SECTION 2: CONDUCT REGULATIONS AND PROCEDURES

2-4 PROHIBITED ACTS

Preamble: Expectations of Students

All students are expected to maintain a high standard of conduct, both on and off campus.

Appropriate conduct in a community of scholars includes obeying the law, showing respect for properly constituted authority, meeting contractual obligations, honestly communicating with the University, and maintaining integrity and individual honor in scholastic work.

A student is expected to be responsible for his/her actions whether acting individually or in a group. If an issue involves actions or activities of a student organization, also see Section 6 of the Code.

Pursuant to Sections 2-3-6 and 2-3-7, if a student is charged with an off-campus violation of federal, state, or local laws, disciplinary action may be taken.

SCAs may initiate disciplinary proceedings as outlined in Section 2-5 of the Code against a student who engages or who is alleged to have engaged in the following:

A. Violations of Criminal or Civil Laws. Violation of conduct such as found in federal, state, or local laws or ordinances, committed singly or in concert with others. Examples of such laws include, but are not limited to:

a. Endangerment. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any persons.

b. Gross sexual imposition. Engaging in a sexual act with another through force or by threat of force or with a person who is substantially impaired or unaware that a sexual act is being committed.

c. Sexual imposition. Engaging in a sexual act or sexual contact with another by any threat or, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification.

d. Sexual assault. Having sexual contact with another person that is offensive to the other person or upon a person unable or too impaired to understand the nature of the contact.

e. Surreptitious intrusion. Intruding upon or interfering with the privacy of another by secretly or without authorization gazing, staring, or peeping upon or photographing, recording, amplifying, or broadcasting sounds or events of another.

f. Stalking. To “stalk” means to intentionally with no legitimate purpose, repeatedly (more than one time) behave in a way that would cause a person to experience fear, intimidation or harassment, or to be the object of repeated unwanted attention. Stalking behavior includes, but is not limited to, such actions as: following, loitering near, telephoning, or e-mailing another person with the intent to annoy, harass, alarm, distress, or intimidate that person or his/her immediate family.

g. Assault. Causing, willfully or negligently, bodily injury to another human being.
B. **Acts of Dishonesty**, including, but not limited to:

1. **Academic Dishonesty**. Cheating, plagiarism, or other forms of academic dishonesty. See Appendix IIIa of the Code.

2. **False Information**. Furnishing false information to or withholding required information from any University official, faculty member, or other official.

3. ** Forgery**. Forgery, alteration, or misuse of any official document, record, or instrument of identification, including University documents, records, or instrument of identification, or presenting such forged, altered, or falsified records to a University official.

4. **Document Misuse**. Misusing, falsely representing, defacing, mutilating, or stealing a University document.

5. **ID Misuse**. The lending or giving to another person or the use by a person to whom the document was not issued, of a University ID card or any document that is intended for use solely by the individual to whom the document was issued. The U-Card is considered the official University ID card. Theft of U-Card services, duplication and/or altering of this card are prohibited.

6. **Election Tampering**. Tampering with the election of any University recognized student organization.

7. **Mediation Violation**. Failure to comply with a mediated agreement.

C. **Acts Against Self or Other Persons**, including, but not limited to:

1. **Hazing**. Hazing by individuals or University groups is prohibited on or off campus. Hazing is defined as

   a. an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization, could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; destroys or removes public or private property; or involves the consumption of alcohol, other drugs, or other substances. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule (see N.D.C.C. § 12.1-17-10); or

   b. any action taken or situation created intentionally to produce psychological or physical discomfort, embarrassment, or ridicule; or

   c. any action which may endanger the health of the individual, or demand of him or her undignified conduct, or in any way jeopardize his or her scholastic standing or general well being.

2. **Interference**. Conducting him/herself in a manner that significantly interferes with the operations of the University or endangers the health or safety of members of the University community and/or visitors on campus, including actions that (a) substantially interfere with, or (b) are taken with a general intent to engage in actions to substantially interfere with, another’s educational
opportunities, peaceful enjoyment of residence, physical security, or terms/conditions of employment.

3. **Harassment.** Verbal or physical conduct directed against members of the university community that is discriminatory, in that it is severe, persistent, or pervasive, and has the effect of limiting or denying a student’s ability to participate in or benefit from an educational program is prohibited. See Section 1-3 of the Code. In cases of Protected Class Harassment, see Section 1-1, Appendix I, and Section 2-6-E of the Code.

4. **Menacing.** Menacing is knowingly frightening or attempting to frighten another person through threats of imminent and serious harm.

5. **Terrorizing.** Terrorizing means to threaten to commit an act of violence and/or to threaten to commit an act that would endanger another person’s life.

6. **Sexual Misconduct.** A sexual act committed without intent to harm another and where, by failing to correctly assess the circumstances, a person believes unreasonably that effective consent was given without having met his/her responsibility to gain effective consent.

D. **Disruptive Activity or Disorderly Conduct**, including, but not limited to:

1. **Classroom Disruption.** Disrupting classroom activity.

2. **Campus Disruption.** Participating in an activity, demonstration, or riot 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; or intentionally obstructing or unreasonably interfering with freedom of movement, either pedestrian or vehicular, on campus.

3. **Failure to Comply with University Officials or Law Enforcement.** Failing to comply with the directions of University Officials or law enforcement officers acting in performance of their duties; failure to identify oneself to these persons when requested to do so; and/or failure to comply with the sanction(s) imposed under the Code.

4. **Abuse of the University student conduct system**, including but not limited to:
   a. Disruption or interference with the orderly conduct of a Code proceeding.
   b. Falsification, distortion, or misrepresentation of information to a SCA or Judicial Body
   c. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
   d. Attempting to discourage an individual’s proper participation in, or use of, the student conduct system.
   e. Attempting to intimidate a SCA or a member of a Judicial Body or Appellate Body prior to, during, and/or after a student conduct proceeding.
   f. Initiating, in bad faith, an action under the Code.
g. Failing to comply in a timely manner when contacted to meet with an SCA.

h. Violation of the Retaliation Prohibited statement (see Section 1-29 and Appendix I-8 of the Code).

5. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University or SBHE website, including violations of the Residence Hall Room and Board License Contract, Residence Hall Handbook, or the University Apartment Policy Book.

Violations of University regulations or the residence contracts that occur in University housing may be handled by Student Conduct Administrators, including but not limited to the student’s Residence Life Coordinator (RLC), Residence Hall Director (RHD), or Assistant or Associate Director. Specific housing regulations, disciplinary procedures, and appeal channels and guidelines for behavior are outlined in the Residence Hall Handbook.

University of North Dakota Weapons Policy

In accordance with Section 12.1-01-04 of the North Dakota Century Code (N.D.C.C.) the possession, storage, or use of weapons, e.g., shotguns, rifles, pistols, paintball guns, explosives, switchblade knives, or fixed blade knives with a blade length of five inches or greater, or any other such offensive weapons, are prohibited on the property of the University of North Dakota. The definition of a “weapon” can be found in Chapter 62.1-01 of the N.D.C.C.

This prohibition shall apply to all faculty, staff, students of UND, and all visitors and/or residents of the campus, or property of the University. Thus, the possession of weapons, or the unreported knowledge of such items on the University’s premises or during University programs, on- or off-campus, is considered a serious offense subject to disciplinary actions.

Exemptions: The University policy does not apply to authorized law enforcement officials in the lawful discharge of their duties. Temporary exemptions may be granted by written permit only, by the University’s Chief of Police or authorized designee, for job-related, educational, or demonstration purposes. Concealed weapons permits are not valid on the property of the University of North Dakota or at events sanctioned by the University of North Dakota.

E. Possession of Prohibited Items, including, but not limited to:

1. Weapons/Fireworks. Violating the University weapons policy, or possessing or using unauthorized weapons or fireworks on University property or in conjunction with a University-related activity off-campus. Such Authorization can be provided only by the Chief of UND Police.

2. Alcohol. See Policy 6.4, Alcohol and Drugs

3. Drugs/Paraphernalia. See Policy 6.4, Alcohol and Drugs

F. Acts Involving Property, including, but not limited to:

1. Theft/Property Damage. Attempted or actual theft of and/ or damage to property within the premises or jurisdiction of the University, including University property or any property of a member of the University community and/or contractor(s), vendor(s), or guest(s) of the University.
2. **Trespassing/Unauthorized Entry.** Unauthorized presence on or use of University premises, facilities, or property.

3. Violating protocols listed in the UND Building/Facility Access Policy or through other means circumventing locks in university facilities, or other unauthorized presence on or use of University premises, facilities, or property.

4. **Fire Equipment Misuse.** Maliciously and/or negligently tampering with fire alarms or fire equipment.

5. **Computer and Network Misuse.** Theft or other abuse of computer facilities and resources, including any action which violates SBHE Policy on Computing Facilities (1901.2), the Student Acceptable Use Policy, and/or the Digital Millennium Copyright Act.

6. **Storm Drains.** It is a violation of the Clean Water Act to dump anything other than natural water runoff into a storm sewer drain.

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