university committees, councils, and boards is among the purest and most important ways for students to participate in the shared governance of the institution. It is one of the most significant ways that a student can make a direct impact on the workings of ISU.

Idaho State University has many institutional committees, councils, and boards which invite student participation in a consultative or voting capacity. These groups may be engaged in the business of considering, developing, revising, and applying university policies, procedures, regulations, and fiscal matters. Prudent stewardship of financial and human resources requires student participation, and the integration of administrative and student input.

In the absence of student representation, sometimes decisions are made and policies are crafted without considering the unique perspective of students, and how they may be affected. This can be, in some cases, a real disservice to students and the institution.

With student representation there is more likely to be a “win-win” outcome of the work done by the committee. When students have a seat at the table where decisions are made, they gain a better understanding of the process of administrative decision-making, and the roles and responsibilities of students in this process. Inclusion of students in this process provides an educational experience that fosters a student’s growth and preparation for citizenship. This participation also gives them useful hands-on experience that can be an impressive addition to their resume.

Students will typically be appointed to a committee assignment by an officer of the student government (ASISU) or invited directly by a specific organization. Contact the Associated Students of Idaho State University (ASISU) student government office to learn about current opportunities for student representation on university committees (at 282-3435 or [www.isu.edu/asisu](http://www.isu.edu/asisu)).

### **University Speakers Policy**

Students and student organizations should be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, whether by the sponsoring group or the institution.

Guest speakers, not otherwise associated with the University, are nevertheless accountable for their conduct under valid general laws, and the University may seek the assistance of those laws under appropriate circumstances. While a student organization ought not to be held responsible for unforeseeable illegal actions by a speaker on campus at their invitation, sponsorship with knowledge of the speaker's intent of probable violation may appropriately result in disciplinary action against the sponsoring students, if in fact a violation does occur in connection with that sponsorship. The University is authorized to develop a set of procedures for scheduling and conducting campus events involving guest speakers and/or expressions of student opinion and concern. Such procedures shall be consistent with the intent of this policy and shall be regularly published and made available for the guidance of individual students and members of the institution’s faculty and staff.

No rule should restrict any student expression solely on the basis of disapproval or fear of his/her ideas or motives. At the same time, the fact that students may pursue interests in political action through speech and assembly on campus does not abrogate their accountability as citizens to the constitutional laws of the larger society and the University is entitled to reflect these constraints in its own regulations. Accordingly, willful defamation, public obscenity, certain incitements to crime, as well as other civil or criminal misconduct under the laws applicable to the manner of speech or assembly directly damaging to the rights of others may be subject to institutional redress.

### **Student Organizations Policy**

Various academic, cultural, honorary, professional, religious, service, special interest, and sport clubs exist on campus, as well as national social fraternities and sororities. Contact the Student Organizations Office located in the Student Activities Center in the Student Union for further information.

All Student organizations must abide by federal, state, and local laws as well as all University regulations. It is expected that organizations will comply with their own constitution and by-laws. Conduct at social functions and meetings should comply the standards set forth in the Student Code of Conduct.

#### **A. Membership**

Only currently employed faculty, staff, and registered students shall be eligible for active membership status in student organizations. Only officially registered students shall be eligible to serve as appointed or elected officers in recognized student organizations.

Other persons may be admitted to associate membership if the organization's constitution or by-laws permit. Associate members may not hold office, preside, officiate, vote, officially represent, or solicit funds on campus on behalf of the organization.

To maintain recognized status, all organizations are required to complete a registration form each fall. This form lists officers, advisors, and club members and is kept on file in the Student Organization Office.

#### **B. Student Organization Recognition Procedures**

1. Obtain the "Steps for Establishment of A Recognized Student Organization" from the Student Organizations Office.
2. Meet with the chair of the Committee on Student Organizations regarding any questions or concerns.
3. Submit a proposed constitution to the chair of the Committee on Student Organizations. Provide the appropriate number of copies so that all members of the committee will have a copy.
4. A representative of the organization is required to attend the meeting of the committee when the constitution is reviewed. The committee is charged with assuring that organization constitutions are compatible with the general goals and mission of the ASISU and the University.
5. Upon approval from the committee, a member of the committee will submit the constitution to the ASISU Senate for final approval. Approval by ASISU completes the recognition process.

#### **C. Privileges**

Recognized organizations enjoy the privileges of using University facilities for meetings and approved activities, inclusion in University publications, requesting funding from ASISU subject to regulations, co-sponsoring with the Program Board, using the services of the Student Activities Center, conducting fund-raising activities on campus, using the name of the University in their official title, etc.

#### **D. Recognition**

Recognition of student organizations shall not be construed as agreement, support, or approval by the University, but only as recognition of the rights of the organization to exist at the University subject to conditions of the by-laws set forth by ASISU.

## **Sexual Harassment Policy**

*This policy applies to all students, faculty, and staff.*

Harassment on the basis of sex is a violation of Section 703 or Title VII of the Civil Rights Act of 1964 as amended (interim amendment of Guidelines 1604.11 on discrimination because of sex).

Title IX prohibits discrimination in federally assisted education programs against students and employees on the basis of sex. The key provision of Title IX reads: *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

### **A. Policy**

The sexual harassment of any student, employee or recipient of the services of this University is absolutely forbidden. Idaho State University has designated the University Counseling and Testing Services, the Office of Student Affairs, and the EEO/Affirmative Action Office for receiving complaints of sexual harassment. The investigation of these complaints will be handled by the EEO/Affirmative Action Officer or in his/her absence, an appointed hearing officer designated by the Grievance Committee. Any employee, dean, supervisor, department chairperson, or faculty member who is made aware of an alleged incident of sexual harassment will take immediate action to bring the matter to the attention of the most appropriate University authority who will take immediate action pursuant to this policy.

Sexual harassment of a student is defined as the use of an employee's authority to emphasize the sexuality or sexual identity of a student in a manner which prevents or impairs that student's full employment of educational benefits, climate, or opportunities. It includes faculty behavior that covertly or overtly uses the power inherent in the status of a professor to affect negatively a student's educational experiences or career opportunities on the basis of sexual identity and/or to threaten, coerce or intimidate a student to accept sexual advances or risk reprisal in terms of a grade, a recommendation, a professional growth opportunity or a job.

Sexual harassment of an employee or of an applicant for employment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (1) when a qualified person is denied employment because of another's submission to such conduct, (2) when submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment, (3) when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, (4) when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment. Additionally, a person who is qualified for but denied an employment benefit because of another's submission to sexual harassment is protected by this policy.

Sexual harassment of a recipient of the services of this University is defined as overt or covert behavior on the part of an employee that has the effect of limiting the individual's opportunity for receiving services by focusing on that individual's sexual identity or sexuality in a way that either threatens, coerces, intimidates the individual or impairs the individual's use of services.

### **B. Distribution**

This policy will be disseminated to all students and employees of Idaho State University. Deans, supervisors, and department chairpersons are expected to announce the policy at staff and faculty meetings and make all departmental employees aware of it.

### **C. Investigation and Resolution**

#### **1. Filing**

Employees and students are encouraged to file complaints on the subject through the University's grievance procedure. Due to the sensitive nature of this subject any person or step normally part of the grievance procedure may be bypassed if the complainant feels it is necessary to do so. The offices that

are designed for students to file complaints with are: University Counseling and Testing Service, Office of Student Affairs, and EEO/Affirmative Action Office.

If an employee or student so chooses to bypass the grievance procedure, he/she should contact the EEO/Affirmative Action Officer for additional advice on other procedures.

## **2. Confidentiality**

Due to damage that could result to the career and reputation of any person falsely or in poor faith accused of sexual harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant. Only those persons responsible for investigating and enforcing civil rights matters will have access to confidential communications.

## **3. Investigation Procedure**

When an employee or student makes an allegation of sexual harassment, the Grievance Committee, its appointee, or the EEO/Affirmative Action Officer will take immediate steps to:

- a. Obtain a statement of grievance from the complainant regarding the time, dates, places, and circumstances surrounding the allegations.
- b. Discuss the matter with the accused.
- c. Obtain statements of witnesses or possible witnesses if any.
- d. The EEO/Affirmative Action Officer or in his/her absence an appointed hearing officer designated by the Grievance Committee, shall prepare a report of the investigation and submit it to the highest administrative authority in the University.

## **4. Action and Resolution**

Based on the report, the designated authority shall take immediate and appropriate corrective action. In determining whether alleged conduct constitutes sexual harassment, the designated authority will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts on a case-by-case basis. If there appears to be no foundation to the allegation other than the complaint:

- a. No record shall be made of the allegation in either the accused or accuser's personnel records.
- b. A reiteration of the policy against sexual harassment may be appropriate.
- c. Bad faith allegations or use of this policy for unintended purposes may result in disciplinary action against the accuser.

If a foundation for the allegation exists, disciplinary action against the offending employee will follow. The disciplinary action will be commensurate with the scope and severity of the occurrence, and may include, but is not limited to, demotion, suspension, dismissal, warnings or reprimands. Additionally, every effort shall be made to provide appropriate relief for the victim.

### **Statement on Communicable Diseases**

This statement applies to cases of any communicable disease occurring on campus such as cases of the more serious communicable diseases including HIV, tuberculosis, hepatitis, SARS, and salmonella carriers.

- It is strongly recommended that the University Medical Director be informed of any newly diagnosed communicable disease. Each reported incident will be handled on a case by case basis, with respect for the person's right to privacy, and with consideration for protecting his/her own welfare as well as the welfare of others.
- Any Idaho State University student or employee with a positive antibody test for AIDS exposure, or with the actual disease itself, shall not be discriminated against or denied access to the university experience. Every effort also must be made to protect the privacy of the individual. The individual shall be treated as any other

student or employee on campus with guidance from the Idaho Administrative Practices Act (IDAPA 16, TITLE 02, chapter 10).

- Each campus department involved in contacting or handling blood or certain risk body fluid, or in which there is a potential for exchange of certain risk body fluids, shall develop individual policies and procedures concerning potential contact with communicable diseases. (There will be a central file of all departmental policies and procedures maintained in the Student Health Center).
- It is the responsibility of each campus department head to ensure annually that all employees are aware of the University statement on communicable diseases and any departmental policies and procedures concerned with communicable diseases. Student Affairs shall disseminate information regarding the University Statement on Communicable Diseases to students. Students participating in course work or activities in academic departments where there exists a reasonable potential for the exchange of certain risk body fluids shall be made aware of any departmental policies and procedures concerned with communicable diseases by the responsible faculty or staff member.
- The ISU Student Health Center and the University Counseling and Testing Services shall provide counseling to assist students who have a communicable disease or who have concerns regarding communicable diseases.
- The Campus Health Education Committee, as part of its mission, shall coordinate and implement education programs to inform all campus constituencies about AIDS and its transmission, as well as other communicable diseases.
- This statement and associated guidelines will be reviewed and revised on a regular basis according to new information. The responsibility will be assumed by the Campus Health Education Committee.

### **Accommodation of Students with Disabilities**

#### **A. Compliance and Services**

The Americans with Disabilities Act (ADA) is the civil rights guarantee for persons with disabilities in the United States. It provides protection for individuals from discrimination on the basis of disability. The ADA extends civil rights protection for people with disabilities in matters that include transportation, public accommodations, accessibility, services provided by state and local government, telecommunication relay services, and employment in the private sector.

Idaho State University, in the spirit and letter of the law, will make every effort to make reasonable accommodations, according to section 504 of the Rehabilitation Act of 1973 and the ADA. ISU will not discriminate in the recruitment, admission, or treatment of students or employees with disabilities. Students with disability related needs should contact the Director of the ADA & Disabilities Resource Center, Dennis Toney, Mail Stop 8121, (208) 282-3599. TTY 1-800-377-3529

#### **B. Grievance Procedures**

Students who feel they have been discriminated against based upon a disability and wish to file a grievance shall file such complaints with the EEO/Affirmative Action Office. The investigation and grievance procedures established for acts of illegal discrimination shall apply.

### **EEO/Affirmative Action/Discrimination Grievance Procedure**

#### **A. EEO/Affirmative Action Grievance Committee**

The EEO/Affirmative Action Grievance Committee will review complaints of discrimination by all University personnel.

Students and/or employees who complain of harassment or discrimination, or provide information related to such complaints, or oppose harassing and/or discriminating behavior, shall be protected against retaliation. Retaliation is considered as serious and prohibited harassment, and immediate and appropriate disciplinary

action, up to and including expulsion, shall be instituted. During the complaint investigation, all parties shall be reminded that retaliation is prohibited.

## **B. Grievance Procedures**

1. A grievance procedure is meaningless unless the right to bring complaints before a grievance committee is securely protected before, during, and after formal grievance proceedings.
2. All reasonable steps will be taken by the EEO/Affirmative Action Policy Committee, the EEO/Affirmative Action Grievance Committee, and the University Administration to ensure that no person intimidates, threatens, coerces or discriminates against any individual for the purpose of interfering with, preventing, or retaliating for the intended or actual filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the work of the EEO/Affirmative Action Grievance Committee.

Students and/or employees who complain of harassment or discrimination, or provide information related to such complaints, or oppose harassing and/or discriminating behavior, shall be protected against retaliation. Retaliation is considered as serious and prohibited harassment and immediate and appropriate disciplinary action, up to and including expulsion, shall be instituted. During the complaint investigation, all parties shall be reminded that retaliation is prohibited.

3. Any student or other member of the University community, as well as any individual seeking employment at Idaho State University who believes that she/he has been subjected to discriminatory practices or procedures, may informally or formally register a complaint with the EEO/Affirmative Action Officer. The formal complaint should be a written statement alleging the incident, the person and/or office perpetrating the discriminatory act, and listing witnesses, if any.

The complaint must be filed no later than 300 days from the date of the last alleged discriminatory incident. Time limits for filing certain complaints with federal or state agencies may be different than the filing requirement stated herein. Accordingly, an individual wishing to file with such agencies should communicate with them to determine applicable filing deadlines.

## **C. Action by EEO/Affirmative Action Officer**

1. Informal Hearing  
Upon receipt of a formal complaint, the EEO/Affirmative Action Officer will hold an informal hearing within ten (10) working days with all parties concerned in an endeavor to resolve the matter.
2. Forward Complaint to the EEO/Affirmative Action Grievance Committee  
Should the complainant so desire, the EEO/Affirmative Action Officer will forward the formal complaint to the chairperson of the EEO/Affirmative Action Grievance Committee. A copy of the letter and the formal complaint will be furnished to the person (or office) against whom the complaint is being made.

## **D. Action by EEO/Affirmative Action Grievance Committee**

1. Review  
Within ten (10) working days of receipt of a complaint the EEO/Affirmative Action Grievance Committee will meet to review the case in order to determine, on the basis of jurisdiction, whether to proceed to a formal hearing.
2. Formal Hearing
  - a. Should the Committee determine to hold a formal hearing of the case; the following steps will be taken:
    - (1) The Chairperson will advise each party of the date, time, and place of the hearing.
    - (2) The Committee has the authority to request the appearance before it of any persons who may have information pertaining to the case.

- (3) The Committee may request additional written statements and documents from each party.
- (4) The Committee will request the names of witnesses to be brought by each party and will request the witnesses to appear at the date, time, and place of the hearing.
- b. The Committee will meet and hear relevant testimony and review documents related to the allegation. The objective of the hearing will be to ascertain the facts to enable the Committee to make reasoned recommendations. To that end, the hearing will be conducted in an orderly fashion, allowing the parties a fair opportunity to be heard. The hearing is not a trial and formal rules of evidence will not apply. However, the chairperson may limit evidence that is not relevant or germane to the issues before the Committee. Generally, the following procedures will be followed:
  - (1) All parties are entitled to copies of any documents or other written statements that are submitted to the Committee.
  - (2) All parties are entitled to timely notice of Committee hearings related to the complaint and are ensured sufficient time for preparation for such hearings.
  - (3) The complainant(s) and the respondent(s) will be present during all testimony.
  - (4) All parties will ordinarily present their side of the matter, but may be assisted by peer counsel (non-attorney's) of their choice. Attorneys may not represent any party during the hearing; although the hearing committee may be advised by counsel.
  - (5) All parties shall have the right of confrontation of witnesses and the right to cross-examine such witnesses.
  - (6) Hearings will be recorded on audiotape and all written evidence shall be marked for identification and made part of the record. If either party requires transcriptions, the requesting party will pay the cost of the transcript.
  - (7) Parties have the right to call witnesses and present any evidence they desire, subject to the decision of the Committee on its relevance.
  - (8) The Committee shall have the right to call witnesses at its discretion.
  - (9) Parties have the right to be informed in writing of the findings and recommendations of the Committee.
  - (10) At any time during the hearing the complainant may withdraw his/her complaint. In that event the proceedings will be terminated.

**E. Findings**

- 1. Within ten (10) working days of the hearing, the Committee will meet in closed session to discuss and vote upon findings and recommended action.
- 2. In open session, the Committee will advise all participants of the vote and recommended action(s).
- 3. The findings and recommendations of the Committee will be made and forwarded to the President of the University through the EEO/Affirmative Action Officer.

**F. Outside Agencies**

Individuals, including those seeking employment at Idaho State University, may also register complaints with appropriate local, state, or federal agencies.

**Student Complaints and Grievances**

For a grade appeal, please refer to the Scholastic Appeals Policy.

For an Equal Opportunity/Affirmative Action complaint or grievance, please contact the ISU Equal Opportunity/Affirmative Action and Diversity Office.

For all other complaints/grievances:

A student should first attempt to resolve the complaint informally by meeting with the University instructor and/or official responsible for the rule, policy, procedure, or decision that results in the student's complaint or grievance. Students seeking advocacy or guidance on this process may consult with the Director of Student Life or delegate

### **Academic Complaints/Grievances**

Students with academic complaints/grievances should first meet with the instructor responsible for the policy, procedure or decision that resulted in the student's initial complaint/grievance. If the student is still dissatisfied after that meeting, the student should next meet with the instructor's department head and then with the dean of the college in which the course is offered.

If the complaint/grievance involves an academic policy, the student should first meet with the official responsible for the policy, procedure, implementation or decision. If the student is still dissatisfied after that meeting, the student should next meet with the official's supervisor.

If, after that meeting, the student is still dissatisfied, the student may appeal the decision, in writing, to the Provost/Vice President for Academic Affairs who shall have ten (10) business days to investigate and render a decision on the student's complaint/grievance. The Provost/Vice President for Academic Affairs may elect to meet with the student or may decide the merits of the case based upon the written appeal. This is the final appeal at the University level.

### **Non-Academic Complaints/Grievances**

Students with non-academic complaints/grievances should first meet with the University official responsible for the policy, procedure or decision that resulted in the student's initial complaint/grievance. If the student is still dissatisfied after that meeting, the student should next meet with the University official's supervisor.

If, after that meeting, the student is still dissatisfied, the student may appeal the decision, in writing, to the Vice President for Student Affairs who shall have ten (10) business days to investigate and render a decision on the student's complaint/grievance. The Vice President for Student Affairs may elect to meet with the student or may decide the merits of the case based upon the written appeal. This is the final appeal at the University level.

### **Further Review**

A student who is dissatisfied with the institution's response to their complaint/grievance has one further level of review by the Idaho State Board of Education.

The Idaho State Board of Education Policy (Section III. 19.) states that:

Institution decisions regarding student complaints/grievances shall be reviewed as follows:

- a. The Board designates its Executive Director as the Board's representative for reviewing student complaints/grievances, and authorizes the Executive Director, after such review, to issue the decision of the Board based on such review. The Executive Director may, in his/her discretion, refer any matter to the Board for final action/decision.
- b. A current or former student at a postsecondary educational institution under the governance of the Board may request that the Executive Director review any final institutional decision relating to a complaint or grievance instituted by such student related to such individual's attendance at the institution. The student must have exhausted the complaint/grievance resolution procedures that have been established at the institution level. The Executive Director will not review complaints/grievances that have not been reported to the institution, or processed in accordance with the institution's complaint/grievance resolution procedures.
- c. A request for review must be submitted in writing to the Board office to the attention of the Chief Academic officer, and must contain a clear and concise statement of the reason(s) for Board review. Such request must be received in the Board office no later than thirty (30) calendar days after the student receives the

institution's final decision on such matter. The student has the burden of establishing that the final decision made by the institution on the grievance/complaint was made in error. A request for review must include a copy of the original grievance and all proposed resolutions and recommended decisions issued by the institution, as well as all other documentation necessary to demonstrate that the student has strictly followed the complaint/grievance resolution procedures of the institution. The institution may be asked to provide information to the Board office related to the student complaint/grievance.

- d. The Chief Academic Office will review the materials submitted by all parties and make a determination of recommended action, which will be forwarded to the Executive Director for a full determination. A review of a student complaint/grievance will occur as expeditiously as possible.
- e. The Board office may request that the student and/or institution provide additional information in connection with such review. In such event, the student and/or institution must provide such additional information promptly.
- f. The Board's Executive Director will issue a written decision as to whether the institution's decision with regard to the student's complaint/grievance was proper or was made in error. The Executive Director may uphold the institution's decision, overturn the institution's decision, or the Executive Director may remand the matter back to the institution with instructions for additional review. Unless referred by the Executive Director to the Board for final action/decision, the decision of the Executive Director is final.

The Board staff members do not act as negotiators, mediators, or advocates concerning student complaints/grievances.

### **Statement of Rights for Victims of Sexual Assault**

The administration of Idaho State University recognizes and supports recent efforts in the legal system and among other institutions to make victims of sexual assault fully aware of their rights and prerogatives. In keeping with this concern, Idaho State University hereby affirms that students who are victims of sexual assault shall be accorded certain rights by the staff of the University Student Affairs Office. For a full enumeration of those rights, contact the University Student Affairs Office, located in the PSUB Hypostyle 204, ext. 2794.

### **Sexual Orientation and Gender Identity Policy**

Idaho State University strives to maintain a campus environment where all decisions affecting an individual's education, employment, or access to programs, facilities, or services are based on bona fide occupational or educational criteria such as merit or performance. Factors or personal characteristics that have no connection with such bona fide criteria have no place in the University's decision making. Accordingly, to the extent that it does not conflict with a contractual obligation, federal, state or local law or regulation, it is the policy of ISU that an individual's sexual orientation and gender identity shall not be a basis for institutional decisions relating to education, employment, or access to programs, facilities or services.

This policy is not intended to nor shall in any way be interpreted to infringe upon individual rights guaranteed by state and federal law, or the policies that implement them.

### **Guidance for Pregnant and Parenting Students**

Title IX of the Educational Amendments of 1972 protects students who are or become pregnant during their college enrollment from harassment and discrimination. The same applies for students who are parenting children. According to the Office of Civil Rights in the Department of Education:

ED's regulation implementing *Title IX* specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. The *Title IX* regulation

also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.

The following resources provide strategies and approaches to support and accommodate pregnant and parenting students:

- [Supporting the Academic Success of Pregnant and Parenting Students](#) (A publication of the US Department of Education)
- [Pregnant and Parenting Students' Rights: FAQs for College and Graduate Students](#) (A publication of the National Women's Law Center)

If you are a pregnant or parenting student and have questions, you should contact the Idaho State University Title IX Coordinator – Stacey Gibson at 208-282-3973 or visit her office in room 157 of the Rendezvous Building.

### **Substance Abuse Policy**

The purpose of this policy, and the programs listed, is to work toward the prevention of substance abuse in the University community. Goals are to (1) present factual and accurate information regarding the dangers and hazards of drug and alcohol use, misuse and abuse; (2) offer recommendations for alternative behaviors; and (3) provide leadership in the dissemination of information. Through efforts in this area, the University wishes to encourage the creation of an educational environment for its students conducive to making conscientious and healthy decisions when they are faced with the difficult choices associated with the use of legal and illegal drugs and alcohol and to provide a better working environment for the faculty and staff. Education efforts will be directed to all members of the University community: students, faculty and staff. It is the intention of the University to make drug and alcohol awareness and education an important part of the social and academic aspects of campus life.

In addition to the academic development of students, the University recognizes the importance of the health and safety of its students. To further enhance and improve opportunities for students in these areas, the University has developed the following policy and programs specifically related to substance abuse.

The University regards students as adults and as such expects them to take responsibility for their own actions. Many students are in an awkward position in that, for the most part, they are legally adults and have all of the rights and responsibilities thereof, except pertaining to the use of alcohol. The University is obligated to comply with State and Federal laws and to enforce rules and regulations adopted by the State Board of Education.

This policy is implemented for the purposes of enforcement and monitoring of the State Board of Education alcohol rule. The University cannot be responsible for the personal lives and decisions of students; however, if the use or abuse of alcohol threatens to cause disorder or danger to the members of the University community, others, or campus property, appropriate action will be taken. Enforcement and discipline shall be consistent and due process appropriate for the offense shall be applied in accordance with established University policies and procedures.

#### **A. Rules and Regulations**

Rules and regulations regarding drugs and alcohol are enumerated in the Student Code of Conduct; the section pertaining to drugs and alcohol is as follows:

##### **1. Violations**

- a. Possession or consumption of alcohol is prohibited on University property except as permitted in specified living quarters of persons of legal age (e.g., student apartments, but not individual residence hall rooms), and other areas designated by the President with the approval of the State Board of Education.
- b. Distribution of alcohol to a minor is prohibited.

- c. Possession of alcohol by a minor is prohibited.
- d. Possession or consumption of alcohol in areas that are designated as "alcohol free" is prohibited.
- e. If a student violates the Student Code of Conduct while under the influence of alcohol, this policy will also apply.
- f. Sale of alcohol, unless authorized by the State Board of Education and with the appropriate licenses and permits, is prohibited.

## 2. Enforcement

- a. All incidents of alcohol violations shall be reported to the Public Safety Office.
- b. All reports of incidents involving alcohol will be forwarded to the Dean of Students.
- c. The Dean of Students or his/her designee will be responsible for the following:
  - (1) Determining if an incident reported constitutes a violation of the University alcohol policy.
  - (2) Recording and tracking all students involved with alcohol violations.
  - (3) Notification of the criminal justice system, when warranted, of the behavior of an individual involved in an incident.
  - (4) Enforcing sanctions described.

## 3. Sanctions

- a. Minimum sanctions  
The sanctions described are minimum sanctions and do not limit the disciplinary power of the University in any matter involving Code of Conduct violations.
- b. Infractions and Mandatory Sanctions
  - (1) First infraction of the Academic Year.  
Student must attend an alcohol education class and will be placed on University conduct probation.
  - (2) Second infraction in the Academic Year without injury or conduct likely to lead to injury.  
Student is placed on disciplinary probation and, at the student's expense, must submit to a substance abuse evaluation administered by a qualified authority. The student will provide the evaluation results or authorize the release of the evaluation results to the Student Affairs Office.
  - (3) Second infraction in the Academic Year with injury or conduct likely to lead to injury.  
Student is placed on disciplinary probation, and, at the student's expense, must submit to a substance abuse evaluation performed by a recognized authority. The student will provide the evaluation results or authorize the release of the evaluation results to the Student Affairs Office. The Dean of Students or his/her designee may share all records of the incident with the Pocatello Police Department or other appropriate law enforcement agencies as deemed necessary.
  - (4) Third infraction in the Academic Year without injury or conduct likely to lead to injury.  
Student is suspended from the University for one academic semester.
  - (5) Third infraction in the Academic Year with injury or conduct likely to lead to injury.  
Student is suspended from the University for at least one academic year and all records involving the incident may be shared with the Pocatello Police Department or other appropriate law enforcement agencies as deemed necessary by the Dean of Students or his/her designee.
- c. Recording Cycle for Violations is One Academic Year. The academic year begins the first day the residence halls open for the fall semester and will continue through the day prior to the residence halls opening for the next academic year.
- d. Right of Appeal. The student may appeal to the Dean of Students or to the University Student Conduct Board. The procedure described in the *Student Handbook* will apply. On-campus residents who live in residence halls and who violate the alcohol policy in on-campus housing will be governed by the policy and appeals process described in the *Standards of Residence*.

Students who violate the Student Code of Conduct are subject to disciplinary action through the Residence Hall and/or the University Student Conduct Code. Students may also be subject to arrest and prosecution in cases where state laws have been violated. Sanctions up to and including expulsion may be imposed for drug or alcohol violations. A conviction for violation of state or federal drug laws may jeopardize federal financial aid.

The University will attempt to help students who have a problem and wish to receive assistance in dealing with that problem. The University will not, however, condone illegal activity; continued violation of drug or alcohol policies may result in expulsion.

The University Counseling and Testing Services shall serve as the department for referral for treatment of substance abuse problems. Upon referral or voluntary contact, the Center will evaluate each situation and either provide counseling and treatment or refer students to other appropriate agencies.

#### **B. Intervention**

Students with substance abuse problems usually come to the attention of the University through exhibiting behavior that is not socially acceptable. These people may be referred to the Counseling Center or be dealt with through the student conduct process. Public Safety officers and Student Affairs staff people are trained to identify behavior which is likely to be associated with drug use or abuse. If drugs or alcohol are involved, evaluation and treatment may be required in addition to other appropriate disciplinary action. If evaluation indicates a drug or alcohol problem, treatment may be required for the individual to remain in University residence or continue in attendance at the University

#### **C. Evaluation and Treatment**

The University is here to provide educational service and to this end shall make all reasonable efforts to assist students who seek help.

Confidentiality is assured to anyone who requests help and no disciplinary action will be taken as a result of a student's request for help.

Referrals to the University Counseling and Testing Services may be made in any of the following three ways:

1. Self-Referrals – This is the preferred method. Students may call and make an appointment to meet with a counselor.
2. Voluntary Referrals - This type of referral involves a person identifying a problem in another person and assisting that individual in making an appointment with a counselor or referral agency.
3. Mandatory Referrals - In cases where individuals have demonstrated continued inappropriate behavior due to drugs or alcohol, mandatory evaluation and treatment may be required as a condition of continuing to live in a residence hall or remaining enrolled in the University.

#### **D. Programs for Education and Prevention**

The University has established a committee on substance abuse that coordinates campus wide efforts to provide educational programs and services to assist students in solving drug and alcohol related problems. In addition, various groups and living units provide educational programs to students with the goal of presenting factual and accurate information regarding drug and alcohol use, misuse, and abuse. Recommended guidelines regarding responsible alcohol consumption at off campus locations will be provided to campus organizations. Events that have alcohol consumption as a primary focus shall not be advertised on campus.

### **Smoking Policy**

Smoking is prohibited on all property owned, leased or operated by Idaho State University ("University"). This consists of all buildings, including residence halls, all grounds, including exterior open spaces, parking lots, on-campus sidewalks, University-owned streets, driveways, athletic and practice facilities and recreational spaces; and in all University-owned or leased vehicles.

Idaho State University is committed to promoting a healthy and safe environment for students, faculty, staff and visitors. This policy is intended to reduce the health risks related to smoking and secondhand smoke for the campus community. Smoke and tobacco-free policies are becoming a national standard in order to foster a healthy environment in all communities.

Smoking is hereby defined as the burning of tobacco or any other material in any type of smoking equipment, including but not restricted to cigarettes, cigars or pipes. This policy also prohibits e-cigarettes.

Violators of this policy may receive a written violation and warning for a first offense. A second violation will receive a \$35 fine and a third violation will receive a \$100 fine. Violators may be offered the option of community service in lieu of a fine, at the discretion of Public Safety. In addition, repeat offenders who are visitors may also receive a trespass citation; faculty and staff may be referred to their supervisor and students may be referred to Student Affairs for appropriate actions under this policy.

### **Solicitation Policy**

Any student, solicitor, agent, or salesperson operating for his/her own benefit and for interests not directly connected with the University's interests is not permitted to solicit, advertise on campus, or participate in any University function without the approval of the Executive Director of ISU Student Unions, who serves as the campus Facility Use Coordinator.

Canvassing of the Residence Halls, University Apartments, the Student Union, or other University-owned property is not permitted. This includes door-to-door or person-to-person selling. An agent may visit or conduct business with a student only if invited or requested to do so by that student.

Individuals wanting to purchase advertising through established formats should contact the person responsible for the respective advertising medium; (e.g., *The Bengal* newspaper, Holt Arena, Athletic Program, telephone book, event sponsorship, etc.).

The University reserves the right to deny solicitation rights to any program not in harmony with its role and mission, philosophy, policies, or applicable federal, state, and local laws. Permission to solicit on the ISU campus in no way reflects University endorsement, opinion, or policy.

#### **Student Unions**

Solicitation for whatever purpose is expressly forbidden unless the Executive Director of ISU Student Unions has granted prior written approval.

Solicitations or displays that receive prior approval of the Executive Director are restricted to specific areas so as not to disrupt the flow of traffic. All arrangements must be made through the Pond Student Union Scheduling and Events Services Office or the Bennion Student Union administrative office.

#### **Pond Student Union Vendor Space**

Rental space is available for vendors to reserve in the Post Office/ Bookstore hallway. Consideration for this space is given to Bookstore promotions first. There will not be space available for vendor use during Bookstore promotions. Arrangements must be made and approved in advance with the Scheduling and Event Services Office.

#### **Food Service**

Chartwells has a contract with Idaho State University and is therefore the sole provider of catered food and beverage service for events scheduled in the Pond or Bennion Student Unions and all other facilities on the campus, with the exception of Holt Arena. Due to contractual and Health Department regulations, all sponsors must use the official University Food Service (Chartwells) as the caterer or request in writing to get the food service contractor's written permission for any exceptions.

The College of Technology Culinary Arts Program is a department within the University and provides some food services for the campus as part of its educational role. It is not the "contract" food service provider.

## **Publications**

Distribution of any publication on the campus must be approved by the Executive Director of ISU Student Unions and may be referred to the Communications Board. The Board reserves the right to regulate the location, manner, duration, and quantity available for distribution.

## **Posters and Banners**

All buildings on campus have specific policies concerning the location of posters and banners. Facility managers should be contacted for approval prior to the posting of any materials.

## **Campus Recreation Facilities**

Solicitation and advertising in Campus Recreation facilities must be in accordance with University policy and must be in the best interests of faculty/staff/students of the University. Prior authorization must be obtained from the office of the Director of Campus Recreation (Room 242, Reed Gymnasium). This includes students, organizational representatives, and salespersons of any kind.

## **Holt Arena**

Solicitation and advertising in Holt Arena must be in accordance with University policy and be in the best interests of the students of the University. The Holt Arena Manager will evaluate each request on this basis prior to the event.

Food service in Holt Arena operates on an in-house basis. Permission for food/beverage sales by student organizations must be obtained from the Holt Arena Manager.

## **Housing**

### **Business, Sales, and Non-Commercial**

- A.** Door-to-door solicitation for sales, business, or non-commercial organizations is prohibited in the residence halls and apartment complexes. Agents may visit or conduct business with residents in the privacy of an assigned room or apartment of such facilities upon invitation of the resident.
- B.** A business, sales, or non-commercial organization, at the discretion of the Director of University Housing, may rent space in a public area in a residence hall or apartment complex.

## **Political Campaigning**

- A.** Door-to-door campaigning for ASISU, local, state and national office is not allowed in the residence halls. The hours for door-to-door campaigning at apartment complexes are from 10:00 a.m. to 9:00 p.m.
- B.** Residents are allowed to post campaign posters on their doors and windows as long as they are not permanently affixed and do no damage to such facilities. Candidates cannot post campaign materials on a resident's door or window without the resident's permission.
- C.** Candidates may campaign in the Towers Dining Commons during dining hours. To reserve an information table, contact the Towers Dining Commons Manager at 282-4319.
- D.** Campaign posters, fliers, or other literature may be posted on designated bulletin boards in residence halls and apartments.
- E.** Public areas may be reserved for informational tables and individual candidate forums through the Director of University Housing. Residence Hall floor lounges and TV lounges may not be used for these purposes.

- F. Harassment of residents, trespassing, or violation of any law, ordinance, or other University regulation is prohibited.

#### **Student Organization Recruitment**

- A. Recognized ISU student organizations are allowed to recruit members in the residence halls and apartment complexes with written permission from the Director of University Housing, 48 hours in advance.
- B. Student organizations, at the discretion of the Director of University Housing, may reserve space in a public area in the residence halls or apartment complexes.

### **Parking**

All parking on campus requires a purchased permit. The Parking Office provides permits, visitor passes, and various other parking services. If you do not regularly drive to campus, but find it necessary on occasion, one day parking permits are available. If you don't obtain a permit, you will be cited. If you ever believe you unjustly received a ticket, you may make an appeal within seven school days. The Student Traffic Appeals Board consists entirely of students; they will review your appeal and recommend appropriate action to the Parking Office. For more information, call the Parking Office at 282-2625.

The mission of the ISU Parking Office is to provide sufficient parking to meet the needs of the campus community, ensure a safe parking environment, and to regulate the use of university parking facilities by enacting rules and procedures that will establish the fair and orderly administration of campus parking. NOTE: ISU parking permits are not valid in posted residential areas.

### **Vehicle Towing Policy**

Motor vehicles may be towed from any campus area if allowed to stand in violation of local or state codes, or left in any position which constitutes a hazard (e.g., blocking a fire lane or fire hydrant; blocking or obstructing traffic flow; in a driveway, loading zone, service road; or otherwise tending to cause injury or danger to the public.

Parking privileges may be revoked and vehicles towed for violation of University parking rules and regulations. Cause for revocation may include non-payment of fines, the unauthorized use and/or altering of parking permits, acts of vandalism to parking control facilities or equipment, abuse of parking control staff, or being an habitual violator. A habitual violator is defined as anyone who repeatedly violates the ISU parking regulations.

When a vehicle has incurred parking citations of at least \$50, a notification letter will be sent to the driver or to the registered owner of the vehicle. The letter will identify the amount owed and advise that all campus parking privileges have been revoked, that the vehicle will be removed from University property at the owner's expense, that a hold will be placed on records until all fines are paid in full, and that the account will be turned over to collection. In addition, the matter may be referred to the appropriate authorities for consideration of disciplinary action.

If the car is found on campus, a bright orange tow warning will be affixed to the driver's side window indicating a three-day grace period in which to make arrangements with the Parking Office to either pay the fines in full or enter into a repayment agreement. If the car is found on campus after the three-day grace period and no arrangements have been made with the Parking Office, the vehicle will be towed from campus by an authorized towing service at the owner's expense.

***\*ISU Administration Encourages Parking at Holt Arena with the Appropriate Permit and Utilizing Transit.***

## POLICY GUIDANCE

### Sexual Assault

#### Statement of Policy

Idaho State University (ISU or University) prohibits sexual violence and misconduct in all its forms. The following policies contain explicit prohibitions:

- *Students* – Idaho State University Policies & Procedures (ISUPP) # 5000 – [Student Conduct Code](#)
- *Employees (Faculty, Staff & Contractors)* – Idaho State University Policies & Procedures (ISUPP) # 3100 – Non-Discrimination and Anti-Harassment Policy
- [Title IX Notice of Non-Discrimination](#)

These policies affirm the proposition that students have a right to be free from sexual violence and misconduct while at the University and as they participate in programs and activities facilitated by or at the University regardless of location. Administrators at the University have written these policies to be consistent with federal, state, and local laws.

#### Purpose of Guidance

This policy guide is intended to explain how students can benefit from University policies established to address sexual violence and misconduct. Simply adopting a policy does not mean that students know how to seek protection from the policy. This document should make the policy easier to understand and improve its application to students. It describes what actions students can take to avail themselves of the policy rights, responsibilities and protections. Those actions include:

- (1) Becoming **AWARE** of what actions or behaviors constitute sexual violence and misconduct;
- (2) Taking steps to **PREVENT** sexual violence and misconduct;
- (3) Learning how to **REPORT** incidents of sexual violence and misconduct;
- (4) Receiving or helping others receive **SUPPORT** from the University and community agencies after an incident of sexual violence or misconduct; and
- (5) Understanding the processes the University uses to **RESPOND** to alleged incidents of sexual violence and misconduct.

The University wants students to use this guidance to help them make decisions about what they will do if they (or someone they care about) are victimized. It can also help students who have been accused of sexual violence or misconduct understand their role and rights in the student conduct process.

#### Section 1: Become AWARE

This section will help students define terms and concepts related to sexual violence and misconduct and explain what they mean in a practical sense.

## A. Important Definitions and Concepts

1. **Consent** is sexual permission that is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
  - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
  - Previous relationships or prior consent cannot imply consent to future sexual acts.
  - In order to give consent, one must be of legal age, eighteen (18) in the State of Idaho.
  - Sexual activity with someone who is known to be—or based on the circumstances should reasonably have been known to be—mentally or physically incapacitated (such as by alcohol or other drug use, unconsciousness or blackout), constitutes a lack of consent and is a violation of the [Student Conduct Code](#). This also covers a person whose lack of capacity results from a disability, sleep, involuntary physical restraint, or from the consumption of incapacitating substances.

Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and “Yes” may not always mean, “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.” The use of alcohol or drugs will never function as a defense to a Gender-Based or Sexual Misconduct violation.

2. **Student-Faculty Relationships:** There are inherent risks in any romantic or sexual relationship between individuals in unequal positions. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. For the personal protection of members of the University community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.<sup>16</sup>
3. **Force** is the use of physical violence and/or imposing on someone physically. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces unwilling consent.
4. **Incapacitation** is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their circumstances or interpersonal interaction that could lead to sex).
5. **Incapacitating Substances** refers to the use and/or distribution of Rohypnol, Ketamine, GHB, Scopolamine, or other substance of this type. Possession or administration of one of these drugs is a violation of the [Student Conduct Code](#). More information on these drugs can be found at <http://www.911rape.org/>.
6. **Sexual Harassment Sexual Harassment:** Unwelcome conduct of a sexual nature that includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.

There are two types of sexual harassment: *Quid Pro Quo* and Hostile Environment.

**Quid pro Quo (this for that) Harassment:** Employment or program-based (academic or extracurricular) decisions that result in a significant change in status because an employee or student’s submission to or rejection of unwelcome verbal, nonverbal or physical sexual conduct. Examples include:

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<sup>16</sup> The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

- Requiring sexual favors in exchange for hiring, a promotion, a raise in pay, a better grade, more playing time, or a leadership position.
- Disciplining, demoting or firing an employee because he or she ends a consensual relationship.
- Disciplining, demoting or removing a club member from a student club because he or she ends a consensual relationship.
- Refusing to write recommendations for a student because he or she refuses sexual advances.
- Changing work or academic assignments because an employee or student refuses invitations for a date or other private, social meetings.

**Hostile Environment Harassment:** Sexually harassing conduct that is sufficiently serious to deny or limit the student's ability to participate in or benefit from a University program or employment. In determining whether a denial or limitation has occurred, the University examines all the relevant circumstances from an objective and subjective perspective including:

- The type of harassment (e.g. whether it was verbal or physical);
- The frequency and severity of the conduct;
- The age, sex, and relationship of the individuals involved (e.g. teacher-student or student-student);
- The setting and context in which the harassment occurred;
- Whether other incidents have occurred at the University; and
- Other relevant factors.

A hostile environment can occur when sexual harassment is severe or pervasive. The more severe the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment, particularly if the harassment is physical. Examples include:

- One incident of sexual assault or sexual violence;
- Persistent unwelcome remarks about someone's body parts or looks;
- Displaying pornography on a laptop in class so that others stop coming to class or cannot concentrate; and
- Stalking<sup>17</sup>

7. **Non-Consensual Sexual Contact** (or attempts to commit same) is any intentional sexual touching, however slight, with any object, by one person upon another person (regardless of gender) that is without consent and/or by force. This includes but is not limited to intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

**Example:**

Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being "a prude." Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never have done it if not for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left. **Bill is responsible for violating the University Non-Consensual Sexual Contact policy. It is likely that campus**

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<sup>17</sup> US Dept. of Ed. Office for Civil Rights and US Dept of Justice, Civil Rights Division, *University of Montana Letter of Findings*, May 9, 2013, pgs. 4-5.

**decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.<sup>18</sup>**

8. **Non-Consensual Sexual Intercourse or Rape** (or attempts to commit same) is any sexual intercourse however slight, with any object, by one person upon another person (regardless of gender) that is without consent and/or by force. This includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**Example 1:**

Jiang is a junior at the University. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? **Jiang would be held responsible in this scenario for Non-Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.**

**Example 2:**

Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. Clothes go flying, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to the Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the University expects.<sup>19</sup>**

9. **Sexual Exploitation** is taking non-consensual or abusive sexual advantage of another for the student's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

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<sup>18</sup> The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

<sup>19</sup> Ibid.

Examples include but are not limited to:

- Invading sexual privacy;
- Prostituting another student;
- Photographing or recording (video or audio) sexual activity without consent or permission;
- Going beyond the boundaries of consent within sexual activity (such as, letting your friends hide in the closet to watch you having consensual sex, sharing sexual photos);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; causing another to expose their genitals;
- Stalking, hazing, intimate partner violence and/or bullying may also be forms of sexual exploitation.

10. **Gender-Based Discrimination:** Gender-based discrimination is a broad concept that includes inequality based on sex or gender that may exist in University programs and all forms of sexual harassment and violence.

## B. Violations of University Policy and Idaho Law

These definitions are the same as Article IV in the [Student Conduct Code](#) (ISUPP # 5000).

These definitions are not the same as similar criminal acts defined by Idaho State law. The State of Idaho has prohibited the following crimes:

- [Rape \(Title 18, Chapter 61\)](#)
- [Sex Crimes \(Title 18, Chapter 66\)](#)
  - Forcible Sexual Penetration by Use of Foreign Object
  - Crime of Video Voyeurism
- [Assault and Battery \(Title 18, Chapter 9\)](#)
  - Battery
  - Battery with Intent to Commit a Serious Felony
- [Stalking](#) (Title 18, Chapter 79, Sections 5 & 6)

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the [Student Conduct Code](#) (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Conduct proceedings under the [Student Conduct Code](#) may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Conduct Administrator in consultation with the [Vice President for Student Affairs](#) and General Counsel.

Determinations made or sanctions imposed under the [Student Conduct Code](#) shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

## Section 2: PREVENT Sexual Violence and Misconduct

There are a few ways students can prevent the occurrence of sexual violence and misconduct at ISU.

## A. Personal Responsibility

The most important action a person can take to prevent relationship violence is to not perpetrate violence in any form. This requires students to exercise self-control and respect for others. If you find yourself struggling to control impulses or to respect the boundaries of others, the University provides [free personal counseling](#).

These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
- Don't take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.
- Do not share intimate content, pictures, images and videos that are shared with you.<sup>20</sup>

## B. Intervene if You See Something Wrong

There are many things each of us can do to discourage relationship violence by being a conscientious, observant and active bystander. Developing interpersonal skills to intervene in these situations may save another person from experiencing violence or misconduct.

For example, you may see someone put something in a drink and offer it to another person. You might observe a person who is not intoxicated trying to isolate someone who is. You may hear someone sharing a sexual joke that makes someone a sexual object.

Being an observant, conscientious, and active bystander is not easy and requires courage. The University has a training program, called *Green Dot*, which is designed to empower students, faculty and staff to become active bystanders.

To learn more about bystander intervention training through Green Dot visit the Janet C. Anderson Gender Resource Center website: <http://www.isu.edu/andersoncenter/green-dot.shtml>

## C. Reduce Your Risk of Victimization

No one deserves to be the victim of a crime or subjected to the misconduct of others. The advice shared below is not intended to blame victims or suggest that they are responsible for bad things that may happen to them. Although not guarantees of personal safety, there are personal safety strategies you can take to reduce the risk of being victimized.

These strategies include:

- Be aware of your surroundings and remain alert.
- Lock your doors in residence halls and apartments.
- Try to avoid isolated areas or being isolated with someone you don't know or trust. The University provides safety escorts through Public Safety if you feel unsafe on campus.

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<sup>20</sup> Ibid.

- Communicate with friends and family about where and when you will be some place or when you anticipate leaving or arriving.
- Try to attend social gatherings with friends and develop plans to stay together so you can look out for one another.
- Consume alcohol responsibly and don't accept drinks from people you don't know or leave your drink unattended.

#### **D. Opportunities to Learn More**

The University provides educational programs for its students to help them make informed choices about intimate and sexual relationships. The following is a list of programs that are available to assist students in learning more about healthy relationships, safe sex, and personal safety:

- *Haven* - A 45-minute online educational program for all first-time ISU students (transfer and first-year) that addresses sexual assault, relationship violence and stalking. To complete Haven students can contact the LEAD Center at 208-282-2973.
- *Can I Kiss You* - National presenter, Mike Domitrz, explores the importance of consent and healthy relationships in an engaging and interactive workshop with ISU students. The Janet C. Anderson Gender Resource Center sponsors this event, and information about its details can be obtained by calling 208-282-3590.
- *Gender and Sexuality in Everyday Life Conference* - Each spring semester the Janet C. Anderson Gender Resource Center and the College of Arts & Letters sponsors the conference about how ideas and stereotypes associated with gender and sexuality influence our lives. During the conference educational sessions address topics associated with sexual assault and relationship violence.
- *Rape Aggression Defense (RAD) Courses* - The R.A.D. approach to personal safety is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. For more information about course schedules contact Public Safety at 208-282-2515.

Students may also have opportunities for additional learning through student clubs and organizations and University Housing.

### **Section 3: REPORT an Incident**

ISU encourages students to report incidents of sexual violence or misconduct when they have information about them or have been victimized. This section is intended to inform students of their options for reporting.

The University realizes that the decision to report sexual violence or misconduct can be agonizing for survivors and difficult for bystanders. For this reason, the University respects the rights of students to choose to whom, how, and when they report.

*It is not the practice of the University to pursue disciplinary action against the survivor on an act of sexual violence or misconduct who discloses illegal/underage consumption of drugs and/or alcohol prior to or during the incident.*

Sometimes the individual reporting the incident is not the survivor but a friend, roommate, or acquaintance who has information about an incident that occurred. While the information below primarily addresses survivors, the options for reporting (to whom, how, and when) remain the same regardless of who reports the incident.

## Options for Reporting:

### A. To Whom

The University encourages students who have been impacted by sexual violence or misconduct to tell someone about what happened so they can get support and help. The information that is shared can also aid the University in responding appropriately and effectively to acts of violence or misconduct.

One of the most common concerns about reporting to the University is who will know about the report once it is shared. Different employees on campus have different abilities to maintain a survivor's confidentiality.

#### 1. Confidential Sources

Some University employees are able to keep the information that is shared with them confidential, which means they are not required to share any information unless the survivor gives them permission to do so. At ISU, the following staff members will keep your information confidential:

#### *Licensed, Professional Counselors*

##### **ISU Main Campus – Pocatello:**

###### **Counseling & Testing**

(208) 282-2130

921 South 8th Avenue

Pocatello, Idaho 83209

<http://www.isu.edu/ctc/>

Counseling is provided to students free of charge.

###### **Center for New Directions**

282-2454

Roy F Christensen Building (College of Technology)

Room 372

<http://www.isu.edu/cnd/>

Free and confidential personal counseling.

###### **Counseling Clinic**

208-240-1609

7th Floor Garrison Hall

<http://www.isu.edu/hpcounsl/center.shtml>

Low cost counseling for students and the community.

###### **Psychology Clinic**

208-282-2129

5th Floor Garrison Hall

<http://www.isu.edu/psych/psychologyclinic.shtml>

Counseling for students and the community on a sliding fee scale.

##### **Satellite Campuses:**

###### **Idaho Falls:**

###### **University Counseling and Testing Services - Idaho Falls Campus**

(208) 282-7750

1784 Science Center Dr.

Idaho Falls, ID 83402

<http://www.isu.edu/idahofalls/counseling>

Counseling is provided to students free of charge.

###### **Meridian:**

###### **ISU-Meridian Department of Counseling**

(208) 373-1719

Address

<http://www.isu.edu/hpcounsl/boiseclinic.shtml>

Free counseling for ISU students, low cost counseling for the community.

###### **Twin Falls:**

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director

208-933-2301

***Medical Professionals***

**ISU Main Campus – Pocatello:**

**University Health Center**

(208) 282-2330

990 Cesar Chavez Ave

Pocatello, ID 83209

<http://www.isu.edu/stuhlth/>

**Satellite Campuses:**

**Idaho Falls:**

**ISU Health Center- Idaho Falls Campus**

(208) 282-7826

1784 Science Center Dr.

Idaho Falls, ID 83402

<http://www.isu.edu/stuhlth/if.shtml>

**Meridian:**

**Unity Health Center**

745 S. Progress Avenue

Meridian, ID

(208) 895-6729

[www.uhcidaho.com](http://www.uhcidaho.com)

**Twin Falls:**

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director

208-933-2301

Survivors who speak with one of these confidential sources can work with them to learn about and receive additional support from the University. Such support may include adjustments or modifications to course or work schedules, changes in room assignments within University Housing, and services for academic, emotional, and personal support.

***Sharing information with a confidential source on campus will not inform the University of the incident. For this reason, the University will be unable to conduct an investigation or pursue disciplinary action against the alleged perpetrator.***

Although they are not employed by Idaho State University, some community resources can offer confidentiality as well. They include:

***Pastoral Counselors (Religious or Spiritual Advisors)***

A list of religious leaders near the Idaho State University – Pocatello Campus is available on the [Student Affairs home page](#) or by following this link: [Religious Support Services](#).

## ***Victim Advocates***

**24 Hour National Hotlines:**  
**National Sexual Assault Hotline**  
1-800-656-HOPE(4673)

**National Sexual Assault Online Hotline**  
<https://ohl.rainn.org/online/>

**Department of Defense Safe Helpline**  
<http://www.safehelpline.org>

**Idaho Falls:**  
**Domestic Violence and Sexual Assault Center**  
**24 hour crisis line 208-235-2412**  
To make an appointment: 208-529-4352  
1050 Memorial Dr  
Idaho Falls, ID 83402  
<https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925>

Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

**Meridian:**  
**Family Advocacy Center and Education Services - FACES**  
**24 hour crisis line (208) 345-7273**  
To make an appointment: (208) 577-4400 or 208-377-6790  
417 S. 6th St.  
Boise, ID 83702  
<http://www.facesofadacounty.org>  
24/7 forensic medical services and support for sexual assault victims.

**Pocatello:**  
**Family Services Alliance of Southeast Idaho**  
**24 hour crisis line: (208) 251-HELP (4357)**  
To make an appointment: (208) 232-0742  
355 S. Arthur Avenue  
Pocatello, ID 83204  
<http://fsalliance.org/>  
Free and confidential victim advocacy and counseling services available.

**Twin Falls:**  
**Crisis Center of Magic Valley**  
**24 hour crisis line (208) 733-0100**  
To make an appointment: 800-882-3236  
P O Box 2444• Twin Falls  
Idaho 83303-2444  
<http://www.crisiscenterofmagicvalley.com/>  
24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

**Women's and Children's Alliance**  
**24 hour crisis line (208) 345-7273**  
To make an appointment: 208-343-3688  
720 West Washington St.  
Boise, ID 83702  
<http://www.wcaboise.org/>  
Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

## **2. Responsible Employees**

A “responsible employee” is a University staff or faculty member with:

- The authority to stop, prevent or remedy the effects of sexual violence or misconduct;
- The duty to report sexual violence or other student misconduct; or
- A role on campus that would lead a student to reasonably believe the employee has this authority or duty.

At ISU, nearly all faculty, staff and employees meet the definition of a responsible employee. Responsible employees are required to report all relevant details about the alleged sexual violence or misconduct that are shared with or observed by them.

If a student tells a faculty, staff or employee, they should expect that person to share the report with the Title IX Coordinator. This includes the names of the involved parties, and any known witnesses.

Responsible employees will also be expected to share facts about the date, location, and time of the alleged incident.

Although responsible employees cannot offer strict confidentiality, the information they share with the Title IX Coordinator will only be shared with the University administrators responsible for responding to the report. In other words, the only people that will receive the information need to know it so they can act to stop the sexual violence or misconduct, remedy its effects, and prevent it from happening again.

The most common responsible employees at ISU include the staff members in the following offices:

University Housing (Resident Assistants, Hall Directors, Assistant Directors)  
Club Advisors  
The Office of Student Affairs  
Public Safety  
The Office of Equal Opportunity, Affirmative Action and Diversity  
Athletic Department (Coaches, Assistant Coaches, Athletic Directors)

Instructors, teaching assistants, lab assistants or clinical advisors are also responsible employees.

Responsible employees are trained to inform students of their obligation to report information to the Title IX Coordinator. They may interrupt a student who is reporting an incident before all of the facts or details are revealed to confirm that the student understands this obligation.

If the student decides they would prefer to tell a confidential source, the responsible employee can help put them in contact with an appropriate individual.

See [Section 5.A.1](#) for information on requesting confidentiality from the University after an incident has been reported to the Title IX Coordinator.

### **3. Law Enforcement**

Survivors may choose whether or not they would like to disclose incidents of sexual violence or misconduct to local law enforcement. There is no obligation to report to law enforcement officers and the University will not pressure survivors to do so but will offer assistance if it is requested.

When survivors report an incident of sexual violence or misconduct to a law enforcement officer, they are not obligated to pursue a criminal investigation or press charges. Law enforcement officers will consider requests to do nothing if that is preferred.

ISU Public Safety officers are not sworn law enforcement officers but maintain strong collaborative relationships with local law enforcement wherever an ISU campus is located.

ISU's Public Safety staff prefers to inform the local law enforcement agencies when they receive reports of sexual violence and/or misconduct, but will consider requests to refrain from notifying the police.

The following law enforcement agencies have jurisdiction over ISU campuses:

**Pocatello:**  
**Pocatello Police Department**  
***Emergency: 9-1-1***  
***Rape Crisis Line: 251-4357***  
911 N. 7th Ave.  
Pocatello, ID 83201  
208-234-6100  
[http://www.pocatello.us/police/police\\_vs.htm](http://www.pocatello.us/police/police_vs.htm)

**Idaho Falls:**  
**Idaho Falls Police Department**  
***Emergency: 9-1-1***  
605 N. Capital Ave  
Idaho Falls, ID 83402  
208-529-1200

<http://www.idahofallspolice.com/>

**Meridian:**  
**Meridian Police Department**  
**Emergency: 9-1-1**  
1401 E Watertower Ave  
Meridian, ID 83642  
208-888-6678  
<http://www.meridiantcity.org/police.aspx>

**Twin Falls:**  
**Twin Falls Police Department**  
**Emergency: 9-1-1**  
356 Third Ave. E.  
Twin Falls, ID 83303  
208-735-4357  
<http://www.tfid.org/index.aspx?nid=186>

## B. How

Information about incidents of sexual violence or misconduct can be reported in many ways, this includes sharing the information anonymously.

### 1. Anonymous Reporting

Anonymous reports can assist the University in its efforts to comply with federal laws with respect to reporting crimes and in identifying patterns that could be concerning. Anonymous reporting may limit the University's ability to investigate or take disciplinary action.

To submit an anonymous report, please use the following resource:

[Public Safety Anonymous Reporting Form](#)

### Reporting to Responsible Employees & Law Enforcement

Students choosing to share information with a responsible employee at ISU can send letters or emails, or talk with them in person. If students choose to speak directly to a responsible employee, the employee may take notes or write down facts and details.

If the student is able to remember, the following facts can be very helpful for the University in conducting investigations:

- Exact date(s) and time(s) of the alleged incident(s)
- The alleged perpetrator's name (if known). If not known, providing information about their physical description is helpful.
- The names of witnesses or potential witnesses
- The location of the alleged incident
- Any text messages, emails, or social media posts related to the incident

Some survivors may find it useful to write this information down. The University recognizes that traumatic incidents of sexual violence or misconduct can make memories of the incident difficult to recall. The process may take time, so writing down memories and recollections can be helpful when sharing information with the University.

## C. When

The University does not impose a deadline for reporting incidents of sexual violence and/or misconduct. However, there are advantages to reporting an incident as soon as possible.

When reported soon after the incident, the University and law enforcement may be able to collect relevant evidence that can be lost with time. For example, surveillance video of the campus is usually only kept for thirty (30) days. Reporting within the first thirty (30) days of the incident could allow for surveillance footage to be accessed and permanently stored.

## Section 4: Receive SUPPORT

Within the University and surrounding communities there are many resources to support survivors of sexual violence and/or misconduct. This section provides the contact information for service providers and shares advice about how to access the services.

### A. Medical Care

Survivors of sexual violence and/or misconduct often experience physical harm to their bodies. Helping survivors get medical care and attention is a priority for the University.

#### 1. Sexual Assault Examinations

In the immediate aftermath of a sexual assault (non-consensual sexual contact, intercourse, or rape) there may be evidence of the assault present on and within the survivor's body. Receiving a sexual assault examination can preserve this evidence and improve the probability of criminal convictions, University disciplinary action, and the granting of protective orders. Because physical evidence can be lost as time goes by, survivors are encouraged to seek a sexual assault examination within five (5) days.

Some actions that survivors may choose to take to preserve as much evidence as possible include:

- Not going to the bathroom
- Not bathing, showering, or douching
- Not brushing teeth or combing hair
- Not laundering or washing the clothing that was worn prior to or during the assault

However, even if you have done these things you can still have the exam. If you have changed your clothes, bring the clothes you were wearing with you in a paper bag, if possible.

Sexual assault examinations, conducted by trained Sexual Assault Nurse Examiners (SANEs), can be obtained at the following locations near an ISU campus:

**Pocatello:**  
**Portneuf Medical Center**  
777 Hospital Way  
Pocatello, ID 83201  
(208) 239-1000  
[www.portmed.org](http://www.portmed.org)

**Idaho Falls:**  
**Eastern Idaho Regional Medical Center**  
3100 Channing Way  
Idaho Falls, ID 83404  
(208) 208-529-7910  
[www.eirmc.com](http://www.eirmc.com)

**Twin Falls:**  
**St Lukes Magic Valley**  
801 Pole Line Road W.  
Twin Falls, ID 83301  
208-814-1400  
[http://www.stlukesonline.org/magic\\_valley/](http://www.stlukesonline.org/magic_valley/)

**Meridian:**  
**St. Luke's Meridian**  
520 S. Eagle Rd  
Meridian, ID 83642  
(208) 706-5000  
<http://www.stlukesonline.org/meridian/>

**Family Advocacy Center and Education Services - FACES**  
24-Hour Crisis Line (208) 345-7273  
417 S. 6th St.  
Boise, ID 83702  
(208) 577-4400 or 208-377-6790  
<http://www.facesofadacounty.org>

Private insurance companies may cover the costs of examinations. If an individual does not have insurance or is concerned about the cost, the State of Idaho Crime Victims Compensation program may be able to cover the cost of the exam.

Victim advocates may accompany survivors to the medical examination and be present during the exam. Having an advocate present can be very helpful and provide reassurance and emotional support, and assistance with any paperwork.

For more information about what will happen during a sexual assault exam or receiving funding through the Crime Victims Compensation program, contact one of the victim advocate offices listed above.

## 2. **Contraception**

When a female survivor has been raped, medical care providers can prescribe and administer emergency contraception to prevent pregnancy.

## 3. **Sexually Transmitted Infections (STI)**

Medical care providers also screen for the presence of sexually transmitted infections.

## B. **Emotional Care**

The University provides several free or low-cost options for personal counseling.

### **ISU Main Campus – Pocatello:**

#### **Counseling & Testing**

(208) 282-2130  
921 South 8th Avenue  
Pocatello, Idaho 83209  
<http://www.isu.edu/ctc/>  
Counseling is provided to students free of charge.

#### **Counseling Clinic**

208-240-1609  
7th Floor Garrison Hall  
<http://www.isu.edu/hpcounsel/center.shtml>  
Low cost counseling for students and the community.

#### **Center for New Directions**

282-2454  
Roy F Christensen Building (College of Technology)  
Room 372  
<http://www.isu.edu/cnd/>  
Free and confidential personal counseling.

#### **Psychology Clinic**

208-282-2129  
5th Floor Garrison Hall  
<http://www.isu.edu/psych/psychologyclinic.shtml>  
Counseling for students and the community on a sliding fee scale.

### **Satellite Campuses:**

#### **Idaho Falls:**

#### **University Counseling and Testing Services - Idaho Falls Campus**

(208) 282-7750  
1784 Science Center Dr.  
Idaho Falls, ID 83402  
<http://www.isu.edu/idahofalls/counseling>  
Counseling is provided to students free of charge.

#### **Meridian:**

#### **ISU-Meridian Department of Counseling**

(208) 373-1719  
Address  
<http://www.isu.edu/hpcounsel/boiseclinic.shtml>  
Free counseling for ISU students, low cost counseling for the community.

**Twin Falls:**

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director  
208-933-2301

**C. Victim Advocacy**

A victim advocate is a trained support person that works with victims of crime. Often victim advocates are members of community action agencies dedicated to preventing and responding to sexual violence and misconduct.

Victim advocates provide several supportive services such as personal safety planning, identifying alternative safe housing, accompanying victims to judicial or administrative proceedings, and referring victims to other care-based services.

The following victim advocacy agencies are available in communities where ISU maintains a campus:

**Pocatello:****Family Services Alliance of Southeast Idaho**

**24 hour crisis line: (208) 251-HELP (4357)**

To make an appointment: (208) 232-0742

355 S. Arthur Avenue

Pocatello, ID 83204

<http://fsalliance.org/>

Free and confidential victim advocacy and counseling services available.

**Idaho Falls:****Domestic Violence and Sexual Assault Center**

**24 hour crisis line 208-235-2412**

To make an appointment: 208-529-4352

1050 Memorial Dr

Idaho Falls, ID 83402

[https://www.facebook.com/pages/Domestic-](https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925)

[Violence-Sexual-Assault-Center/123279711082925](https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925)

Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

**Twin Falls:****Crisis Center of Magic Valley**

**24 hour crisis line (208) 733-0100**

To make an appointment: 800-882-3236

P O Box 2444• Twin Falls

Idaho 83303-2444

<http://www.crisiscenterofmagicvalley.com/>

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

**Meridian:****Family Advocacy Center and Education Services - FACES**

**24 hour crisis line (208) 345-7273**

To make an appointment: (208) 577-4400 or

208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

**Women's and Children's Alliance**

**24 hour crisis line (208) 345-7273**

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

<http://www.wcaboise.org/>

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

## D. Legal Support

There are various options for legal support through the University and community

### **ASISU Legal Services:**

208-282-3435 to schedule an appointment  
Free general legal advice for ISU students during the academic year. An attorney is available in the ASISU Office for 15-minute consultations twice a month.

### **Idaho State Bar Association's Lawyer Referral Service :**

(208) 334-4500

<http://www.isb.idaho.gov/general/findattorney.html>

### **Idaho Legal Aid:**

Pocatello:233-0079

Idaho Falls: 208-524-3660

Twin Falls: 208-734-7024

Boise: 208-345-0106

<http://www.idaholegalaid.org/>

Legal representation and community education for low income Idahoans.

## E. Protective Orders

Within the State of Idaho, survivors of sexual violence or misconduct may be able to secure a protection order to ensure that they do not have to interact with the alleged perpetrator. Depending on the circumstances of the incident, there are three (3) options: no contact orders, civil protection orders, and civil restraining orders.

### **1. No Contact Orders (NCO)**

If an alleged perpetrator has been arrested for a crime, the survivor may request a no contact order from a judge. The NCO is entered into the law enforcement reporting system and is enforced by law enforcement officers. ISU Public Safety Officers can assist local law enforcement in enforcing NCOs.

### **2. Civil Protection Order or Domestic Violence Order**

When an incident involves domestic or dating partners, the survivor may be able to secure a civil protection order or domestic violence order. It is strongly advised that survivors work with a victim advocate to petition for civil protective orders or domestic violence orders because advocates have experience filing the necessary paperwork. Securing a civil protective order or domestic violence order depends on the survivor being able to demonstrate (a) that the survivor and alleged perpetrator had a dating or domestic relationship, and (b) that there has been an act of violence or will be an immediate act of violence.

When a petition is received and approved by a judge, the initial order is entered for the period of fourteen (14) days and a hearing is set to consider extending the order for a longer period of time, usually one (1) year. At the hearing, the judge will consider the need for the order and if the need is demonstrated, the order will be extended for one (1) year.

Civil protection orders are the most common instrument for preventing interaction between the survivor and alleged perpetrator. ISU Public Safety Officers can assist local law enforcement in enforcing civil protection orders.

### 3. Civil Restraining Orders

Although more expensive to obtain, survivors may employ an attorney to seek a restraining order against an alleged perpetrator in civil court. This option is more expensive because it requires legal representation from an attorney. Restraining orders are not enforceable by law enforcement officers. Violations of restraining orders must be presented in court for enforcement.

## F. University Support Services

The University can provide survivors with support beyond medical and emotional care. This includes taking such actions as:

- Changing living arrangements for students that reside in University housing
- Changing course sections or seeking alternatives for face-to-face instruction (online or distance education, independent study, etc.)
- Altering on-campus work schedules
- Re-arranging campus transportation
- Advocating for survivors with faculty to accommodate missed classes, assignments, or exams
- Assisting with withdrawals (processing paperwork, guiding students through the process, discussing the implications for financial aid eligibility, seeking refunds of tuition and fees, etc.)
- No Contact Letters

## Section 5: How Does the University RESPOND

### A. Investigations

When students are involved in a University investigative process, the survivor is referred to as the “Complainant” and the accused is referred to as the “Respondent.”

#### 1. Federal Mandate to Investigate

ISU is required by federal law to investigate all reports of sexual violence and misconduct when it is notified of such actions or behavior. Although students may not want the University to investigate reports, the University has an obligation to provide an educational environment that is safe and free from sexual violence and/or misconduct for all students. The University must balance the interests of all students with the interests of those students who have been victimized in an effort to prevent future harm. In conducting investigations, the University’s investigators seek to be sensitive to the needs of those students who have been victimized and those students who have been accused. Investigators strive to be fair, impartial and thorough.

*It is not the practice of the University to pursue disciplinary action against the survivor on an act of sexual violence or misconduct who discloses illegal/underage consumption of drugs and/or alcohol prior to or during the incident.*

#### ***Requesting Confidentiality from the University***

After an incident of sexual assault or misconduct has been reported to the University, the Complainant can request that the University:

- Keep their personal identifying information confidential, and/or
- Refrain from investigating or taking any disciplinary action against the Respondent.

These requests should be submitted, in writing, to the Title IX Coordinator. The Title IX Coordinator will then evaluate the Complainant’s request based on whether honoring the request would interfere with the University’s legal obligation to provide a safe and non-discriminatory environment for all members of the campus community.

The Title IX Coordinator considers the following factors in determining whether the confidentiality request can be honored:

- i. The risk and likelihood of the Respondent committing more violence or misconduct in the future. The Title IX Coordinator will check to see if:
  - The Respondent has any other complaints in their educational records;
  - The Respondent has a history of arrests or disciplinary records at another school or college;
  - The Respondent threatened the Complainant with further violence or violence against others; or
  - Multiple perpetrators committed the sexual violence or misconduct.
- ii. The use or attempted use of a weapon while committing an act of sexual violence or misconduct.
- iii. The ability of the Complainant to advocate for their interests. Violence or misconduct against vulnerable persons (minors, elderly, disabled) is particularly concerning to the University because the University has heightened obligations to protect them due to their vulnerabilities.
- iv. The existence of a pattern of predation or perpetration based on the location or involvement of a particular group.

Reports that indicate one or more of the preceding factors exist will likely lead the University to investigate and act notwithstanding the request for confidentiality. Reporting Parties should know that these circumstances are rare, and even though the University may not honor the request for confidentiality, they will take every available precaution to keep the Complainant safe.

## **2. Investigation Timing**

The Department of Education has advised colleges and universities to be timely in conducting their investigations. From the time the University receives notice of sexual violence or misconduct, investigators and conduct administrators have sixty (60) calendar days to collect relevant information about the alleged misconduct, and, if appropriate, complete student conduct proceedings. Depending on when the institution is notified and the complexity of the report, the investigation may take longer, but students will be informed in writing of anticipated delays.

The University's investigation is separate from an investigation conducted by law enforcement. The University cannot delay its investigation to accommodate a law enforcement investigation. When possible, University investigators and law enforcement investigators will cooperate to avoid delays.

## **3. The Investigative Process**

There are two (2) distinct parts of each investigation: a) the collection of evidence and information, and b) the adjudication of reports that are supported by the evidence that is collected. Not all reports of sexual violence and/or misconduct reach the second stage because there is insufficient evidence to recommend conduct proceedings.

### ***a) Collection of Evidence and Information***

The first task of investigators is to identify and document relevant information regarding the report of sexual violence or misconduct. Initially, investigators begin by collecting information from objective sources such as video footage from surveillance cameras, key access logs, electronic/digital records (e.g. social media websites), and any information collected by Public Safety. These sources of information do not require the Complainant or the Respondent to participate in the collection process.

In addition to objective sources, investigators also speak with the Complainant, the Respondent, and witnesses if there are any. These people are considered subjective sources because they

share their personal view, perspective and memory of events. Investigators may audio record conversations and take notes to capture all of the relevant information that is shared. Investigators may meet with these individuals more than once to confirm they have accurately recorded the information.

It is helpful to the investigation if involved parties are able to provide evidence such as text messages, emails, voicemails, or social media messages and posts. Students are encouraged to retain as much of this information as possible and to share it with investigators.

Investigators summarize and organize the information they collect into a report. When possible, investigators offer analysis and evaluation of the information and evidence, and recommend whether the report should be adjudicated through student conduct proceedings. The report is available for the Complainant and the Respondent to review. In the event the report recommends the Respondent participate in conduct proceedings, both the Complainant and Respondent will be given access to the report to prepare for the conduct proceedings.

#### **b) Adjudication of Complaints**

When the person accused of sexual violence or misconduct is a student, the ISU [Student Conduct Code](#) (ISUPP # 5000) is used to adjudicate the complaint. The process and procedures are described in detail in Article IV. A summary of the process and procedures are included here.

When the person accused of sexual violence or misconduct is an employee (faculty, staff, or administrator) the University relies on the process and procedures set forth in the following policies:

- [Suspension, Dismissal, Termination, and Demotion of Classified Employees.](#)
- [Suspension, Dismissal, Termination, and Demotion of Non-Classified Employees \(Faculty are subject to this policy\).](#)

## **B. Conduct Proceedings for Students**

### **1. Student Conduct Code**

ISU's [Student Conduct Code](#) (ISUPP # 5000) establishes the process and procedural guidelines for adjudicating reports of sexual violence and/or misconduct perpetrated by students.

### **2. Types of Conduct Proceedings**

There are two (2) types of conduct proceedings outlined in the [Student Conduct Code](#): Administrative Resolution Meetings and Student Conduct Board Hearings.

#### **a) Administrative Resolution Meetings:**

An Administrative Resolution Meeting occurs when there is sufficient evidence for a University Conduct Officer to determine, by a preponderance of the available evidence, that a violation of the [Student Conduct Code](#) occurred. Administrative Resolution Meetings typically result from reports that are supported by clear objective evidence and few if any disputed facts. Although the Respondent may deny having violated the [Student Conduct Code](#), if they cannot support that denial with evidence, the Conduct Officer may find them responsible and impose commensurate sanctions. The Respondent may reject this finding and appear before the Student Conduct Board.

Administrative Resolution Meetings are facilitated by Conduct Officers, not the Student Conduct Board. Although the Complainant will be informed of the outcome of the Administrative Resolution Meeting, they typically do not participate.

### **b) Student Conduct Board Hearings**

When the Respondent rejects the finding and sanctions determined during an Administrative Resolution Meeting, a Student Conduct Board meeting is held. Student Conduct Boards are comprised of between three (3) and five (5) faculty, staff, and/or students. The Conduct Board determines responsibility and imposes commensurate sanctions if the Respondent is found responsible.

Both the Complainant and the Respondent may attend and participate in the Conduct Board hearing but are not required to do so. They may each bring an advisor who may act as support during the proceedings.

### **3. Standard of Evidence/Information**

The University's conduct proceedings employ the same standard of evidence regardless of the type of proceeding. In any proceeding, the adjudicator or finder of fact must determine if the Respondent was responsible for a policy violation by a **preponderance of the evidence**. The word preponderance means "to exceed in weight, influence, power or importance."

The Respondent is found responsible when the available information or evidence indicating they are responsible outweighs the information and evidence that may indicate they are not responsible. The Student Conduct Board and University Conduct Officers have a simple question to answer: "Is it more likely than not that the Respondent did what they are accused of?" If the answer is yes, then the student is found responsible.

The preponderance of the evidence is a lower standard of evidence than the one used in the criminal justice system – beyond a reasonable doubt.

### **4. Sanctions**

The [\*Student Conduct Code\*](#) enumerates twelve (12) possible sanctions for students found responsible for sexual violence and/or misconduct. The most lenient sanction is a written warning. The most severe sanction is expulsion, or permanent separation, from the University. Short of expelling a student, the Conduct Officer or Student Conduct Board may choose to place the Respondent on probation or suspend them. A suspension is a separation from the University for a defined period of time not to exceed two (2) years. Probation enables a student to remain enrolled at the University but imposes limits and loss of privileges.

The process of sanctioning Responding Parties who have been found responsible is based on analyzing certain factors and elements of the violation. Some of those factors and elements include:

- How significant was the actual harm caused by the Respondent's actions?
- How significant was the potential harm that could have been caused by the Respondent's actions?
- Has the Respondent violated University policies or laws before?
- How have students engaged in similar misconduct been sanctioned by the University in the past?
- What sanctions may deter the Respondent from engaging in the same behavior in the future?

When the Respondent is found responsible for non-consensual sexual contact or intercourse, the actual harm to the Complainant may be very significant. For this reason, the minimum sanction considered in cases of non-consensual sexual contact is probation and in cases of non-consensual sexual intercourse, suspension.

## 5. Notice of Conduct Proceeding Outcomes

When a Conduct Officer or Student Conduct Board reaches an outcome, there are three (3) distinct parts to each outcome:

- The Finding: Responsible or Not Responsible
- The Rationale: What information, evidence or facts persuaded the Conduct Officer or Conduct Board to reach the finding
- The Sanctions

Verbal notice of the outcome will be provided to both the Complainant and the Respondent within forty-eight (48) hours of the conclusion of the hearing. Written notice will be provided within five (5) business days.

## 6. Appeals

Both the Complainant and the Respondent may appeal the outcome of conduct proceedings to the Vice President for Student Affairs or his/her designee(s). Appeals must be based on one (1) or more of the following reasons and substantiated by credible information:

- New information that was unavailable at the time of the conduct proceeding would alter the outcome and should be considered;
- A procedural irregularity resulted in the conduct proceeding being prejudiced or unfair to the Complainant or the Respondent;
- The Conduct Officer or Conduct Board reached its outcome without achieving a preponderance of the evidence standard;
- The sanctions imposed were not commensurate with the violation.

Simply requesting an appeal does not mean the outcome will be reconsidered. The Vice President for Student Affairs must be persuaded that one (1) of the four (4) reasons listed above has been satisfied in the request for an appeal.

If the appeal is granted, the Vice President for Student Affairs or his/her designee(s) will reconsider the outcome of the conduct proceeding and determine how to correct it in light of the identified inadequacy.

## C. Student Rights Pursuant to Investigations & Conduct Proceedings<sup>21</sup>

To achieve fairness and impartiality, the University affords both the Complainant and the Respondent similar rights.

### 1. Rights of the Reporting Party

Sometimes these are referred to as the rights of the victim, survivor or complainant.

- a) The Complainant may choose whether or not to report incidents of sexual violence and/or misconduct to the University and/or law enforcement. Even after reporting, they are able to determine the level of their participation in the ensuing investigation and conduct proceedings.
- b) The Complainant has a right to have the information they share protected by those individuals to whom they report. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.

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<sup>21</sup> University of Virginia - Survivor's Bill of Rights  
The Federal Campus Assault Victims' Bill of Rights (July 1992)

- c) The Complainant has a right to be free from retaliation for reporting an incident of sexual violence and/or misconduct. Retaliation occurs when the Complainant is treated adversely by others for reporting an incident or participating in an investigation or conduct proceeding.
- d) The Complainant has a right to be notified in writing of meetings at which they are expected to participate. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting.
- e) The Complainant may be accompanied by an advisor (e.g. a support person) of their choosing to any meetings pursuant to an investigation including conduct proceedings and appeals. If requested, the University will recommend a faculty or staff member who has been trained on investigations and conduct proceedings to serve as an advisor.
- f) The Complainant may request that their living and learning environment be modified to support their success as a student, and to avoid being re-victimized by being forced to interact with the Respondent. Modifications typically include re-assigning the Respondent to a new residence hall, class section, or work assignment. The Complainant will not be asked to make any change unless they request it.
- g) The Complainant may request that the University take precautions to ensure their safety during investigation meetings and conduct proceedings.
- h) The Complainant may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- i) The Complainant may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Complainant to persuade their witnesses to participate.
- j) The Complainant has a right to review the information and evidence collected during the investigation. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- k) The Complainant may ask that witnesses or the Respondent answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant and being offered in good faith.
- l) The Complainant has a right to have conduct decisions based solely on the information or evidence pertaining to the alleged violation, not on their sexual history or past relationships.
- m) The Complainant has a right to appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- n) The Complainant will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and the outcome of an appeal if granted, simultaneously with the Respondent.

## **2. Rights of the Responding Party**

Sometimes these are referred to as the rights of the accused, or respondent.

- a) The Respondent has a right to have the information they share protected by those individuals with whom they share it. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- b) The Respondent has a right to be free from harassment or vigilantism for being accused of sexual violence and/or misconduct. Although the Complainant may be subject to reassignment of residence halls, course sections or work assignments, these actions are not punitive but precautionary to prevent further accusations.
- c) The Respondent has a right to be notified, in writing, when they are requested to schedule or participate in a meeting. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting. The Respondent is expected to attend investigative meetings and conduct proceedings, and may be charged with failing to comply with the request of a University official if they do not attend.
- d) The Respondent may have an advisor of their choosing accompany them to any meeting held during an investigation and/or conduct proceeding. If requested, the University will recommend an advisor who is familiar with the investigation and conduct proceeding processes.

- e) The Respondent may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- f) The Respondent may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Respondent to persuade their witnesses to participate.
- g) The Respondent has a right to refrain from answering questions during investigative meetings and conduct proceedings. Students should be aware that not attending a meeting or choosing not to answer questions could still lead to an unfavorable outcome because the University can make a decision based on the information it is able to obtain notwithstanding the Respondent's absence or silence in the process.
- h) The Respondent will have an opportunity to review the investigative report. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- i) The Respondent will have an opportunity to review and challenge the evidence or information that has been shared by the Complainant leading up to a conduct proceeding so they can adequately prepare for the proceeding.
- j) The Respondent may ask that witnesses or the Complainant answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant, being offered in good faith and will not potentially re-victimize the Complainant.
- k) The Respondent may appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- l) The Respondent will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and the outcome of an appeal if granted, simultaneously with the Complainant.

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## Relationship Violence

### Statement of Policy

Idaho State University (ISU or University) prohibits relationship violence (*sometimes called intimate partner violence, dating violence, and/or domestic violence*) among its students. When a student perpetrates relationship violence against their intimate partner, regardless of whether or not their partner is also a student, they violate the [Student Conduct Code – Idaho State University Policies & Procedures \(ISUPP\) # 5000](#).

Depending upon the nature of the allegations, relationship violence can be, and typically is, considered a form of gender-based discrimination prohibited by [Title IX of the Educational Amendments of 1972](#). The 2013 reauthorization of the Violence Against Women Act (VAWA) also mandates that college campuses report all incidents of domestic and dating violence that occur within the campus' geographical footprint.

### Purpose of Guidance

This policy guide is intended to explain how students can benefit from University policies established to address relationship violence. Simply adopting a policy does not mean that students know how to seek protection from the policy. This document should make the policy easier to understand and improve its application to students. It describes what actions students can take to avail themselves of the policy rights, responsibilities and protections. Those actions include:

- (1) Becoming **AWARE** of what actions or behaviors constitute relationship violence;
- (2) Taking steps to **PREVENT** relationship violence;
- (3) Learning how to **REPORT** incidents of relationship violence;
- (4) Receiving or helping others receive **SUPPORT** from the University and community agencies after an incident of relationship violence; and
- (5) Understanding the processes the University uses to **RESPOND** to alleged incidents of relationship violence.

The University wants students to use this guidance to help them make decisions about what they will do if they (or someone they care about) are victimized. It can also help students who have been accused of relationship violence understand their role and rights in the student conduct process.

## Section 1: Become AWARE

This section will help students define terms and concepts related to relationship violence and explain what they mean in a practical sense.

### A. Important Definitions and Concepts

1. **Relationship Violence:** The use of physical violence, coercion, threats, intimidation, isolation, stalking or other forms of emotional, sexual, or economic abuse directed toward a partner in a dating or domestic relationship constitutes relationship violence. This includes any behavior that intimidates, isolates, frightens, threatens, or otherwise physically, emotionally, or economically harms one's partner. Relationship violence can be a single act or a pattern of behavior in relationships.<sup>22</sup>

This definition is intended to include synonymous terms for relationship violence such as dating violence, domestic violence, or intimate partner violence/abuse.

This definition applies equally to intimate relationships between partners regardless of gender, gender identity, and/or sexual orientation.

Examples:

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based on jealousy is a violation of the Relationship Violence Policy.
  - An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Relationship Violence.
  - A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.<sup>23</sup>
2. **Physical Abuse:** Pushing, hitting, kicking, choking, battering, assaulting, etc.
  3. **Coercion:** The use or threat of physical violence or the improper use of actual or perceived power, position, status, or influence to pressure others to do something against their will.
  4. **Threats:** Making statements or engaging in non-verbal acts that communicate clear and serious expression of an intent to commit an act of unlawful violence to a particular person, persons, or property, or has the intent to inflict severe emotional distress.
  5. **Intimidation:** Behavior or conduct intended to induce fear in others for the purpose of deterring them from acting or forcing them to act against their will.
  6. **Bullying:** Repeated adverse acts or actions directed at a specific person(s) that are unwanted and unprovoked and are used to establish and maintain an actual or perceived imbalance of power between the aggressor and the subject of aggression.<sup>24</sup>

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<sup>22</sup> This definition was adapted from Columbia University's Gender-Based Misconduct Policy for Students

<sup>23</sup> The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

<sup>24</sup> "What is Bullying?" U.S. Department of Health and Human Services' website <http://www.stopbullying.gov/what-is-bullying/index.html>.

Bullying may include harsh practical jokes, spreading rumors and gossip, teasing, taunting, and using social media to humiliate and ridicule others; using aggressive communication such as insults, offensive remarks, shouting, yelling, angry outbursts, and invading others personal space; and taking intentional actions to exclude or ostracize others from a group.

7. **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to feel fear. A course of conduct can be defined as a pattern of behavior composed of two (2) or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behavior includes communicating orally, in writing, or electronically with another individual or directing someone else to do so or remaining in the physical presence of the other person.

Stalking can and does occur between individuals in a dating or domestic relationship. Within the context of such relationships, stalking is also a form of relationship violence.

8. **Sexual Misconduct:** Sexual harassment, non-consensual sexual contact (a.k.a. sexual assault), non-consensual sexual intercourse (a.k.a. rape), and sexual exploitation. These types of violations are defined in the *Student Conduct Code* and the Sexual Assault Policy Guide.

The use of force, coercion, intimidation, or inducing incapacitation to engage in any sexual activity with one's intimate partner is prohibited by University policy. Within the context of a dating or domestic relationship, such acts or actions will also be considered relationship violence.

9. **Dating Relationship:** A social relationship of a romantic or intimate nature. The University will consider the following factors in determining if a dating relationship exists between two (2) individuals in the event that one (1) of the individuals contends the two (2) were not dating: (a) the length of the relationship, (b) the type of relationship, and (c) the nature and frequency of interaction between the individuals.

10. **Domestic Relationship:** A relationship between two (2) individuals who (a) are married or have been married, (b) share a child in common, (c) cohabit or have cohabited as intimate partners or spouses, (d) are similarly situated as spouses under the domestic violence laws of the State of Idaho, or (e) are protected from a person's acts under the domestic violence laws of the State of Idaho.

The domestic violence laws of the State of Idaho are enumerated in Title 18, Chapter 9, Section 18 ([18-918 – Domestic Violence](#)).

11. **Student-Faculty Relationships:** There are inherent risks in any romantic or sexual relationship between individuals in unequal positions. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. For the personal protection of members of the University community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.<sup>25</sup>

12. **Gender-Based Discrimination:** Gender-based discrimination is a broad concept that includes inequality based on sex or gender that may exist in University programs, and all forms of sexual harassment and violence.

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<sup>25</sup> The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

## B. Relationship Violence as a Form of Gender-Based Discrimination

Students may be curious about how relationship violence can be conceived of as a form of gender-based discrimination prohibited by Title IX of the Educational Amendments of 1972. There are three (3) things students should understand about the connection between relationship violence and Title IX:

1. **Federal officials have confirmed that Title IX covers acts of relationship violence.** In a February 28, 2013 letter to State School Officers, Secretary of Education, Arne Duncan, explained that “Gender-based violence may include, but is not limited to, sexual assault, intimate partner or teen dating violence, and stalking.”<sup>26</sup>
2. **Gender is an integral and decisive factor in the selection of intimate or romantic partners.** Most individuals consider the gender of prospective partners as a prerequisite for determining with whom they will date, marry, or engage in sexual activity. In many cases, but for the prospective partner’s gender, two (2) people would not form a dating, domestic, or intimate relationship.
3. **Acts of relationship violence disproportionately victimize women and are perpetrated by men.** Given these facts, it is apparent that relationship violence among college students has the ability to deny or limit the participation of women in educational programs.

Please understand that although the most common manifestations and reports of relationship violence identify men as perpetrators and women as victims, the reverse can be true. Men can be the victims of relationship violence and women can be perpetrators. Relationship violence also occurs in same gender relationships. All reports of relationship violence are treated as potential violations of Title IX.

## C. Violations of University Policy and Idaho Law

The definitions contained in this policy guidance are the same as those included in the *Student Conduct Code* (ISUPP # 5000). These definitions are not the same as similar criminal acts defined by Idaho State law. The State of Idaho has prohibited the following crimes:

- [Domestic Violence](#) (Title 18, Chapter 9, Section 18)
- [Rape](#) (Title 18, Chapter 61)
- [Assault and Battery](#) (Title 18, Chapter 9)
- [Stalking](#) (Title 18, Chapter 79, Sections 5 & 6)
- [Sex Crimes](#) (Title 18, Chapter 66)

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the *Student Conduct Code* (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Conduct proceedings under the *Student Conduct Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Conduct Administrator in consultation with the Vice President for Student Affairs and General Counsel.

Determinations made or sanctions imposed under the *Student Conduct Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

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<sup>26</sup> Key Policy Letters from the Education Secretary and Deputy Secretary, February 28, 2013. To access the letter visit: <http://www2.ed.gov/print/policy/gen/guid/secletter/130228.html>

## Section 2: PREVENT Relationship Violence

No one deserves to be victimized by relationship violence. Often acts of relationship violence can occur without warning and are not preventable. Once an incident of violence has occurred, there are strategies to prevent its recurrence. The strategies identified in this section are not intended to blame victims for violence, but are strategies to reduce personal risk of victimization.

### A. Personal Responsibility

The most important action a person can take to prevent relationship violence is to not perpetrate violence in any form. This requires students to exercise self-control and respect others. If you find yourself struggling to control impulses, manage powerful and difficult emotions, or to respect the boundaries of others, the University provides [free personal counseling](#).

Research has demonstrated that men who have experienced abuse as children or witnessed their mothers being abused are at greater risk of perpetrating violence in their intimate relationships.<sup>27</sup> Other risk factors include alcohol and drug abuse, mental health disorders, and poverty. If these factors are present in your life, please seek help from the University to address them in healthy and constructive ways so they do not lead to violence against an intimate partner.

### B. Do Not Dismiss or Condone Violent Behavior

There are many things each of us can do to discourage relationship violence by being a conscientious, observant and active bystander.

- Question or condemn ideas that reinforce or validate violence as a way to resolve conflict or cope with emotions;
- Challenge social norms and behaviors that affirm gender stereotypes;
- Report abuse when you see it happen or have reason to believe it is happening;
- Offer support those you suspect are in an unhealthy relationship or experiencing relationship violence;
- Challenge a friend who engages in an unhealthy relationship behavior or someone who would excuse or dismiss it;
- Don't tell jokes or make statements that minimize violence or gender stereotypes;
- Express dissatisfaction when you hear statements or jokes that minimize or celebrate violence and/or gender stereotypes.

Being an observant, conscientious, and active bystander is not easy and requires courage. The University has a training program, called *Green Dot*, which is designed to empower students, faculty and staff to become active bystanders.

To learn more about bystander intervention training through Green Dot visit the Janet C. Anderson Gender Resource Center website: <http://www.isu.edu/andersoncenter/green-dot.shtml>

### C. Cultivate Healthy Relationships

The following strategies can help you cultivate healthy intimate relationships with others and to identify signs of unhealthy relationships that may escalate into relationship violence. Again, a person is never

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<sup>27</sup> World Report on Violence and Health. World Health Organization, 2002. Editors: Etienne G. Kurg, Linda L. Dahlberg, James A. Mercy, Anthony B. Zwi and Rafael Lozano. This specific assertion is offered on page 98 of the report. [http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/full\\_en.pdf?ua=1](http://www.who.int/violence_injury_prevention/violence/world_report/en/full_en.pdf?ua=1)

responsible or to blame for violence perpetrated against them. These ideas and suggestions are made in an effort to inform all students so they might avoid or end unhealthy relationships and work to cultivate respectful, caring, and mutually beneficial relationships with intimate partners.

1. **Healthy Relationships:** Caring and respectful relationships are characterized by the following traits:

- Both partners value and believe in nonviolent conflict resolution;
- Both partners value and try to communicate effectively (active listening, respectful language choices, turn taking, inviting feedback, mirroring nonverbal cues and gestures, approaching conversations with empathy);
- Both partners practice self-care to cope with stress and challenging or difficult emotions;
- Both partners have the skills and ability to manage emotions such as anger and jealousy;
- Both partners value, believe in, and respect the other's autonomy and agency;
- Both partners contribute equitably to decision-making; and
- Both partners trust one another.

To cultivate these beliefs, skills, and attitudes in yourself, you can work with one of the University's licensed professional counselors or take courses through the wellness center, campus recreation, or various departments on campus. If you are currently in a relationship and want to improve your relationship skills with your partner, the University offers couples counseling.

2. **Recognize Signs of Unhealthy Relationships:** Being able to identify attitudes and behaviors that can escalate into violence can help you address them before they lead to violence or end a relationship before it becomes violent. Unhealthy relationships are characterized by the following traits:

- One partner tries to isolate the other by discouraging interaction and contact with family, friends, or peers. The initial attempts may come as persistent requests to only spend time with them or guilt trips about not spending enough time with them;
- One partner belittles the other or is consistently critical of the other partner's choices;
- One partner does not respect the other's answers or decisions especially when the answer is "no";
- One partner influences, intimidates, or coerces the other partner to do things that lead them to feel shame, guilt, or embarrassment;
- One partner blames the other for things that don't go well in their life;
- One partner dismisses or trivializes the feelings of the other partner;
- One partner lies to the other;
- One partner struggles to manage their anger and the other feels or believes they could eventually hurt them;
- One partner struggles to manage their jealousy and tries to check the other's phone for texts or messages; or wants to know where the other is all the time;
- One partner limits the other partner's access to money, food, a vehicle or other shared resources;
- One partner interrupts, disrupts, or sabotages the other partner's work or school responsibilities; and
- One partner feels embarrassed or ashamed to be around their partner and friends or family at the same time out of concern for how family and friends will respond.

This list is not exhaustive but is representative of an array of behaviors or attitudes that occur before violence or occur concurrently with violence.

If you experience these behaviors or attitudes within a relationship and are not sure how to get help, contact the Office of Student Affairs, Counseling and Testing, the University Health Center, or one of the victim advocates listed in Section 3 below. These offices can help you identify resources, create a safety plan and a strategy to end the relationship or address the relationship problems constructively.

## **D. Opportunities to Learn More**

The University provides educational programs for its students to help them make informed choices about intimate and sexual relationships. The following is a list of programs that are available to assist students in learning more about healthy relationships, safe sex, and personal safety:

- *Haven* - A 45-minute online educational program for all first-time ISU students (transfer and first-year) that addresses sexual assault, relationship violence and stalking. To complete Haven students can contact the LEAD Center at 208-282-2973.
- *Can I Kiss You* - National presenter, Mike Domitrz, explores the importance of consent and healthy relationships in an engaging and interactive workshop with ISU students. The Janet C. Anderson Gender Resource Center sponsors this event, and information about its details can be obtained by calling 208-282-3590.
- *Gender and Sexuality in Everyday Life Conference* - Each spring semester the Janet C. Anderson Gender Resource Center and the College of Arts & Letters sponsors the conference about how ideas and stereotypes associated with gender and sexuality influence our lives. During the conference educational sessions address topics associated with sexual assault and relationship violence.
- *Rape Aggression Defense (RAD) Courses* - The R.A.D. approach to personal safety is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. For more information about course schedules contact Public Safety at 208-282-2515.

Students may also have opportunities for additional learning through student clubs and organizations and University Housing.

## **Section 3: REPORT an Incident**

ISU encourages students to report incidents of relationship violence when they have information about them or have been victimized. This section is intended to inform students of their options for reporting.

The University realizes that the decision to report relationship violence can be agonizing for survivors and difficult for bystanders. For this reason, the University respects the rights of students to choose to whom, how, and when they report.

*It is not the practice of the University to pursue disciplinary action against the survivor on an act of relationship violence who discloses illegal/underage consumption of drugs and/or alcohol prior to or during the incident.*

Sometimes the individual reporting the incident is not the survivor but a friend, roommate, or acquaintance who has information about an incident that occurred. While the information below primarily addresses survivors, the options for reporting (to whom, how, and when) remain the same regardless of who reports the incident.

### **Options for Reporting:**

#### **A. To Whom**

The University encourages students who have been impacted by relationship violence to tell someone about what happened so they can get support and help. The information that is shared can also aid the University in responding appropriately and effectively to acts of relationship violence.

One of the most common concerns about reporting to the University is who will know about the report once it is shared. Different employees on campus have different abilities to maintain a survivor's confidentiality.

## 1. Confidential Sources

Some University employees are able to keep the information that is shared with them confidential, which means they are not required to share any information unless the survivor gives them permission to do so. At ISU, the following staff members will keep your information confidential:

### *Licensed, Professional Counselors*

#### **ISU Main Campus – Pocatello:**

##### **Counseling & Testing**

(208) 282-2130  
921 South 8th Avenue  
Pocatello, Idaho 83209  
<http://www.isu.edu/ctc/>  
Counseling is provided to students free of charge.

##### **Center for New Directions**

282-2454  
Roy F Christensen Building (College of Technology)  
Room 372  
<http://www.isu.edu/cnd/>  
Free and confidential personal counseling.

##### **Counseling Clinic**

208-240-1609  
7th Floor Garrison Hall  
<http://www.isu.edu/hpcounsl/center.shtml>  
Low cost counseling for students and the community.

##### **Psychology Clinic**

208-282-2129  
5th Floor Garrison Hall  
<http://www.isu.edu/psych/psychologyclinic.shtml>  
Counseling for students and the community on a sliding fee scale.

#### **Satellite Campuses:**

##### **Idaho Falls:**

##### **University Counseling and Testing Services - Idaho Falls Campus**

(208) 282-7750  
1784 Science Center Dr.  
Idaho Falls, ID 83402  
<http://www.isu.edu/idahofalls/counseling>  
Counseling is provided to students free of charge.

##### **Meridian:**

##### **ISU-Meridian Department of Counseling**

(208) 373-1719  
Address  
<http://www.isu.edu/hpcounsl/boiseclinic.shtml>  
Free counseling for ISU students, low cost counseling for the community.

##### **Twin Falls:**

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.  
Chris Vaage, Director  
208-933-2301

### *Medical Professionals*

#### **ISU Main Campus – Pocatello:**

##### **University Health Center**

(208) 282-2330  
990 Cesar Chavez Ave  
Pocatello, ID 83209  
<http://www.isu.edu/stuhlth/>

### **Satellite Campuses:**

#### **Idaho Falls:**

##### **ISU Health Center- Idaho Falls Campus**

(208) 282-7826

1784 Science Center Dr.

Idaho Falls, ID 83402

<http://www.isu.edu/stuhlth/if.shtml>

#### **Meridian:**

##### **Unity Health Center**

745 S. Progress Avenue

Meridian, ID

(208) 895-6729

[www.uhcidaho.com](http://www.uhcidaho.com)

#### **Twin Falls:**

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director

208-933-2301

Survivors who speak with one of these confidential sources can work with them to learn about and receive additional support from the University. Such support may include adjustments or modifications to course or work schedules, changes in room assignments within University Housing, and services for academic, emotional, and personal support.

***Sharing information with a confidential source on campus will not inform the University of the incident. For this reason, the University will be unable to conduct an investigation or pursue disciplinary action against the alleged perpetrator.***

Although they are not employed by Idaho State University, some community resources can offer confidentiality as well. They include:

#### ***Pastoral Counselors (Religious or Spiritual Advisors)***

A list of religious leaders near the Idaho State University – Pocatello Campus is available on the [Student Affairs home page](#) or by following this link: [Religious Support Services](#).

#### ***Victim Advocates***

##### **Pocatello:**

##### **Family Services Alliance of Southeast Idaho**

**24 hour crisis line: (208) 251-HELP (4357)**

To make an appointment: (208) 232-0742

355 S. Arthur Avenue

Pocatello, ID 83204

<http://fsalliance.org/>

Free and confidential victim advocacy and counseling services available.

##### **Idaho Falls:**

##### **Domestic Violence and Sexual Assault Center**

**24 hour crisis line 208-235-2412**

To make an appointment: 208-529-4352

1050 Memorial Dr

Idaho Falls, ID 83402

[https://www.facebook.com/pages/Domestic-](https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925)

[Violence-Sexual-Assault-](https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925)

[Center/123279711082925](https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925)

Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

**Twin Falls:****Crisis Center of Magic Valley****24 hour crisis line (208) 733-0100**

To make an appointment: 800-882-3236

P O Box 2444• Twin Falls

Idaho 83303-2444

<http://www.crisiscenterofmagicvalley.com/>

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

**Meridian:****Family Advocacy Center and Education Services - FACES****24 hour crisis line (208) 345-7273**

To make an appointment: (208) 577-4400 or

208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

**Women's and Children's Alliance****24 hour crisis line (208) 345-7273**

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

<http://www.wcaboise.org/>

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

**2. Responsible Employees**

A "responsible employee" is a University staff or faculty member with:

- The authority to stop, prevent or remedy the effects of relationship violence;
- The duty to report relationship violence or other student misconduct; or
- A role on campus that would lead a student to reasonably believe the employee has this authority or duty.

At ISU, nearly all faculty, staff and employees meet the definition of a responsible employee. Responsible employees are required to report all relevant details about the alleged relationship violence that are shared with or observed by them.

If a student tells a faculty, staff or employee, they should expect that person to share the report with the Title IX Coordinator. This includes the names of the involved parties, and any known witnesses. Responsible employees will also be expected to share facts about the date, location, and time of the alleged incident.

Although responsible employees cannot offer strict confidentiality, the information they share with the Title IX Coordinator will only be shared with the University administrators responsible for responding to the report. In other words, the only people that will receive the information need to know it so they can act to stop the relationship violence, remedy its effects, and prevent it from happening again.

The most common responsible employees at ISU include the staff members in the following offices:

University Housing (Resident Assistants, Hall Directors, Assistant Directors)

Club Advisors

The Office of Student Affairs

Public Safety

The Office of Equal Opportunity, Affirmative Action and Diversity

Athletic Department (Coaches, Assistant Coaches, Athletic Directors)

Instructors, teaching assistants, lab assistants or clinical advisors are also responsible employees.

Responsible employees are trained to inform students of their obligation to report information to the Title IX Coordinator. They may interrupt a student who is reporting an incident before all of the facts or details are revealed to confirm that the student understands this obligation.

If the student decides they would prefer to tell a confidential source, the responsible employee can help put them in contact with an appropriate individual.

See Section 5.A.1 for information on requesting confidentiality from the University after an incident has been reported to the Title IX Coordinator.

### 3. Law Enforcement

Survivors may choose whether or not they would like to disclose incidents of relationship violence to local law enforcement. There is no obligation to report to law enforcement officers and the University will not pressure survivors to do so but will offer assistance if it is requested.

When survivors report an incident of relationship violence to a law enforcement officer, they are not obligated to pursue a criminal investigation or press charges. Law enforcement officers will consider requests to do nothing if that is preferred.

ISU Public Safety officers not sworn law enforcement officers but maintain strong collaborative relationships with local law enforcement wherever an ISU campus is located.

ISU's Public Safety staff prefers to inform the local law enforcement agencies when they receive reports of relationship violence, but will consider requests to refrain from notifying the police.

The following law enforcement agencies have jurisdiction over ISU campuses:

**Pocatello:**

**Pocatello Police Department**

***Emergency: 9-1-1***

***Rape Crisis Line: 251-4357***

911 N. 7th Ave.

Pocatello, ID 83201

208-234-6100

[http://www.pocatello.us/police/police\\_vs.htm](http://www.pocatello.us/police/police_vs.htm)

**Idaho Falls:**

**Idaho Falls Police Department**

***Emergency: 9-1-1***

605 N. Capital Ave

Idaho Falls, ID 83402

208-529-1200

<http://www.idahofallspolice.com/>

**Meridian:**

**Meridian Police Department**

***Emergency: 9-1-1***

1401 E Watertower Ave

Meridian, ID 83642

208-888-6678

<http://www.meridiancity.org/police.aspx>

**Twin Falls:**

**Twin Falls Police Department**

***Emergency: 9-1-1***

356 Third Ave. E.

Twin Falls, ID 83303

208-735-4357

<http://www.tfid.org/index.aspx?nid=186>

## **B. How**

Information about incidents of relationship violence can be reported in many ways, this includes sharing the information anonymously.

### **1. Anonymous Reporting**

Anonymous reports can assist the University in its efforts to comply with federal laws with respect to reporting crimes and in identifying patterns that could be concerning. Anonymous reporting may limit the University's ability to investigate or take disciplinary action.

To submit an anonymous report, please use the following resource:

[Public Safety Anonymous Reporting Form](#)

### **2. Reporting to Responsible Employees & Law Enforcement**

Students choosing to share information with a responsible employee at ISU can send letters or emails, or talk with them in person. If students choose to speak directly to a responsible employee, the employee may take notes or write down facts and details.

If the student is able to remember, the following facts can be very helpful for the University in conducting investigations:

- Exact date(s) and time(s) of the alleged incident(s)
- The alleged perpetrator's name
- The names of witnesses or potential witnesses
- The location of the alleged incident
- Any text messages, emails or social media posts related to the incident

Some survivors may find it useful to write this information down. The University recognizes that traumatic incidents of relationship violence can make memories of the incident difficult to recall. The process may take time, so writing down memories and recollections can be helpful when sharing information with the University.

## **C. When**

The University does not impose a deadline for reporting incidents of relationship violence however, there are advantages to reporting an incident as soon as possible.

When reported soon after the incident, the University and law enforcement may be able to collect relevant evidence that can be lost with time. For example, surveillance video of the campus is usually only kept for thirty (30) days. Reporting within the first thirty (30) days of the incident could allow for surveillance footage to be accessed and permanently stored.

## **Section 4: Receive SUPPORT**

Within the University and surrounding communities there are many resources to support survivors of relationship violence. This section provides the contact information for service providers and shares advice about how to access the services.

### **A. Medical Care**

Relationship violence can include acts of physical and/or sexual violence. The infliction of physical harm can result in the need for medical care and attention. The University provides convenient and affordable medical

care through the University Health Center on the Pocatello Campus and through our affiliated health centers on our satellite campuses.

**ISU Main Campus – Pocatello:**

**University Health Center**

(208) 282-2330

990 Cesar Chavez Ave

Pocatello, ID 83209

<http://www.isu.edu/stuhlth/>

**Satellite Campuses:**

**Idaho Falls:**

**ISU Health Center- Idaho Falls Campus**

(208) 282-7826

1784 Science Center Dr.

Idaho Falls, ID 83402

<http://www.isu.edu/stuhlth/if.shtml>

**Meridian:**

**Unity Health Center**

745 S. Progress Avenue

Meridian, ID

(208) 895-6729

[www.uhcidaho.com](http://www.uhcidaho.com)

**Twin Falls:**

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director

208-933-2301

In the event that relationship violence has led to or includes sexual violence, individuals may want to receive a sexual assault examination, emergency contraception, and/or screening for sexually transmitted infections (STIs). These procedures and services conducted by certified Sexual Assault Nurse Examiners (SANEs), can be obtained at the following locations near an ISU campus:

**Pocatello:**

**Portneuf Medical Center**

777 Hospital Way

Pocatello, ID 83201

(208) 239-1000

[www.portmed.org](http://www.portmed.org)

**Idaho Falls:**

**Eastern Idaho Regional Medical Center**

3100 Channing Way

Idaho Falls, ID 83404

(208) 208-529-7910

[www.eirmc.com](http://www.eirmc.com)

**Twin Falls:**

**St Lukes Magic Valley**

801 Pole Line Road W.

Twin Falls, ID 83301

208-814-1400

[http://www.stlukesonline.org/magic\\_valley/](http://www.stlukesonline.org/magic_valley/)

**Meridian:**  
**St. Luke's Meridian**  
520 S. Eagle Rd  
Meridian, ID 83642  
(208) 706-5000  
<http://www.stlukesonline.org/meridian/>

**Family Advocacy Center and Education Services - FACES**  
24-Hour Crisis Line (208) 345-7273  
417 S. 6th St.  
Boise, ID 83702  
(208) 577-4400 or 208-377-6790  
<http://www.facesofadacounty.org>

Private insurance companies may cover the costs of examinations. If an individual does not have insurance, or is concerned about the cost, the State of Idaho Crime Victims Compensation program may be able to cover the cost of the exam.

Victim advocates may accompany survivors to the medical examination and be present during the exam. Having an advocate present can be very helpful and provide reassurance and emotional support, and assistance with any paperwork.

For more information about what will happen during a sexual assault exam or receiving funding through the Crime Victims Compensation program, contact one of the victim advocate offices listed in Section C below.

## **B. Emotional Care**

The University provides several free or low-cost options for personal counseling.

### **ISU Main Campus – Pocatello:**

**Counseling & Testing**  
(208) 282-2130  
921 South 8th Avenue  
Pocatello, Idaho 83209  
<http://www.isu.edu/ctc/>  
Counseling is provided to students free of charge.

**Counseling Clinic**  
208-240-1609  
7th Floor Garrison Hall  
<http://www.isu.edu/hpcounsl/center.shtml>  
Low cost counseling for students and the community.

**Center for New Directions**  
282-2454  
Roy F Christensen Building (College of Technology)  
Room 372  
<http://www.isu.edu/cnd/>  
Free and confidential personal counseling.

**Psychology Clinic**  
208-282-2129  
5th Floor Garrison Hall  
<http://www.isu.edu/psych/psychologyclinic.shtml>  
Counseling for students and the community on a sliding fee scale.

### **Satellite Campuses:**

**Idaho Falls:**  
**University Counseling and Testing Services - Idaho Falls Campus**  
(208) 282-7750  
1784 Science Center Dr.  
Idaho Falls, ID 83402  
<http://www.isu.edu/idahofalls/counseling>  
Counseling is provided to students free of charge.

**Meridian:**  
**ISU-Meridian Department of Counseling**  
(208) 373-1719  
Address  
<http://www.isu.edu/hpcounsl/boiseclinic.shtml>  
Free counseling for ISU students, low cost counseling for the community.

**Twin Falls:**

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director  
208-933-2301

**C. Victim Advocacy**

A victim advocate is a trained support person that works with victims of crime. Often victim advocates are members of community action agencies dedicated to preventing and responding to relationship violence.

Victim advocates provide several supportive services such as personal safety planning, identifying alternative safe housing, accompanying victims to judicial or administrative proceedings, and referring victims to other care-based services.

The following victim advocacy agencies are available in communities where ISU maintains a campus:

**Pocatello:****Family Services Alliance of Southeast Idaho**

**24 hour crisis line: (208) 251-HELP (4357)**

To make an appointment: (208) 232-0742

355 S. Arthur Avenue

Pocatello, ID 83204

<http://fsalliance.org/>

Free and confidential victim advocacy and counseling services available.

**Twin Falls:****Crisis Center of Magic Valley**

**24 hour crisis line (208) 733-0100**

To make an appointment: 800-882-3236

P O Box 2444 • Twin Falls

Idaho 83303-2444

<http://www.crisiscenterofmagicvalley.com/>

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

**Idaho Falls:****Domestic Violence and Sexual Assault Center**

**24 hour crisis line 208-235-2412**

To make an appointment: 208-529-4352

1050 Memorial Dr

Idaho Falls, ID 83402

<https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925>

Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

**Meridian:****Family Advocacy Center and Education Services - FACES**

**24 hour crisis line (208) 345-7273**

To make an appointment: (208) 577-4400 or

208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

**Women's and Children's Alliance**

**24 hour crisis line (208) 345-7273**

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

<http://www.wcaboise.org/>

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

## D. Legal Support

There are various options for legal support through the University and community

### **ASISU Legal Services:**

208-282-3435 to schedule an appointment  
Free general legal advice for ISU students during the academic year. An attorney is available in the ASISU Office for 15-minute consultations twice a month.

### **Idaho State Bar Association's Lawyer Referral Service :**

(208) 334-4500

<http://www.isb.idaho.gov/general/findattorney.html>

### **Idaho Legal Aid:**

Pocatello: 233-0079

Idaho Falls: 208-524-3660

Twin Falls: 208-734-7024

Boise: 208-345-0106

<http://www.idaholegalaid.org/>

Legal representation and community education for low income Idahoans.

## E. Protective Orders

Within the State of Idaho, survivors of relationship violence may be able to secure a protection order to ensure that they do not have to interact with the alleged perpetrator. Depending on the circumstances of the incident, there are three (3) options: no contact orders, civil protection orders, and civil restraining orders.

### **1. No Contact Orders (NCO)**

If an alleged perpetrator has been arrested for a crime, the survivor may request a no contact order from a judge. The NCO is entered into the law enforcement reporting system and is enforced by law enforcement officers. ISU Public Safety Officers can assist local law enforcement in enforcing NCOs.

### **2. Civil Protection Order or Domestic Violence Order (DVO)**

When an incident involves domestic or dating partners, the survivor may be able to secure a civil protection order or domestic violence order. It is strongly advised that survivors work with a victim advocate to petition for civil protective orders or domestic violence order because advocates have experience filing the necessary paperwork. Securing a civil protective order or domestic violence order depends on the survivor being able to demonstrate (a) that the survivor and alleged perpetrator had a dating or domestic relationship, and (b) that there has been an act of violence or will be an immediate act of violence.

When a petition is received and approved by a judge, the initial order is entered for the period of fourteen (14) days and a hearing is set to consider extending the order for a longer period of time, usually one (1) year. At the hearing, the judge will consider the need for the order and if the need is demonstrated, the order will be extended for one (1) year.

Civil protection orders are the most common instrument for preventing interaction between the survivor and alleged perpetrator. ISU Public Safety Officers can assist local law enforcement in enforcing civil protection orders.

### 3. Civil Restraining Orders

Although more expensive to obtain, survivors may employ an attorney to seek a restraining order against an alleged perpetrator in civil court. This option is more expensive because it requires legal representation from an attorney. Restraining orders are not enforceable by law enforcement officers. Violations of restraining orders must be presented in court for enforcement.

## F. University Support Services

The University can provide survivors with support beyond medical and emotional care. This includes taking such actions as:

- Changing living arrangements for students that reside in University housing
- Changing course sections or seeking alternatives for face-to-face instruction (online or distance education, independent study, etc.)
- Altering on-campus work schedules
- Re-arranging campus transportation
- Advocating for survivors with faculty to accommodate missed classes, assignments or exams
- Assisting with withdrawals (processing paperwork, guiding students through the process, discussing the implications for financial aid eligibility, seeking refunds of tuition and fees, etc.)
- No Contact Letters

## Section 5: How Does the University RESPOND

### A. Investigations

When students are involved in a University investigative process, the survivor is referred to as the "Complainant" and the accused is referred to as the "Respondent."

#### 1. Federal Mandate to Investigate

ISU is required by federal law to investigate all reports of relationship violence when it is notified of such actions or behavior. Although students may not want the University to investigate reports, the University has an obligation to provide an educational environment that is safe and free from gender-based discrimination and/or relationship violence for all students. The University must balance the interests of all students with the interests of those students who have been victimized in an effort to prevent future harm. In conducting investigations, the University's investigators seek to be sensitive to the needs of those students who have been victimized and those students who have been accused. Investigators strive to be fair, impartial and thorough.

*It is not the practice of the University to pursue disciplinary action against the survivor on an act of sexual violence or misconduct who discloses illegal/underage consumption of drugs and/or alcohol prior to or during the incident.*

#### ***Requesting Confidentiality from the University***

After an incident of relationship violence has been reported to the University, the Complainant can request that the University:

- Keep their personal identifying information confidential, and/or
- Refrain from investigating or taking any disciplinary action against the Respondent.

These requests should be submitted, in writing, to the Title IX Coordinator. The Title IX Coordinator will then evaluate the Complainant's request based on whether honoring the request would interfere with the

University's legal obligation to provide a safe and non-discriminatory environment for all members of the campus community.

The Title IX Coordinator considers the following factors in determining whether the confidentiality request can be honored:

- i. The risk and likelihood of the Respondent committing more violence or misconduct in the future. The Title IX Coordinator will check to see if:
  - The Respondent has any other complaints in their educational records;
  - The Respondent has a history of arrests or disciplinary records at another school or college;
  - The Respondent threatened the Complainant with further violence or violence against others; or
- ii. The use or attempted use of a weapon while committing an act of relationship violence.
- iii. The ability of the Complainant to advocate for their interests. Violence or misconduct against vulnerable persons (minors, elderly, disabled) is particularly concerning to the University because the University has heightened obligations to protect them due to their vulnerabilities.
- iv. The existence of a pattern of perpetration.

Reports that indicate one or more of the preceding factors exist will likely lead the University to investigate and act notwithstanding the request for confidentiality. Reporting Parties should know that these circumstances are rare, and even though the University may not honor the request for confidentiality, they will take every available precaution to keep the Complainant safe.

## **2. Investigation Timing**

The Department of Education has advised colleges and universities to be timely in conducting their investigations. From the time the University receives notice of relationship violence, investigators and conduct administrators have sixty (60) calendar days to collect relevant information about the alleged misconduct, and, if appropriate, complete student conduct proceedings. Depending on when the institution is notified and the complexity of the report, the investigation may take longer, but students will be informed in writing of anticipated delays.

The University's investigation is separate from an investigation conducted by law enforcement. The University cannot delay its investigation to accommodate a law enforcement investigation. When possible, University investigators and law enforcement investigators will cooperate to avoid delays.

## **3. The Investigative Process**

There are two (2) distinct parts of each investigation: a) the collection of evidence and information, and b) the adjudication of reports that are supported by the evidence that is collected. Not all reports of gender-based discrimination and/or relationship violence reach the second stage because there is insufficient evidence to recommend conduct proceedings.

### ***a) Collection of Evidence and Information***

The first task of investigators is to identify and document relevant information regarding the report of relationship violence. Initially, investigators begin by collecting information from objective sources such as video footage from surveillance cameras, key access logs, electronic/digital records (e.g. social media websites), and any information collected by Public Safety. These sources of information do not require the Complainant or the Respondent to participate in the collection process.

In addition to objective sources, investigators also speak with the Complainant, the Respondent, and witnesses if there are any. These people are considered subjective sources because they share their personal view, perspective and memory of events. Investigators may audio record conversations and take notes to capture all of the relevant information that is shared. Investigators may meet with these individuals more than once to confirm they have accurately recorded the information.

It is helpful to the investigation if involved parties are able to provide evidence such as text messages, emails, voicemails, or social media messages and posts. Students are encouraged to retain as much of this information as possible and to share it with investigators.

Investigators summarize and organize the information they collect into a report. When possible, investigators offer analysis and evaluation of the information and evidence, and recommend whether the report should be adjudicated through student conduct proceedings. The report is available for the Complainant and the Respondent to review. In the event the report recommends the Respondent participate in conduct proceedings, both the Complainant and Respondent will be given access to the report to prepare for the conduct proceedings.

#### **b) Adjudication of Complaints**

When the person accused of relationship violence is a student, the ISU [Student Conduct Code](#) (ISUPP # 5000) is used to adjudicate the complaint. The process and procedures are described in detail in Article IV. A summary of the process and procedures are included here.

When the person accused of relationship violence is an employee (faculty, staff, or administrator) the University relies on the process and procedures set forth in the following policies:

- [Suspension, Dismissal, Termination, and Demotion of Classified Employees.](#)
- [Suspension, Dismissal, Termination, and Demotion of Non-Classified Employees \(Faculty are subject to this policy\).](#)

### **B. Conduct Proceedings for Students**

#### **1. Student Conduct Code**

ISU's [Student Conduct Code](#) (ISUPP # 5000) establishes the process and procedural guidelines for adjudicating reports of gender-based discrimination and/or relationship violence perpetrated by students.

#### **2. Types of Conduct Proceedings**

There are two (2) types of conduct proceedings outlined in the [Student Conduct Code](#): Administrative Resolution Meetings and Student Conduct Board Hearings.

##### **a) Administrative Resolution Meetings:**

An Administrative Resolution Meeting occurs when there is sufficient evidence for a University Conduct Officer to determine, by a preponderance of the available evidence, that a violation of the [Student Conduct Code](#) occurred. Administrative Resolution Meetings typically result from reports that are supported by clear objective evidence and few if any disputed facts. Although the Respondent may deny having violated the [Student Conduct Code](#), if they cannot support that denial with evidence, the Conduct Officer may find them responsible and impose commensurate sanctions. The Respondent may reject this finding and appear before the Student Conduct Board.

Administrative Resolution Meetings are facilitated by Conduct Officers, not the Student Conduct Board. Although the Complainant will be informed of the outcome of the Administrative Resolution Meeting, they typically do not participate.

**b) Student Conduct Board Hearings**

When the Respondent rejects the finding and sanctions determined during an Administrative Resolution Meeting, a Student Conduct Board meeting is held. Student Conduct Boards are comprised of between three (3) and five (5) faculty, staff and/or students. The Conduct Board determines responsibility and imposes commensurate sanctions if the Respondent is found responsible.

Both the Complainant and the Respondent may attend and participate in the Conduct Board hearing but are not required to do so. They may each bring an advisor who may act as support during the proceedings.

**3. Standard of Evidence/Information**

The University's conduct proceedings employ the same standard of evidence regardless of the type of proceeding. In any proceeding, the adjudicator or finder of fact must determine if the Respondent was responsible for a policy violation by a **preponderance of the evidence**. The word preponderance means "to exceed in weight, influence, power or importance."

The Respondent is found responsible when the available information or evidence indicating they are responsible outweighs the information and evidence that may indicate they are not responsible. The Student Conduct Board and University Conduct Officers have a simple question to answer: "Is it more likely than not that the Respondent did what they are accused of?" If the answer is yes, then the student is found responsible.

The preponderance of the evidence is a lower standard of evidence than the one used in the criminal justice system – beyond a reasonable doubt.

**4. Sanctions**

The [\*Student Conduct Code\*](#) enumerates twelve (12) possible sanctions for students found responsible for gender-based discrimination and/or relationship violence. The most lenient sanction is a written warning. The most severe sanction is expulsion, or permanent separation, from the University. Short of expelling a student, the Conduct Officer or Student Conduct Board may choose to place the Respondent on probation or suspend them. A suspension is a separation from the University for a defined period of time not to exceed two (2) years. Probation enables a student to remain enrolled at the University but imposes limits and loss of privileges.

The process of sanctioning Responding Parties who have been found responsible is based on analyzing certain factors and elements of the violation. Some of those factors and elements include:

- How significant was the actual harm caused by the Respondent's actions?
- How significant was the potential harm that could have been caused by the Respondent's actions?
- Has the Respondent violated University policies or laws before?
- How have students engaged in similar misconduct been sanctioned by the University in the past?
- What sanctions may deter the Respondent from engaging in the same behavior in the future?

## 5. Notice of Conduct Proceeding Outcomes

When a Conduct Officer or Student Conduct Board reaches an outcome, there are three (3) distinct parts to each outcome:

- The Finding: Responsible or Not Responsible
- The Rationale: What information, evidence or facts persuaded the Conduct Officer or Conduct Board to reach the finding
- The Sanctions

Verbal notice of the outcome will be provided to both the Complainant and the Respondent within forty-eight (48) hours of the conclusion of the hearing. Written notice will be provided within five (5) business days.

## 6. Appeals

Both the Complainant and the Respondent may appeal the outcome of conduct proceedings to the Vice President for Student Affairs or his/her designee(s). Appeals must be based on one (1) or more of the following reasons and substantiated by credible information:

- New information that was unavailable at the time of the conduct proceeding would alter the outcome and should be considered;
- A procedural irregularity resulted in the conduct proceeding being prejudiced or unfair to the Complainant or the Respondent;
- The Conduct Officer or Conduct Board reached its outcome without achieving a preponderance of the evidence standard;
- The sanctions imposed were not commensurate with the violation.

Simply requesting an appeal does not mean the outcome will be reconsidered. The Vice President for Student Affairs must be persuaded that one (1) of the four (4) reasons listed above has been satisfied in the request for an appeal.

If the appeal is granted, the Vice President for Student Affairs or his/her designee(s) will reconsider the outcome of the conduct proceeding and determine how to correct it in light of the identified inadequacy.

## C. Student Rights Pursuant to Investigations & Conduct Proceedings<sup>28</sup>

To achieve fairness and impartiality, the University affords both the Complainant and the Respondent similar rights.

### 1. Rights of the Reporting Party

Sometimes these are referred to as the rights of the victim, survivor or complainant.

- a) The Complainant may choose whether or not to report incidents of gender-based discrimination and/or relationship violence to the University and/or law enforcement. Even after reporting, they are able to determine the level of their participation in the ensuing investigation and conduct proceedings.
- b) The Complainant has a right to have the information they share protected by those individuals to whom they report. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.

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<sup>28</sup> University of Virginia - Survivor's Bill of Rights  
The Federal Campus Assault Victims' Bill of Rights (July 1992)

- c) The Complainant has a right to be free from retaliation for reporting an incident of gender-based discrimination and/or relationship violence. Retaliation occurs when the Complainant is treated adversely by others for reporting an incident or participating in an investigation or conduct proceeding.
- d) The Complainant has a right to be notified in writing of meetings at which they are expected to participate. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting.
- e) The Complainant may be accompanied by an advisor (e.g. a support person) of their choosing to any meetings pursuant to an investigation including conduct proceedings and appeals. If requested, the University will recommend a faculty or staff member who has been trained on investigations and conduct proceedings to serve as an advisor.
- f) The Complainant may request that their living and learning environment be modified to support their success as a student, and to avoid being re-victimized by being forced to interact with the Respondent. Modifications typically include re-assigning the Respondent to a new residence hall, class section, or work assignment. The Complainant will not be asked to make any change unless they request it.
- g) The Complainant may request that the University take precautions to ensure their safety during investigation meetings and conduct proceedings.
- h) The Complainant may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- i) The Complainant may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Complainant to persuade their witnesses to participate.
- j) The Complainant has a right to review the information and evidence collected during the investigation. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- k) The Complainant may ask that witnesses or the Respondent answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant and being offered in good faith.
- l) The Complainant has a right to have conduct decisions based solely on the information or evidence pertaining to the alleged violation, not on their sexual history or past relationships.
- m) The Complainant has a right to appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- n) The Complainant will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and the outcome of an appeal if granted, simultaneously with the Respondent.

## **2. Rights of the Respondent**

Sometimes these are referred to as the rights of the accused, or respondent.

- a) The Respondent has a right to have the information they share protected by those individuals with whom they share it. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- b) The Respondent has a right to be free from harassment or vigilantism for being accused of gender-based discrimination and/or relationship violence. Although the Complainant may be subject to reassignment of residence halls, course sections or work assignments, these actions are not punitive but precautionary to prevent further accusations.
- c) The Respondent has a right to be notified, in writing, when they are requested to schedule or participate in a meeting. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting. The Respondent is expected to attend investigative meetings and conduct proceedings, and may be charged with failing to comply with the request of a University official if they do not attend.

- d) The Respondent may have an advisor of their choosing accompany them to any meeting held during an investigation and/or conduct proceeding. If requested, the University will recommend an advisor who is familiar with the investigation and conduct proceeding processes.
- e) The Respondent may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- f) The Respondent may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Respondent to persuade their witnesses to participate.
- g) The Respondent has a right to refrain from answering questions during investigative meetings and conduct proceedings. Students should be aware that not attending a meeting or choosing not to answer questions could still lead to an unfavorable outcome because the University can make a decision based on the information it is able to obtain notwithstanding the Respondent's absence or silence in the process.
- h) The Respondent will have an opportunity to review the investigative report. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- i) The Respondent will have an opportunity to review and challenge the evidence or information that has been shared by the Complainant leading up to a conduct proceeding so they can adequately prepare for the proceeding.
- j) The Respondent may ask that witnesses or the Complainant answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant, being offered in good faith and will not potentially re-victimize the Complainant.
- k) The Respondent may appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- l) The Respondent will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and the outcome of an appeal if granted, simultaneously with the Complainant.

**KEY PERSONNEL**

**Title IX Coordinator:**

**Stacey Gibson**

Director of Equal Opportunity, Affirmative Action and Diversity  
 157 Rendezvous  
 921 South 8th Ave. Stop 8315  
 Pocatello ID 83209-8315  
 (208) 282-3973  
[gibssta2@isu.edu](mailto:gibssta2@isu.edu)

**Title IX Deputy Coordinators:**

**For Students:**

**Contact the Office of Student Affairs**

PSUB, Hypostyle, Room 204  
 921 South 8th Ave. Stop 8123  
 Pocatello ID 83209-8315  
 (208) 282-2794

**For Faculty, Staff and Visitors:**

**Brian Sagendorf**

Director of Human Resources  
 Administration Building 108  
 921 South 8th Ave. Stop 8107  
 Pocatello ID 83209-8315  
 (208) 282-2517  
[sagebria@isu.edu](mailto:sagebria@isu.edu)

**For Athletics:**

**Nancy Graziano**

Associate Athletic Director

South Side Holt Arena, Athletic Admin., Room 135K  
921 South 8th Ave. Stop 8173  
Pocatello ID 83209-8315  
(208) 282-4503  
[graznanc@isu.edu](mailto:graznanc@isu.edu)

**Vice President for Student Affairs:**

**Patricia Terrell, Ed.D.**  
PSUB, Hypostyle, Room 204  
921 South 8th Ave. Stop 8123  
Pocatello ID 83209-8315  
(208) 282-2315  
[terrpatr@isu.edu](mailto:terrpatr@isu.edu)

**Student Conduct Administrator:**

**Contact the Office of Student Affairs**  
PSUB, Hypostyle, Room 204  
921 South 8th Ave. Stop 8123  
Pocatello ID 83209-8315  
(208) 282-2794

## Stalking

### Statement of Policy

Idaho State University (ISU or University) prohibits stalking in all its forms. The following policies contain explicit prohibitions against stalking:

- *Students* – Idaho State University Policies & Procedures (ISUPP) # 5000 – [Student Conduct Code](#)
- *Employees (Faculty, Staff & Contractors)* – Idaho State University Policies & Procedures (ISUPP) # 3100 – Non-Discrimination and Anti-Harassment Policy
- [Title IX Notice of Non-Discrimination](#)

These policies affirm the proposition that students have a right to be free from stalking while at the university and as they participate in programs and activities facilitated by or at the University regardless of location. Administrators at the University have written these policies to be consistent with federal, state, and local laws.

### Purpose of Guidance

This policy guide is intended to explain how students can benefit from University policies established to address stalking. Simply adopting a policy does not mean that students know how to seek protection from the policy. This document should make the policy easier to understand and improve its application to students. It describes what actions students can take to avail themselves of the policy rights, responsibilities and protections. Those actions include:

- (1) Becoming **AWARE** of what actions or behaviors constitute stalking;
- (2) Learning how to **REPORT** incidents of stalking;
- (3) Receiving or helping others receive **SUPPORT** from the University and community agencies after or during a period of stalking; and
- (4) Understanding the processes the University uses to **RESPOND** to alleged incidents of stalking.

The University wants students to use this guidance to help them make decisions about what they will do if they (or someone they care about) are victimized. It can also help students who have been accused of stalking understand their role and rights in the student conduct process.

## Section 1: Become AWARE

This section will help students define terms and concepts related to stalking and explain what they mean in a practical sense.

### An Overview of Stalking<sup>29</sup>

Across the United States, college-aged students are experiencing stalking with greater frequency. In fact, research indicates that people between the ages of 18 and 24 experience the highest rates of stalking.<sup>30</sup> It is a crime that happens to individuals regardless of their race, ethnicity, gender, gender identity, age, ability, or sexual orientation. Advancements in technology are enabling stalking in troubling ways.

#### Example 1:

A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together.

#### Example 2:

A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and they would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together."<sup>31</sup>

## Definition of Terms & Concepts

1. **Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to feel fear.
2. **Course of Conduct** can be defined as a pattern of behavior composed of two (2) or more acts over a period of time, however short, that evidence a continuity of purpose.

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<sup>29</sup> For more information about stalking definitions, facts or resources visit: <https://www.victimsofcrime.org/our-programs/stalking-resource-center> or <http://stalkingawarenessmonth.org/>

<sup>30</sup> Stalking Resource Center provides this figure at <https://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-information>

<sup>31</sup> The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

3. **“Reasonable Person”** is a theoretical concept used to indicate that behaviors should be considered or evaluated from the perspective of people generally. The purpose of including the phrase “reasonable person” in the definition is to ensure that the behaviors are objectively evaluated based on how most people would respond to those behaviors if they experienced them.
4. **Student-Faculty Relationships:** There are inherent risks in any romantic or sexual relationship between individuals in unequal positions. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. For the personal protection of members of the University community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.<sup>32</sup>
5. **Gender-Based Discrimination:** Gender-based discrimination is a broad concept that includes inequality based on sex or gender that may exist in University programs and all forms of sexual harassment and violence.

#### A. Common Stalking Behaviors

It is important to remember that stalking is about repeated, persistent, or continuous actions that, taken as a whole, cause people to be afraid. There are many actions that could constitute stalking and the Stalking Resource Center has compiled the following list:

- Unwanted, unwelcome, and uninvited (non-consensual) communication, including face-to-face communication, telephone calls, voice messages, emails, written notes or letters, gifts, or any other communications that are undesired and place another person in fear.
- Use of online, electronic, or digital technologies<sup>33</sup>, including:
  - Posting of pictures or information in chat rooms or on websites
  - Sending unwanted/unsolicited email or chat requests
  - Posting private or public messages on Internet sites, social networking sites, and or school bulletin boards
  - Installing spyware on a victim’s computer or cell phone
  - Using Global Positioning Systems (GPS) to monitor a victim
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Surveillance or other types of observation, including staring or “peeping”
- Trespassing
- Vandalism
- Non-consensual touching
- Gathering information about an individual from friends, family, and/or co-workers or peers
- Threats to harm self or others
- Defamation – lying to others about the victim

Advancements in technology such as RFID (Radio Frequency Identifiers) tags, GPS, and mobile phone applications can enable stalkers to monitor a person’s location without them knowing it. Spyware also enables stalkers to remotely monitor the computers of their victims

#### B. Stalking as a Form of Violence Against Women & Gender-Based Discrimination

Students may be curious about how stalking can be conceived of as a form of gender-based discrimination prohibited by Title IX of the Educational Amendments of 1972. There are two (2) things students should

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<sup>32</sup> Ibid.

<sup>33</sup> For information about online safety visit: <http://nnedv.org/resources/safetynetdocs.html>

understand about the connection between stalking and Title IX:

1. **Federal officials have confirmed that Title IX covers acts of stalking.** In a February 28, 2013 letter to State School Officers, Secretary of Education, Arne Duncan, explained that “gender-based violence may include, but is not limited to, sexual assault, intimate partner or teen dating violence, and stalking.”<sup>34</sup>
2. **Stalking is a crime and policy infraction that disproportionately impacts women** and as such has the ability to deny or limit the participation of women in educational programs. Consequently, Idaho State University responds to reports of stalking as potential violations of Title IX and the Campus SaVE Act. These federal laws have been established to end gender-based discrimination and violence against women.

Please understand that although the most common manifestations and reports of stalking identify men as perpetrators and women as victims, stalking can occur between two (2) people of any gender or gender identity. All reports of stalking are treated as potential violations of Title IX.

### C. Violations of University Policy and Idaho Law

The definitions contained in this policy guidance are the same as those included in the *Student Conduct Code* (ISUPP # 5000). These definitions are not the same as similar criminal acts defined by Idaho State law.

The State of Idaho has passed a law that makes stalking a crime. It is included in the law on Malicious Harassment (Title 18, Chapter 79). The law indicates that the person accused of stalking must “knowingly and maliciously” engage in a course of conduct that causes a person to fear death or physical injury or experience substantial emotional distress. The following two (2) laws are available online:

- [Stalking in the First Degree \(Idaho Statutes 18-7905\)](#)
- [Stalking in the Second Degree \(Idaho Statutes 18-7906\)](#)

For more information visit: <http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the *Student Conduct Code* (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Conduct proceedings under the *Student Conduct Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Conduct Administrator in consultation with the Vice President for Student Affairs and General Counsel.

Determinations made or sanctions imposed under the *Student Conduct Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

### D. Opportunities to Learn More

The University provides educational programs for its students to help them make informed choices about intimate and sexual relationships. The following is a list of programs that are available to assist students in learning more about healthy relationships, safe sex, and personal safety:

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<sup>34</sup> Key Policy Letters from the Education Secretary and Deputy Secretary, February 28, 2013. To access the letter visit: <http://www2.ed.gov/print/policy/gen/guid/secletter/130228.html>

- *Haven* - A 45-minute online educational program for all first-time ISU students (transfer and first-year) that addresses sexual assault, relationship violence and stalking. To complete Haven students can contact the LEAD Center at 208-282-2973.
- *Can I Kiss You* - National presenter, Mike Domitrz, explores the importance of consent and healthy relationships in an engaging and interactive workshop with ISU students. The Janet C. Anderson Gender Resource Center sponsors this event, and information about its details can be obtained by calling 208-282-3590.
- *Gender and Sexuality in Everyday Life Conference* - Each spring semester the Janet C. Anderson Gender Resource Center and the College of Arts & Letters sponsors the conference about how ideas and stereotypes associated with gender and sexuality influence our lives. During the conference educational sessions address topics associated with sexual assault and relationship violence.
- *Rape Aggression Defense (RAD) Courses* - The R.A.D. approach to personal safety is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. For more information about course schedules contact Public Safety at 208-282-2515.

Students may also have opportunities for additional learning through student clubs and organizations and University Housing.

## **Section 2: REPORT an Incident**

ISU encourages students to report incidents of stalking when they have information about them or have been victimized. This section is intended to inform students of their options for reporting.

The University realizes that the decision to report stalking can be agonizing for survivors and difficult for bystanders. For this reason, the University respects the rights of students to choose to whom, how, and when they report.

Sometimes the individual reporting the incident is not the survivor but a friend, roommate, or acquaintance who has information about an incident that occurred. While the information below primarily addresses survivors, the options for reporting (to whom, how, and when) remain the same regardless of who reports the incident.

### **Options for Reporting:**

#### **A. To Whom**

The University encourages students who have experienced or are experiencing stalking to tell someone so they can get support and help. The information that is shared can also aid the University in responding appropriately and effectively to acts of violence or misconduct.

One of the most common concerns about reporting to the University is who will know about the report once it is shared. Different employees on campus have different abilities to maintain a survivor's confidentiality.

##### **1. Confidential Sources**

Some University employees are able to keep the information that is shared with them confidential, which means they are not required to share any information unless the survivor gives them permission to do so. At ISU, the following staff members will keep your information confidential:

## Licensed, Professional Counselors

### ISU Main Campus – Pocatello:

#### Counseling & Testing

(208) 282-2130  
921 South 8th Avenue  
Pocatello, Idaho 83209  
<http://www.isu.edu/ctc/>  
Counseling is provided to students free of charge.

#### Center for New Directions

282-2454  
Roy F Christensen Building (College of Technology)  
Room 372  
<http://www.isu.edu/cnd/>  
Free and confidential personal counseling.

### Satellite Campuses:

#### Idaho Falls:

#### University Counseling and Testing Services - Idaho Falls Campus

(208) 282-7750  
1784 Science Center Dr.  
Idaho Falls, ID 83402  
<http://www.isu.edu/idahofalls/counseling>  
Counseling is provided to students free of charge.

#### Twin Falls:

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.  
Chris Vaage, Director  
208-933-2301

## Medical Professionals

### ISU Main Campus – Pocatello:

#### University Health Center

(208) 282-2330  
990 Cesar Chavez Ave  
Pocatello, ID 83209  
<http://www.isu.edu/stuhlth/>

#### Counseling Clinic

208-240-1609  
7th Floor Garrison Hall  
<http://www.isu.edu/hpcounsl/center.shtml>  
Low cost counseling for students and the community.

#### Psychology Clinic

208-282-2129  
5th Floor Garrison Hall  
<http://www.isu.edu/psych/psychologyclinic.shtml>  
Counseling for students and the community on a sliding fee scale.

#### Meridian:

#### ISU-Meridian Department of Counseling

(208) 373-1719  
Address  
<http://www.isu.edu/hpcounsl/boiseclinic.shtml>  
Free counseling for ISU students, low cost counseling for the community.

### **Satellite Campuses:**

#### **Idaho Falls:**

#### **ISU Health Center- Idaho Falls Campus**

(208) 282-7826

1784 Science Center Dr.

Idaho Falls, ID 83402

<http://www.isu.edu/stuhlth/if.shtml>

#### **Meridian:**

#### **Unity Health Center**

745 S. Progress Avenue

Meridian, ID

(208) 895-6729

[www.uhcidaho.com](http://www.uhcidaho.com)

#### **Twin Falls:**

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director

208-933-2301

Survivors who speak with one of these confidential sources can work with them to learn about and receive additional support from the University. Such support may include adjustments or modifications to course or work schedules, changes in room assignments within University Housing, and services for academic, emotional, and personal support.

***Sharing information with a confidential source on campus will not inform the University of the incident. For this reason, the University will be unable to conduct an investigation or pursue disciplinary action against the alleged perpetrator.***

Although they are not employed by Idaho State University, some community resources can offer confidentiality as well. They include:

#### **Pastoral Counselors (Religious or Spiritual Advisors)**

A list of religious leaders near the Idaho State University – Pocatello Campus is available on the [Student Affairs home page](#) or by following this link: [Religious Support Services](#).

#### **Victim Advocates**

##### **Pocatello:**

##### **Family Services Alliance of Southeast Idaho**

**24 hour crisis line: (208) 251-HELP (4357)**

To make an appointment: (208) 232-0742

355 S. Arthur Avenue

Pocatello, ID 83204

<http://fsalliance.org/>

Free and confidential victim advocacy and counseling services available.

##### **Idaho Falls:**

##### **Domestic Violence and Sexual Assault Center**

**24 hour crisis line 208-235-2412**

To make an appointment: 208-529-4352

1050 Memorial Dr

Idaho Falls, ID 83402

<https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925>

Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

**Twin Falls:****Crisis Center of Magic Valley****24 hour crisis line (208) 733-0100**

To make an appointment: 800-882-3236

P O Box 2444 • Twin Falls

Idaho 83303-2444

<http://www.crisiscenterofmagicvalley.com/>

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

**Meridian:****Family Advocacy Center and Education Services - FACES****24 hour crisis line (208) 345-7273**

To make an appointment: (208) 577-4400 or 208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

**Women's and Children's Alliance****24 hour crisis line (208) 345-7273**

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

<http://www.wcaboise.org/>

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

**2. Responsible Employees**

A "responsible employee" is a University staff or faculty member with:

- The authority to stop, prevent or remedy the effects of stalking;
- The duty to report stalking or other student misconduct; or
- A role on campus that would lead a student to reasonably believe the employee has this authority or duty.

At ISU, nearly all faculty, staff and employees meet the definition of a responsible employee. Responsible employees are required to report all relevant details about the alleged stalking that are shared with or observed by them.

If a student tells a faculty, staff or employee, they should expect that person to share the report with the Title IX Coordinator. This includes the names of the involved parties, and any known witnesses. Responsible employees will also be expected to share facts about the date, location, and time of the alleged incident.

Although responsible employees cannot offer strict confidentiality, the information they share with the Title IX Coordinator will only be shared with the University administrators responsible for responding to the report. In other words, the only people that will receive the information need to know it so they can act to stop the incidents of stalking, remedy its effects, and prevent it from happening again.

The most common responsible employees at Idaho State University include the staff members in the following offices:

University Housing (Resident Assistants, Hall Directors, Assistant Directors)  
Club Advisors  
The Office of Student Affairs  
Public Safety  
The Office of Equal Opportunity, Affirmative Action and Diversity  
Athletic Department (Coaches, Assistant Coaches, Athletic Directors)

Instructors, teaching assistants, lab assistants or clinical advisors are also responsible employees.

Responsible employees are trained to inform students of their obligation to report information to the Title IX Coordinator. They may interrupt a student who is reporting an incident before all of the facts or details are revealed to confirm that the student understands this obligation.

If the student decides they would prefer to tell a confidential source, the responsible employee can help put them in contact with an appropriate individual.

See Section 5.A.1 for information on requesting confidentiality from the University after an incident has been reported to the Title IX Coordinator.

### 3. Law Enforcement

Survivors may choose whether or not they would like to report incidents of stalking to local law enforcement. There is no obligation to report to law enforcement officers and the University will not pressure survivors to do so but will offer assistance if it is requested.

When survivors report an incident of stalking to a law enforcement officer, they are not obligated to pursue a criminal investigation or press charges. Law enforcement officers will consider requests to do nothing if that is preferred.

ISU Public Safety officers are not sworn law enforcement officers but maintain strong collaborative relationships with local law enforcement wherever an ISU campus is located.

ISU's Public Safety staff prefers to inform the local law enforcement agencies when they receive reports of stalking, but will consider requests to refrain from notifying the police.

The following law enforcement agencies have jurisdiction over ISU campuses:

**Pocatello:**

**Pocatello Police Department**

***Emergency: 9-1-1***

***Rape Crisis Line: 251-4357***

911 N. 7th Ave.

Pocatello, ID 83201

208-234-6100

[http://www.pocatello.us/police/police\\_vs.htm](http://www.pocatello.us/police/police_vs.htm)

**Idaho Falls:**

**Idaho Falls Police Department**

***Emergency: 9-1-1***

605 N. Capital Ave

Idaho Falls, ID 83402

208-529-1200

<http://www.idahofallspolice.com/>

**Meridian:**

**Meridian Police Department**

***Emergency: 9-1-1***

1401 E Watertower Ave

Meridian, ID 83642

208-888-6678

<http://www.meridiancity.org/police.aspx>

**Twin Falls:**

**Twin Falls Police Department**

***Emergency: 9-1-1***

356 Third Ave. E.

Twin Falls, ID 83303

208-735-4357

<http://www.tfid.org/index.aspx?nid=186>

## **B. How**

Student experiencing stalking may share information in any way that is comfortable for them, this includes sharing the information anonymously.

### **1. Anonymous Reporting**

Anonymous reports can assist the University in its efforts to comply with federal laws with respect to reporting crimes and in identifying patterns that could be concerning. Anonymous reporting may limit the University's ability to investigate or take disciplinary action.

To submit an anonymous report, please use the following resource:

[Public Safety Anonymous Reporting Form](#)

### **2. Reporting to Responsible Employees & Law Enforcement**

Students choosing to share information with a responsible employee at ISU can send letters or emails, or talk with them in person. If students choose to speak directly to a responsible employee, the employee may take notes or write down facts and details.

If the student is able to remember, the following facts can be very helpful for the University in conducting investigations:

- Exact date(s) and time(s) of the alleged incident(s)
- The alleged perpetrator's name (if known). If not known, providing information about their physical description is helpful.
- The names of witnesses or potential witnesses
- The location of the alleged incident(s)
- Any text messages, emails, or social media posts related to the incident

Student experiencing stalking are encouraged to write down incidents of stalking. To assist students in the process, the University can provide the Stalking Resource Center's Stalking Incident and Behavior Log. Documenting each incident of interaction with the alleged stalker can help law enforcement and University administrators during the investigation and disciplinary proceedings that may follow.

## **C. When**

The University does not impose a deadline for reporting incidents of stalking. However, there are advantages to reporting an incident as soon as possible.

When reported soon after the incident, the University and law enforcement may be able to collect relevant evidence that can be lost with time. For example, surveillance video of the campus is usually only kept for thirty (30) days. Reporting within the first thirty (30) days of the incident could allow for surveillance footage to be accessed and permanently stored.

### Section 3: Receive SUPPORT

Within the University and surrounding communities there are many resources to support survivors of stalking. This section provides the contact information for service providers and shares advice about how to access the services.

#### A. Medical Care

Stalking can include acts of physical and/or sexual violence. The infliction of physical harm can result in the need for medical care and attention. The University provides convenient and affordable medical care through the University Health Center on the Pocatello Campus and through our affiliated health centers on our satellite campuses.

#### **ISU Main Campus – Pocatello:**

##### **University Health Center**

(208) 282-2330  
990 Cesar Chavez Ave  
Pocatello, ID 83209  
<http://www.isu.edu/stuhlth/>

#### **Satellite Campuses:**

##### **Idaho Falls:**

##### **ISU Health Center- Idaho Falls Campus**

(208) 282-7826  
1784 Science Center Dr.  
Idaho Falls, ID 83402  
<http://www.isu.edu/stuhlth/if.shtml>

##### **Meridian:**

##### **Unity Health Center**

745 S. Progress Avenue  
Meridian, ID  
(208) 895-6729  
[www.uhcidaho.com](http://www.uhcidaho.com)

##### **Twin Falls:**

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director  
208-933-2301

In the event that stalking has led to or includes sexual violence, survivors may want to receive a sexual assault examination, emergency contraception, and/or screening for sexually transmitted infections (STIs). These procedures and services conducted by certified Sexual Assault Nurse Examiners (SANEs), can be obtained at the following locations near an ISU campus:

##### **Pocatello:**

##### **Portneuf Medical Center**

777 Hospital Way  
Pocatello, ID 83201  
(208) 239-1000  
[www.portmed.org](http://www.portmed.org)

##### **Idaho Falls:**

##### **Eastern Idaho Regional Medical Center**

3100 Channing Way  
Idaho Falls, ID 83404  
(208) 208-529-7910  
[www.eirmc.com](http://www.eirmc.com)

**Twin Falls:  
St Lukes Magic Valley**

801 Pole Line Road W.  
Twin Falls, ID 83301  
208-814-1400

[http://www.stlukesonline.org/magic\\_valley/](http://www.stlukesonline.org/magic_valley/)

**Meridian:  
St. Luke's Meridian**

520 S. Eagle Rd  
Meridian, ID 83642  
(208) 706-5000

<http://www.stlukesonline.org/meridian/>

**Family Advocacy Center and Education  
Services - FACES**

24-Hour Crisis Line (208) 345-7273  
417 S. 6th St.  
Boise, ID 83702

(208) 577-4400 or 208-377-6790

<http://www.facesofadacounty.org>

Private insurance companies may cover the costs of examinations. If an individual does not have insurance, or is concerned about the cost, the State of Idaho Crime Victims Compensation program may be able to cover the cost of the exam.

Victim advocates may accompany survivors to the medical examination and be present during the exam. Having an advocate present can be very helpful and provide reassurance and emotional support, and assistance with any paperwork.

For more information about what will happen during a sexual assault exam or receiving funding through the Crime Victims Compensation program, contact one of the victim advocate offices listed in Section C below.

**B. Emotional Care**

Stalking typically takes a significant emotional toll on the person being stalked. Victims of stalking articulate experiencing emotions of fear, anxiety, vulnerability, insecurity, irritability, impatience, depression, feeling overwhelmed, or angry. The intensity of these emotions can also produce physical health problems such as more frequent illness, headaches, and/or loss of appetite.

To assist people with addressing these emotions, the University provides several free or low-cost options for personal counseling.

**ISU Main Campus - Pocatello:**

**Counseling & Testing**

(208) 282-2130

921 South 8th Avenue

Pocatello, Idaho 83209

<http://www.isu.edu/ctc/>

Counseling is provided to students free of charge.

**Counseling Clinic**

208-240-1609

7th Floor Garrison Hall

<http://www.isu.edu/hpcounsl/center.shtml>

Low cost counseling for students and the community.

**Center for New Directions**

282-2454  
 Roy F Christensen Building (College of  
 Technology)  
 Room 372  
<http://www.isu.edu/cnd/>  
 Free and confidential personal counseling.

**Psychology Clinic**

208-282-2129  
 5th Floor Garrison Hall  
<http://www.isu.edu/psych/psychologyclinic.shtml>  
 Counseling for students and the community on a  
 sliding fee scale.

**Satellite Campuses:****Idaho Falls:**

**University Counseling and Testing Services  
 - Idaho Falls Campus**  
 (208) 282-7750  
 1784 Science Center Dr.  
 Idaho Falls, ID 83402  
<http://www.isu.edu/idahofalls/counseling>  
 Counseling is provided to students free of  
 charge.

**Meridian:**

**ISU-Meridian Department of Counseling**  
 (208) 373-1719  
 Address  
<http://www.isu.edu/hpcounsl/boiseclinic.shtml>  
 Free counseling for ISU students, low cost  
 counseling for the community.

**Twin Falls:**

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support  
 services.  
 Chris Vaage, Director  
 208-933-2301

**C. Victim Advocacy**

A victim advocate is a trained support person that works with victims of crime. Often victim advocates are members of community action agencies dedicated to preventing and responding to domestic violence, dating violence, and sexual violence. Stalking often accompanies these forms of violence or is part of a larger pattern of aggressive and adverse behavior.

Victim advocates provide several supportive services such as personal safety planning, identifying alternative safe housing, accompanying victims to judicial or administrative proceedings, and referring victims to other care-based services.

The following victim advocacy agencies are available in communities where ISU maintains a campus:

**Pocatello:**

**Family Services Alliance of Southeast Idaho**  
**24 hour crisis line: (208) 251-HELP (4357)**  
 To make an appointment: (208) 232-0742  
 355 S. Arthur Avenue  
 Pocatello, ID 83204  
<http://fsalliance.org/>  
 Free and confidential victim advocacy and  
 counseling services available.

**Idaho Falls:**

**Domestic Violence and Sexual Assault Center**  
**24 hour crisis line 208-235-2412**  
 To make an appointment: 208-529-4352  
 1050 Memorial Dr  
 Idaho Falls, ID 83402  
<https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925>  
 Free services offered to victims of sexual assault  
 and domestic violence including individual  
 counseling, support groups, court advocacy and  
 outside referrals.

**Twin Falls:**

**Crisis Center of Magic Valley**

**24 hour crisis line (208) 733-0100**

To make an appointment: 800-882-3236

P O Box 2444• Twin Falls

Idaho 83303-2444

<http://www.crisiscenterofmagicvalley.com/>

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

**Meridian:**

**Family Advocacy Center and Education Services - FACES**

**24 hour crisis line (208) 345-7273**

To make an appointment: (208) 577-4400 or 208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

**Women's and Children's Alliance**

**24 hour crisis line (208) 345-7273**

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

<http://www.wcaboise.org/>

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

**D. Legal Support**

Because stalking is a crime in the State of Idaho, working with an attorney to identify information that can be relevant to a prosecution or seeking court order protection may be helpful. There are various options for legal support through the University and community.

**ASISU Legal Services:**

208-282-3435 to schedule an appointment

Free general legal advice for ISU students during the academic year. An attorney is available in the ASISU Office for 15-minute consultations twice a month.

**Idaho State Bar Association's Lawyer Referral Service :**

(208) 334-4500

<http://www.isb.idaho.gov/general/findattorney.html>

**Idaho Legal Aid:**

Pocatello:233-0079

Idaho Falls: 208-524-3660

Twin Falls: 208-734-7024

Boise: 208-345-0106

<http://www.idaholegalaid.org/>

Legal representation and community education for low income Idahoans.

## **E. Protective Orders**

Within the State of Idaho, individuals experiencing stalking may be able to secure a protection order to ensure that they do not have to interact with the alleged perpetrator. Depending on the circumstances of the incident, there are three (3) options: no contact orders, civil protection orders, and civil restraining orders.

### **1. No Contact Orders (NCO)**

If an alleged perpetrator has been arrested for a crime, the survivor may request a no contact order from a judge. The NCO is entered into the law enforcement reporting system and is enforced by law enforcement officers. ISU Public Safety Officers can assist local law enforcement in enforcing NCOs.

### **2. Civil Protection Order or Domestic Violence Order**

When an incident involves domestic or dating partners, the survivor may be able to secure a civil protection order or domestic violence order. It is strongly advised that survivors work with a victim advocate to petition for civil protective orders or domestic violence orders because advocates have experience filing the necessary paperwork. Securing a civil protective order or domestic violence order depends on the survivor being able to demonstrate (a) that the survivor and alleged perpetrator had a dating or domestic relationship, and (b) that there has been an act of violence or will be an immediate act of violence.

When a petition is received and approved by a judge, the initial order is entered for the period of fourteen (14) days and a hearing is set to consider extending the order for a longer period of time, usually one (1) year. At the hearing, the judge will consider the need for the order and if the need is demonstrated, the order will be extended for one (1) year.

Civil protection orders are the most common instrument for preventing interaction between the survivor and alleged perpetrator. ISU Public Safety Officers can assist local law enforcement in enforcing civil protection orders.

### **3. Civil Restraining Orders**

Although more expensive to obtain, survivors may employ an attorney to seek a restraining order against an alleged perpetrator in civil court. This option is more expensive because it requires legal representation from an attorney. Restraining orders are not enforceable by law enforcement officers. Violations of restraining orders must be presented in court for enforcement.

## **F. University Support Services**

The University can provide survivors with support beyond medical and emotional care. This includes taking such actions as:

- Changing living arrangements for students that reside in University housing
- Changing course sections or seeking alternatives for face-to-face instruction (online or distance education, independent study, etc.)
- Altering on-campus work schedules
- Re-arranging campus transportation
- Advocating for survivors with faculty to accommodate missed classes, assignments, or exams
- Assisting with withdrawals (processing paperwork, guiding students through the process, discussing the implications for financial aid eligibility, seeking refunds of tuition and fees, etc.)
- No Contact Letters

## Section 4: How Does the University RESPOND

### A. Investigations

When students are involved in a University investigative process, the survivor is referred to as the “Complainant” and the accused is referred to as the “Respondent.”

#### 1. Federal Mandate to Investigate

ISU is required by federal law to investigate all reports of stalking when it is notified of such actions or behavior. Although students may not want the University to investigate reports, the University has an obligation to provide an educational environment that is safe and free from gender-based discrimination and stalking for all students. The University must balance the interests of all students with the interests of those students who have been victimized in an effort to prevent future harm. In conducting investigations, the University’s investigators seek to be sensitive to the needs of those students who have been victimized and those students who have been accused. Investigators strive to be fair, impartial and thorough.

#### Requesting Confidentiality from the University

After an incident of stalking has been reported to the University, the Complainant can request that the University:

- Keep their personal identifying information confidential, and/or
- Refrain from investigating or taking any disciplinary action against the Respondent.

These requests should be submitted, in writing, to the Title IX Coordinator. The Title IX Coordinator will then evaluate the Complainant’s request based on whether honoring the request would interfere with the University’s legal obligation to provide a safe and non-discriminatory environment for all members of the campus community.

The Title IX Coordinator considers the following factors in determining whether the confidentiality request can be honored:

- i. The risk and likelihood of the Respondent engaging in stalking behavior in the future. The Title IX Coordinator will check to see if:
  - The Respondent has any other complaints in their educational records;
  - The Respondent has a history of arrests or disciplinary records at another school or college;
  - The Respondent threatened the Complainant with further violence or violence against others; or
  - Multiple perpetrators participated in the stalking behavior.
- ii. The use or attempted use of a weapon while engaging in stalking.
- iii. The ability of the Complainant to advocate for their interests. Violence or misconduct against vulnerable persons (minors, elderly, disabled) is particularly concerning to the University because the University has heightened obligations to protect them due to their vulnerabilities.
- iv. The existence of a pattern of predation or perpetration.

Reports that indicate one or more of the preceding factors exist will likely lead the University to investigate and act notwithstanding the request for confidentiality. Reporting Parties should know that these circumstances are rare, and even though the University may not honor the request for confidentiality, they will take every available precaution to keep the Complainant safe.

## 2. Investigation Timing

The Department of Education has advised colleges and universities to be timely in conducting their investigations. From the time the University receives notice of stalking, investigators and conduct administrators have sixty (60) calendar days to collect relevant information about the alleged misconduct, and, if appropriate, complete student conduct proceedings. Depending on when the institution is notified and the complexity of the reports, the investigation may take longer, but students will be informed in writing of anticipated delays.

The University's investigation is separate from an investigation conducted by law enforcement. The University cannot delay its investigation to accommodate a law enforcement investigation. When possible, University investigators and law enforcement investigators will cooperate to avoid delays.

## 3. The Investigative Process

There are two (2) distinct parts of each investigation: a) the collection of evidence and information, and b) the adjudication of reports that are supported by the evidence that is collected. Not all reports of gender-based discrimination and/or stalking reach the second stage because there is insufficient evidence to recommend conduct proceedings.

### a) Collection of Evidence and Information

The first task of investigators is to identify and document relevant information regarding the report of stalking. Initially, investigators begin by collecting information from objective sources such as video footage from surveillance cameras, key access logs, electronic/digital records (e.g. social media websites), and any information collected by Public Safety. These sources of information do not require the Complainant or the Respondent to participate in the collection process.

In addition to objective sources, investigators also speak with the Complainant, the Respondent, and witnesses if there are any. These people are considered subjective sources because they share their personal view, perspective and memory of events. Investigators may audio record conversations and take notes to capture all of the relevant information that is shared. Investigators may meet with these individuals more than once to confirm they have accurately recorded the information.

It is helpful to the investigation if involved parties are able to provide evidence such as text messages, emails, voicemails, or social media messages and posts. Students are encouraged to retain as much of this information as possible and to share it with investigators.

Investigators summarize and organize the information they collect into a report. When possible, investigators offer analysis and evaluation of the information and evidence, and recommend whether the report should be adjudicated through student conduct proceedings. The report is available for the Complainant and the Respondent to review. In the event the report recommends the Respondent participate in conduct proceedings, both the Complainant and Respondent will be given access to the report to prepare for the conduct proceedings.

### b) Adjudication of Complaints

When the person accused of stalking is a student, the ISU [Student Conduct Code](#) (ISUPP # 5000) is used to adjudicate the complaint. The process and procedures are described in detail in Article IV. A summary of the process and procedures are included here.

When the person accused of stalking is an employee (faculty, staff, or administrator) the University relies on the process and procedures set forth in the following policies:

- [Suspension, Dismissal, Termination, and Demotion of Classified Employees.](#)

- [Suspension, Dismissal, Termination, and Demotion of Non-Classified Employees \(Faculty are subject to this policy\).](#)

## B. Conduct Proceedings for Students

### 1. Student Conduct Code

ISU's [Student Conduct Code](#) (ISUPP # 5000) establishes the process and procedural guidelines for adjudicating reports of gender-based discrimination and/or stalking perpetrated by students.

### 2. Types of Conduct Proceedings

There are two (2) types of conduct proceedings outlined in the [Student Conduct Code](#): Administrative Resolution Meetings and Student Conduct Board Hearings.

#### a) Administrative Resolution Meetings:

An Administrative Resolution Meeting occurs when there is sufficient evidence for a University Conduct Officer to determine, by a preponderance of the available evidence, that a violation of the [Student Conduct Code](#) occurred. Administrative Resolution Meetings typically result from reports that are supported by clear objective evidence and few if any disputed facts. Although the Respondent may deny having violated the [Student Conduct Code](#), if they cannot support that denial with evidence, the Conduct Officer may find them responsible and impose commensurate sanctions. The Respondent may reject this finding and appear before the Student Conduct Board.

Administrative Resolution Meetings are facilitated by Conduct Officers, not the Student Conduct Board. Although the Complainant will be informed of the outcome of the Administrative Resolution Meeting, they typically do not participate.

#### b) Student Conduct Board Hearings

When the Respondent rejects the finding and sanctions determined during an Administrative Resolution Meeting a Student Conduct Board meeting is held. Student Conduct Boards are comprised of between three (3) and five (5) faculty, staff, and/or students. The Conduct Board determines responsibility and imposes commensurate sanctions if the Respondent is found responsible.

Both the Complainant and the Respondent may attend and participate in the Conduct Board hearing but are not required to do so. They may each bring an advisor who may act as support during the proceedings.

### 3. Standard of Evidence/Information

The University's conduct proceedings employ the same standard of evidence regardless of the type of proceeding. In any proceeding, the adjudicator or finder of fact must determine if the Respondent was responsible for a policy violation by a **preponderance of the evidence**. The word preponderance means "to exceed in weight, influence, power or importance."

The Respondent is found responsible when the available information or evidence indicating they are responsible outweighs the information and evidence that may indicate they are not responsible. The Student Conduct Board and University Conduct Officers have a simple question to answer: "Is it more likely than not that the Respondent did what they are accused of?" If the answer is yes, then the student is found responsible.

The preponderance of the evidence is a lower standard of evidence than the one used in the criminal justice system – beyond a reasonable doubt.

#### 4. Sanctions

The [Student Conduct Code](#) enumerates twelve (12) possible sanctions for students found responsible for gender-based discrimination and/or stalking. The most lenient sanction is a written warning. The most severe sanction is expulsion, or permanent separation, from the University. Short of expelling a student, the Conduct Officer or Student Conduct Board may choose to place the Respondent on probation or suspend them. A suspension is a separation from the University for a defined period of time not to exceed two (2) years. Probation enables a student to remain enrolled at the University but imposes limits and loss of privileges.

The process of sanctioning Responding Parties who have been found responsible is based on analyzing certain factors and elements of the violation. Some of those factors and elements include:

- How significant was the actual harm caused by the Respondent's actions?
- How significant was the potential harm that could have been caused by the Respondent's actions?
- Has the Respondent violated University policies or laws before?
- How have students engaged in similar misconduct been sanctioned by the University in the past?
- What sanctions may deter the Respondent from engaging in the same behavior in the future?

#### 5. Notice of Conduct Proceeding Outcomes

When a Conduct Officer or Student Conduct Board reaches an outcome, there are three (3) distinct parts to each outcome:

- The Finding: Responsible or Not Responsible
- The Rationale: What information, evidence or facts persuaded the Conduct Officer or Conduct Board to reach the finding
- The Sanctions

Verbal notice of the outcome will be provided to both the Complainant and the Respondent within forty-eight (48) hours of the conclusion of the hearing. Written notice will be provided within five (5) business days.

#### 6. Appeals

Both the Complainant and the Respondent may appeal the outcome of conduct proceedings to the [Vice President for Student Affairs](#) or his/her designee(s). Appeals must be based on one (1) or more of the following reasons and substantiated by credible information:

- New information that was unavailable at the time of the conduct proceeding would alter the outcome and should be considered;
- A procedural irregularity resulted in the conduct proceeding being prejudiced or unfair to the Complainant or the Respondent;
- The Conduct Officer or Conduct Board reached its outcome without achieving a preponderance of the evidence standard;
- The sanctions imposed were not commensurate with the violation.

Simply requesting an appeal does not mean the outcome will be reconsidered. The [Vice President for Student Affairs](#) must be persuaded that one (1) of the four (4) reasons listed above has been satisfied in the request for an appeal.

If the appeal is granted, the [Vice President for Student Affairs](#) or his/her designee(s) will reconsider the outcome of the conduct proceeding and determine how to correct it in light of the identified inadequacy.

## C. Student Rights Pursuant to Investigations & Conduct Proceedings<sup>35</sup>

To achieve fairness and impartiality, the University affords both the Complainant and the Respondent similar rights.

### 1. Rights of the Complainant

Sometimes these are referred to as the rights of the victim, survivor or complainant.

- a) The Complainant may choose whether or not to report incidents of gender-based discrimination and/or stalking to the University and/or law enforcement. Even after reporting, they are able to determine the level of their participation in the ensuing investigation and conduct proceedings.
- b) The Complainant has a right to have the information they share protected by those individuals to whom they report. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- c) The Complainant has a right to be free from retaliation for reporting an incident of gender-based discrimination and/or stalking. Retaliation occurs when the Complainant is treated adversely by others for reporting an incident or participating in an investigation or conduct proceeding.
- d) The Complainant has a right to be notified in writing of meetings at which they are expected to participate. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting.
- e) The Complainant may be accompanied by an advisor (e.g. a support person) of their choosing to any meetings pursuant to an investigation including conduct proceedings and appeals. If requested, the University will recommend a faculty or staff member who has been trained on investigations and conduct proceedings to serve as an advisor.
- f) The Complainant may request that their living and learning environment be modified to support their success as a student, and to avoid being re-victimized by being forced to interact with the Respondent. Modifications typically include re-assigning the Respondent to a new residence hall, class section, or work assignment. The Complainant will not be asked to make any change unless they request it.
- g) The Complainant may request that the University take precautions to ensure their safety during investigation meetings and conduct proceedings.
- h) The Complainant may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- i) The Complainant may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Complainant to persuade their witnesses to participate.
- j) The Complainant has a right to review the information and evidence collected during the investigation. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- k) The Complainant may ask that witnesses or the Respondent answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant and being offered in good faith.
- l) The Complainant has a right to have conduct decisions based solely on the information or evidence pertaining to the alleged violation, not on their sexual history or past relationships.
- m) The Complainant has a right to appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.

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<sup>35</sup> University of Virginia - Survivor's Bill of Rights  
The Federal Campus Assault Victims' Bill of Rights (July 1992)

- n) The Complainant will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and/or the outcome of an appeal if granted, simultaneously with the Respondent.

## **2. Rights of the Respondent**

Sometimes these are referred to as the rights of the accused, or respondent.

- a) The Respondent has a right to have the information they share protected by those individuals with whom they share it. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- b) The Respondent has a right to be free from harassment or vigilantism for being accused of gender-based discrimination and/or stalking. Although the Complainant may be subject to reassignment of residence halls, course sections or work assignments, these actions are not punitive but precautionary to prevent further accusations.
- c) The Respondent has a right to be notified, in writing, when they are requested to schedule or participate in a meeting. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting. The Respondent is expected to attend investigative meetings and conduct proceedings, and may be charged with failing to comply with the request of a University official if they do not attend.
- d) The Respondent may have an advisor of their choosing accompany them to any meeting held during an investigation and/or conduct proceeding. If requested, the University will recommend an advisor who is familiar with the investigation and conduct proceeding processes.
- e) The Respondent may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- f) The Respondent may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Respondent to persuade their witnesses to participate.
- g) The Respondent has a right to refrain from answering questions during investigative meetings and conduct proceedings. Students should be aware that not attending a meeting or choosing not to answer questions could still lead to an unfavorable outcome because the University can make a decision based on the information it is able to obtain notwithstanding the Respondent’s absence or silence in the process.
- h) The Respondent will have an opportunity to review the investigative report. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- i) The Respondent will have an opportunity to review and challenge the evidence or information that has been shared by the Complainant leading up to a conduct proceeding so they can adequately prepare for the proceeding.
- j) The Respondent may ask that witnesses or the Complainant answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant, being offered in good faith and will not potentially re-victimize the Complainant.
- k) The Respondent may appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- l) The Respondent will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and/or the outcome of an appeal if granted, simultaneously with the Complainant.

## KEY PERSONNEL

### Title IX Coordinator:

#### Stacey Gibson

Director of Equal Opportunity, Affirmative Action and Diversity  
157 Rendezvous  
921 South 8th Ave. Stop 8315  
Pocatello ID 83209-8315  
(208) 282-3973  
[gibssta2@isu.edu](mailto:gibssta2@isu.edu)

### Title IX Deputy Coordinators:

#### For Students:

##### Contact the Office of Student Affairs

PSUB, Hypostyle, Room 204  
921 South 8th Ave. Stop 8123  
Pocatello ID 83209-8315  
(208) 282-2794

#### For Faculty, Staff and Visitors:

##### Brian Sagendorf

Director of Human Resources  
Administration Building 108  
921 South 8th Ave. Stop 8107  
Pocatello ID 83209-8315  
(208) 282-2517  
[sagebria@isu.edu](mailto:sagebria@isu.edu)

#### For Athletics:

##### Nancy Graziano

Associate Athletic Director  
South Side Holt Arena, Athletic Admin., Room 135K  
921 South 8th Ave. Stop 8173  
Pocatello ID 83209-8315  
(208) 282-4503  
[graznanc@isu.edu](mailto:graznanc@isu.edu)

### Vice President for Student Affairs:

#### Patricia Terrell, Ed.D.

PSUB, Hypostyle, Room 204  
921 South 8th Ave. Stop 8123  
Pocatello ID 83209-8315  
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### Student Conduct Administrator:

#### Contact the Office of Student Affairs

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921 South 8th Ave. Stop 8123  
Pocatello ID 83209-8315  
(208) 282-2794