

Section 7: Important Policies

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Idaho Statutes

Title 33, Education, Chapter 37, Miscellaneous Provisions Relating to State Institutions of Learning

33-3715. Interference with Conduct of Institutions of Higher Learning – Legislative Intent

The legislature, in recognition of unlawful campus disorders across the nation which are disruptive of the educational process and dangerous to the health and safety of persons and damaging to public and private property, establishes by this act criminal penalties for conduct declared in this act to be unlawful. However, this act shall not be construed as preventing institutions of higher education from establishing standards of conduct, scholastic and behavioral, reasonably relevant to their lawful missions, processes, and functions, and to invoke appropriate discipline for violations of such standards.

33-3716. Unlawful Conduct - Penalty

- (1) No person shall, on the campus of any community college, community college, college, or university in this state, hereinafter referred to as “institutions of higher education,” or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education, willfully deny to students, school officials, employees, and invitees:
 - a. lawful freedom of movement on the campus;
 - b. lawful use of property, facilities, or parts of any institution of higher education; or (c) the right of lawful ingress and egress to the institution’s physical facilities.
- (2) No person shall, on the campus of any institution of higher education, or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of such institution in the lawful pursuit of his educational activities, through the use of restraint, abduction, coercion, or intimidation, or when force and violence are present or threatened.
- (3) No person shall willfully refuse or fail to leave the property of, or any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education upon being requested to do so by the chief administrative

officer, his designee charged with maintaining order on the campus and in its facilities, or a dean of such college or university, if such person is committing, threatens to commit, or incites others to commit, any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

- (4) Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an institution of higher education and its employees.
- (5) Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500), or imprisoned in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

Title 67, Chapter 77, Bingo And Raffles

67-7707. Bingo By Charitable or Nonprofit Organizations

- (1) It is lawful for a charitable or nonprofit organization to conduct bingo sessions or games in accordance with the provisions of this chapter and the rules of the state lottery commission. Any charitable or nonprofit organization, any member of a charitable or nonprofit organization, or any person that conducts a bingo session or game in violation of any provision of this chapter or the rules of the state lottery commission may be assessed a civil penalty not in excess of ten thousand dollars (\$10,000). Additionally, any person knowingly conducting a bingo session or game in violation of the provisions of this chapter or the rules of the state lottery commission may be charged under the gambling laws contained in chapter 38, title 18, Idaho Code. Violations will be prosecuted by the county prosecuting attorney.
- (2) No person under the age of eighteen (18) may play bingo in games where a cash prize is offered or where the prize exceeds twenty-five dollars (\$25.00) in value for merchandise. No person under the age of eighteen (18) may play bingo in any game operated by a licensed charitable or nonprofit organization.

67-7710. Raffles and Duck Races

- (1) It is lawful for any charitable organization to conduct raffles in accordance with the provisions of this chapter. Any charitable or nonprofit organization who conducts a raffle in violation of any provision of this chapter may be assessed a civil penalty



not in excess of ten thousand dollars (\$10,000). Additionally, any person knowingly conducting a raffle in violation of any provision of this chapter may be charged under the gambling laws of the state contained in chapter 38, title 18, Idaho Code. It shall not constitute a violation of state law to advertise a charitable raffle conducted pursuant to this section. It is lawful to participate in a charitable raffle conducted pursuant to this chapter. A charitable raffle conducted lawfully pursuant to this chapter is not gambling for purposes of chapter 38, title 18, Idaho Code.

- (2) Raffles shall be limited to twelve (12) per charitable organization per year, provided that this limitation shall not apply to public or private elementary or secondary schools located in this state. The maximum aggregate value of cash prize(s) that may be offered or paid for any one (1) raffle, which is not a duck race, is one thousand dollars (\$1,000) and if merchandise is used as a prize and it is not redeemable for cash, there shall be no limit on the maximum amount of value for the merchandise.

67-7713. Exemption From Licensure Requirements

A charitable or nonprofit organization conducting a bingo game shall not be required to obtain a license if the gross annual bingo sales are less than ten thousand dollars (\$10,000) and/or if the aggregate total amount for prize(s) offered, in cash or merchandise, for any one (1) session, is less than one thousand dollars (\$1,000). A charitable or nonprofit organization conducting a raffle shall not be required to obtain a license if the gross annual raffle sales are less than ten thousand dollars (\$10,000) and/or if the maximum aggregate value of merchandise does not exceed one thousand dollars (\$1,000). Title 33, Education, Chapter 37, Miscellaneous Provisions Relating to State Institutions of Learning

Idaho State Board of Education Governing Policies & Procedures

Section III: Postsecondary Affairs

(Only Those Affecting Student Organizations)

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Students

The following policies and procedures are applicable to or for any person designated as a student at an institution under governance of the Board. A "stu-

dent" means any person duly admitted and regularly enrolled at an institution under governance of the Board as an undergraduate, graduate, or professional student, on a full-time or part-time basis, or who is admitted as a non-matriculated student on or off an institutional campus.

1. Nondiscrimination

It is the policy of the Board that institutions under its governance must provide equal educational opportunities, services, and benefits to students without regard to race, color, religion, sex, national origin, age, handicap, or veterans status, including disabled veterans and veterans of the Vietnam era in accordance with:

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
- b. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance.
- c. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance.
- d. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*, which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
- e. Chapter 59, Title 67, Idaho Code, and other applicable state and federal laws.

2. Sexual Harassment

Each institution must establish and maintain a positive learning environment for students that is fair, humane, and responsible. Sexual discrimination, including sexual harassment, is inimical to any institution.

Sexual harassment violates state and federal laws and the Governing Policies and Procedures of the Board. "Sexual harassment" means an unwelcomed sexual advance, request for sexual favors, or behavior, oral statements, or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of a student's grade, receipt of a grade, or status as a student;
- b. an individual student's submission to or rejection of such conduct is used as a basis for a decision affecting the student; or



- c. such conduct has the purpose or effect of substantially interfering with a student's learning or learning performance, or creating an intimidating, hostile, or offensive learning environment.

Each institution must develop and make public procedures providing for the prompt, confidential, and equitable resolution of student complaints alleging an act of sex-based discrimination, including sexual harassment.

5. Student Records

The collection, retention, use, and dissemination of student records is subject to the requirements of the Family Educational Rights and Privacy Act of 1971, as amended, and implementing regulations. Each institution will establish policies and procedures for maintenance of student records consistent with the act and implementing regulations and will establish and make public and appeals procedure, which allows a student to contest or protest the content of any item, contained in his or her institutional records.

7. Full-Time Students

For fee and tuition purposes, a "full-time student" means any student carrying eight (8) or more credits (or equivalent in audit and zero-credit registrations) and graduate students on full appointments (instructional and graduate assistants), regardless of the number of credits for which they are registered.

- a. Student Body Officers and Appointees. For fee and tuition purposes, the president, vice president, and senators of the associated student body government are considered full-time students when carrying at least the following credit loads: (a) president, three (3) credits and (b) vice president and senators, six (6) credits.
- b. Editors. Editors of student-published newspapers are recognized as full-time students when carrying a three-credit load, and associate editors are recognized as full-time students when carrying a six-credit load.

8. Student Governance

The students at each institution may establish a student government constitution for their own duly constituted organization, which must be consistent with Board Governing Policies and Procedures. Each student constitution must be reviewed and approved by the chief executive officer. Any amendments to the student constitution must also be reviewed and approved by the chief executive officer.

12. Student Conduct, Rights, and Responsibilities.

Each institution will establish and publish a statement of student rights and a code of student conduct. The code of conduct must include procedures

by which a student charged with violating the code receives reasonable notice of the charge and is given an opportunity to be heard and present testimony in his or her defense. Such statements of rights and codes of conduct, and any subsequent amendments, are subject to review and approval of the chief executive officer.

14. Student Organizations

Each student government association is responsible, subject to the approval of the institution's chief executive officer, for establishing or terminating student organizations supported through allocation of revenues available to the association. Expenditures by or on behalf of such student organizations are subject to rules, policies, and procedures of the institution and the Board.

15. Student Publications and Broadcasts

Student publications and broadcasts are independent of the State Board of Education and the institutional administration. The institutional administration and the State Board of Education assume no responsibility for the content of any student publication or broadcast. The publishers or managers of the student publications or broadcasts are solely liable for the content.

Federal Privacy Act and Idaho Open Meeting Law

It shall be the policy of Boise State University to adhere to The Family Educational rights and Privacy Act of 1974 (The Buckley Amendment) which forbids the indiscriminate disclosure of confidential student disciplinary records without the consent of the student involved. This will include disciplinary hearings which will be closed to the public as provided by the Idaho Open Meeting Law unless the respondent waives the right to a closed hearing. The Idaho Open Meeting Law states that "A closed meeting...may be held...to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against...a...public school student" or "To consider records that are exempt by law from public inspection."

Student Policy and Appeals Board

By delegation of the President of the University, the Student Policy and Appeals Board, under the chairmanship of the Vice President for Student Affairs, is designated as the primary agency for the development and administration of the Student Code of Conduct, Student Judicial System and other student policies and procedures relating to student life on the campus of Boise State University.

The Student Policy and Appeals Board is the highest and final board in the judicial appellate structure and as such will hear appeals from cases heard by the ASBSU Judiciary. In instances where it is necessary for the Student Policy and Appeals Board to become the judicial body of first jurisdiction, one-half of the Board will become the hearing body and the other half an appeal body as designated by the Vice President for Student Affairs.

The ASBSU Judiciary and all other judicial bodies are subordinate to the Student Policy and Appeals Board. The appropriate Student Affairs staff members working in their respective areas of responsibility have the authority to establish residence hall councils or standards committees to hear cases concerning violations of group rules and regulations. The council or committee may recommend to the appropriate staff member sanctions such as admonition, censure, probation or disqualification and/or loss of privileges. The judicial bodies are subordinate to the Student Policy and Appeals Board.

The Student Policy and Appeals Board is composed of two members of the faculty, two Student Affairs staff members, four students-at-large, the ASBSU President (ex officio), the Chief Justice of the ASBSU Judiciary (ex officio), one Student Senator (ex officio) and the Vice President for Student Affairs who serves as chair. The ASBSU President, Senator and Chief Justice serve as ex officio (nonvoting) members for policy matters, but are ineligible for participation in judicial matters.

ASBSU Judiciary

General Provisions

The supreme judicial power of the Associated Students is vested in the ASBSU Judiciary whose authority is delegated from the President of the University and is derived from the Associated Students. The ASBSU Judiciary has the authority or original jurisdiction in all cases involving alleged violations of ASBSU and/or University regulations or policies. They will review all complaints with reference to the above unless referred to a lower tribunal or unless said complaints fall under the jurisdiction of the Academic Grievance and Academic Dishonesty Board.

Appeals from decisions or recommendations of the ASBSU Judiciary will be made to the Student Policy and Appeals Board. This procedure of appeals has been agreed upon and accepted by the Student Senate and the President of the University.

Powers and Obligations

- A. To interpret the Constitution upon request of the ASBSU President or Senate.
- B. To have original jurisdiction in case of alleged violations of the University or ASBSU regulations and

other ASBSU actions except where delegated to lower judicial bodies.

- C. To delegate local authority to lower ASBSU recognized judicial bodies.
- D. To hear appeals from decisions of lower judicial bodies.
- E. To enjoin ASBSU government officials from taking action contrary to the decisions of the ASBSU Judiciary.
- F. To review and recognize all constitutions of any entity

Eligibility Requirements for Extracurricular Activities

In its official capacity as the primary agency for the development and administration of the Student Code of Conduct, Student Judicial System and other student policies and procedures relating to student life on the campus of Boise State University, the Student Policy Board requires that:

1. In order to represent the University or a recognized student organization in any extracurricular activity of an intercollegiate nature such as debates, regional or national, student, fraternal, or organizational conferences, competitions, workshops, clinics, etc., a student must:
 - a. Be currently enrolled as a student.
 - b. Not be disqualified or suspended from the University.
 - c. Meet the standards (academic, enrollment, behavior) of the University organization being represented.
2. The minimum standards for the selection and continuation of individuals as officers or appointed officials of student organizations are:
 - a. President or Primary Officer
 - Enrollment as a full-fee paying student (at least 8 credits) by the tenth day of each semester and continuation as a full-fee paying student throughout the academic term.
 - Maintenance of a cumulative GPA of 2.00 or better.
 - b. Other Officers
 - Enrollment for at least three credits as a fee paying student by the tenth day of each semester and continuation as a fee paying student throughout the academic term.
 - Maintenance of a cumulative GPA of 2.00 or better.

Each organization may incorporate more stringent requirements in its constitution for officers or other special situations.
3. The minimum standards for the selection and continuation of individuals as officers or appointed of-



officials of the Associated Students of Boise State University (ASBSU) are:

- a. Executive Officers, Student Justices, and College Senators
 - Enrollment as a full-fee paying student by the tenth day of each semester and continuation as a full-fee paying student throughout the academic term.
 - Maintenance of a cumulative GPA of 2.25 or better.
- b. At-Large Senators
 - Enrollment in a minimum of three credit hours by the tenth day of each semester and continuation in three credit hours or more throughout the academic term.
 - Maintenance of a cumulative GPA of 2.25 or better.
- c. Appointed Positions (other than Executive Officers, Executive Staff, Student Justices, College Senators, and At-Large Senators)
 - Enrollment by the tenth day of each semester and continuation as an enrolled student throughout the academic term.
 - Maintenance of a cumulative GPA of 2.25 or better.

In periods between fall and spring semesters, and between spring and fall semesters, a student is eligible to continue in her/his position as long as he/she meets the requirements in the previous semester and is intending to continue as a student with the appropriate eligibility requirements in the following semester.

The Student Policy Board encourages ASBSU and other student organizations to set additional standards that they deem necessary and beneficial to their organization.

The Student Policy Board feels that the duty of relieving a student from the position he/she holds because of lack of compliance with the aforementioned requirements is the responsibility of the appointed official(s) of that organization.

Alcohol and Drug Policies*

Boise State University wishes to encourage a chemically healthy environment for its students, guests, and employees. To this end, the University: (1) developed policies and procedures regarding a drug-free work place; (2) promotes education and training programs, both internally and externally, regarding alcohol and drug use/abuse; (3) implemented an Employee Assistance Program; (4) provides wellness programs and activities for employees and students; and (5) participates in numerous community support and resource based programs.

In the interest of the personal health and safety of the campus community, Boise State University will not condone or ignore alcohol or drug abuse. Further, the illegal manufacture, distribution, dispensation, or pos-

session of a controlled substance on University owned or controlled property will not be tolerated.

Boise State University will assist members of the campus community who are experiencing problems with alcohol or drugs in making informed decisions about appropriate use as well as the adverse consequences of alcohol or drug abuse on one's health and behavior.

Boise State University prohibits illegal possession, consumption, manufacturing, and distribution of alcohol and drugs by students in college or University owned, leased, or operated facilities and on campus grounds. Any individual who violates the policies stated in the BSU Code of Conduct/Campus Discipline Process brochure may be subject to any or all of the following: expulsion; suspension; conduct probation; censure; restitution, or compensation.

Any questions regarding these policies and/or requests for assistance should be directed to the Vice President for Student Affairs, (208) 426-1418 or the Counseling and Testing Center, (208) 426-1601.

Academic Grievance and Academic Dishonesty Board

Responsibilities

The jurisdiction of the Academic Grievance and Academic Dishonesty Board is established to maintain high academic standards and performance and to protect objectivity and fairness in assigning, administering and evaluating student performance. The Board has responsibility in all matters of grievance pertaining to academic conduct, instructional procedure or testing.

Composition

- A. Seven student senators appointed by the ASBSU Vice-President, with an attempt being made to select one from each college or division in the University.
- B. Seven faculty representatives to be appointed by the Chairperson of the Faculty Senate - one from each college or division.
- C. One representative from the Division of Student Affairs appointed by the Vice-President for Student Affairs, to serve as a non-voting, ex-officio advisor to the complainant, respondent and the Board.
- D. The Chairperson of the Board will be the ASBSU Vice-President who shall vote only in case of a tie. All members will have equal voting privileges. In the event the Chair is disqualified, the Board will elect a new Chair, for that meeting only, from its membership.
- E. If, prior to the hearing, it can be shown that a member of the Board is directly involved in the case, that person can be removed by a majority vote of the Board. This case can be instigated by



the complainant, the respondent or a Board member. The removal will apply only to that case.

- F. Upon removal of a Board member, the respondent and complainant will have the option of accepting the decision of the remaining Board members or having the removed Board member replaced. Any disagreement will result in replacement. If a replacement is made, s/he shall come from the same classification as the removed member (See A-C).

Tenure of Office

- A. All members of the Board shall be appointed by the third week of September and shall serve for a period of one year or until the appointment of a successor.
- B. All vacancies shall be filled in the same manner as in the original appointment.

Procedure - Academic Grievance

- A. In order to obtain a hearing by the Academic Grievance Board:
1. The grievance shall be presented to the concerned party first.
 2. If the problem is not solved after contacting the party involved, the complainant initiates the grievance process by picking up formal grievance forms from the ASBSU Office (the forms will be accompanied by a memo directing the complainant to the Academic Grievance and Dishonesty Board Advisor).
 - a. The grievance shall be presented to the Department Head who will review the case and render a written opinion.
 - b. If not resolved, the Dean of the College shall review the case and render a written decision.
 3. The ASBSU Vice-President shall be responsible for ascertaining that the complainant has completed the above procedures.
 4. The ASBSU Vice-President shall request that the complainant file the Grievance Complaint Form A.
 5. After the Grievance Complaint Form has been filed, the ASBSU Vice-President shall notify the respondent named in the complaint form that it has been filed and request that s/he respond using the Academic Defendant Form B. The Department Head and College Dean will be notified of the continuing process.
 6. After proper notification, the respondent shall reply with the Defendant Form B within two weeks.
 7. Two weeks after notification to the respondent, whether or not Defendant Form B has been received by the ASBSU Office, the respondent shall be notified by the ASBSU Vice-

President as to the time of the hearing. Non-appearance of the respondent will not be interpreted as an admission of guilt.

- a. The respondent may agree in writing not to contest the case. The Board will then hear the written pleas or statements of the respondent and all other facts or evidence related to the case and render a decision.
 - b. If the respondent does not notify the Board of his/her intentions or does not appear, the Board will proceed with a review of the case at the stated date, time and place.
8. At the hearing, by a majority vote of the Academic Grievance Board, it will be decided whether or not the case is valid and will be heard.
 9. The respondent and complainant will each be given the opportunity to elect whether or not to have an open or closed hearing. If either party chooses to have a closed hearing, the hearing shall be closed. (A closed hearing means that no spectators will be allowed. Either party may have witnesses, but the witnesses must wait outside the hearing room except during the time they are giving testimony or are answering questions.)
 10. Eight members shall constitute a quorum for the assemblage of the Board, with four student members and four faculty members in attendance. If at any time the Board lacks a quorum, the hearing shall recess until such time as a sufficient quorum of the same members from the first meeting can be reassembled. Only those members who have heard all of the testimony and have read all of the material submitted can vote. If the original quorum cannot be reassembled within five school days, then a new hearing shall be scheduled.
 11. All votes of the Board will be decided by a majority vote.
 12. The complainant and respondent shall be notified verbally of the decision of the Board immediately after the hearing. Written copies of the decision of the Board shall be distributed to the following offices within two weeks of the decision of the Board:
 - a. Both parties involved in the case (complainant and respondent).
 - b. The Dean and his/her designee and the Department Chair.
 - c. The Registrar (if a grade change is involved).
 - d. The President of Boise State University.
 - e. The Provost of Boise State University.
 - f. The Vice-President for Student Affairs.



- g. The Vice-President for Finance and Administration of Boise State University (if a fee adjustment is involved).
- 13. Records are to be retained only for the minimum period as determined by the official University record-keeping policy.
- 14. All academic grievances must be filed by the end of the fifth week in the fall or spring semester immediately following the occurrence of the alleged grievance. For example, a grievance that occurred in the fall semester must be filed by the fifth week of the following spring semester.
- 15. No grievance will be heard by the Academic Grievance Board during the last two weeks of the semester unless it concerns a course being taken that semester.

Procedure - Academic Dishonesty

- A. If an instructor wishes to have a cheating or plagiarism offense referred for University action, s/he will confer with the Department Head.
- B. If the Department Head concurs that the incident should be referred for additional action beyond failing the student in the course, the case will be referred to the Dean or his/her designee of the College in which the incident occurred. The Dean of the College of the student's major shall be notified of the action being taken.
- C. The Dean of the College where the incident occurred or his/her designee of the College will appoint a special hearing board consisting of three faculty and three students with the Dean or his/her designee as the Chairperson.
- D. In such a hearing, University Judicial Procedures will be utilized as outlined in BSU Policy 4200-D and this handbook.
- E. The Academic Grievance and Academic Dishonesty Board will be the final hearing in the event of an appeal.

Power and Authority

- A. The Board shall be empowered to recommend changes relating to student grades and behavior and to recommend changes relating to academic conduct, instructional procedure and testing.
- B. Recommendations regarding students will be referred to the Vice-President for Student Affairs. Recommendations regarding faculty members will be referred to the Provost of Boise State University.

Boise State University Policies

The following are select sections taken from the Boise State University Policy Manual that may be applicable to Student Organizations. To view the entire Boise State University Policy Manual, go to <http://diamond.boisestate.edu/~margene/policies/Toc.html>.

Student Organization Policies

Student organizations and activities policies are made by the Student Policy and Appellate Board, approved by the University administration and administered by the Director of Student Union and Student Involvement. The Student Policy and Appellate Board recognizes ASBSU's role to regulate student organizations within its constitutional authority. The Student Involvement staff is available for consultation and advice on policies, procedures and expenditures pertaining to student organizations as well as planning, scheduling and implementing programs, activities, and social events.

For the purpose of this policy, the following definitions are provided:

University - Boise State University

ASBSU - Associated Students of Boise State University, student government

Fee-paying - Student paying (individually or scholarship) all required University fees listed in the Schedule of Fees

A. Organization Defined

- 1. Any group of students living or acting together, electing officers and/or assessing dues or fees for their mutual benefit is an organization.
- 2. The President or primary officer for an organization must be a fee-paying student at this University.
- 3. All voting members and remaining officers must be fee-paying students at this University.
- 4. All groups of students fitting the definition of on organization must be officially recognized by the University through the ASBSU Judiciary.

B. Recognition Agreement

Recognition of an organization extends to them the privilege of identification with the University and the use of institutional facilities. The organization agrees to accept those regulations and policies necessary for the protection of the University's essential functions, for equal sharing of time and space, and to assure the reasonable health and safety of the community.

Recognition of organizations does not mean that the University supports or adheres to the views held or to positions taken by such organizations. Responsibility for any actions which violate federal, state or local laws must be assumed by the organization itself.

C. Recognition Steps for New Organizations

University students interested in organizing a new organization shall:

1. Set an appointment and meet with a Student Involvement staff member to review the recognition process. At least one individual attending the appointment must be a University student currently enrolled for three or more credits. A student I.D. number will be requested at the time an appointment is being scheduled.
2. Complete an "Intent to Organize Card" at the initial meeting with the Student Involvement staff member. The card requests the names, addresses (mail and e-mail) and phone numbers of the students organizing the organization as well as the potential name of the organization.
3. Obtain from the Student Involvement staff member a "Temporary Organization Privileges Card" which is necessary to access facilities and promotional services.
4. Reserve rooms in the Student Union, or other campus facilities, for a Constitution Development Meeting, an Informational/ Organizational Meeting and an Election Meeting. Coordinate meeting times so a Student Involvement staff member can attend and facilitate the Constitution Development Meeting.
5. Advertise and promote the organization and all its meetings throughout campus in an effort to recruit new members.
6. Complete the Constitution Development process (with the assistance of a Student Involvement staff member or with the tutorial program on the Organization Complex computers) and have the membership vote to approve the constitution. Ensure that the organization's constitution meets the University's Constitutional Requirements listed later in this policy. The organization is encouraged to write bylaws for the organization's specific rules of procedure.
7. Submit two copies of the proposed constitution to the Student Involvement Center.
8. Complete an "Organization Officer Card" listing the organization's officers and advisor, their addresses and telephone numbers and submit it to the Student Involvement Center.
9. File a copy of the constitution or comparable information of the parent organization with the

Student Involvement Center (if the organization is affiliated with a community, state, regional or national organization).

10. Maintain communication with the Student Involvement staff member until the organization receives a notice that Official Recognition has been granted. (The Student Involvement staff member will review the officers card, the BSU and parent organization constitutions for compliance with all University requirements. When all requirements have been met, a Student Involvement staff member will recommend to the ASBSU Judiciary that the organization be granted official recognition. During the summer months when the ASBSU Judiciary is not in session, the organization will be granted Official Recognition pending Judiciary approval.)

Constitutional Requirements

There are at least eleven articles that are necessary in a new or current constitution in order to be recognized and to maintain recognition.

1. Name. The name by which the organization will be known.
2. Statement of Purpose. The statement of purpose for the organization.
3. Affiliation.
 - a. Affiliation with Boise State University clearly stated- what does that affiliation mean? What are the obligations and responsibilities?
 - b. This organization shall operate according to the most current regulations and policies of the Idaho State Board of Education, Boise State University, the Associated Students of Boise State University Constitution, and in compliance with all local, state, and federal laws regardless of contradictory material that may be in this document.
 - c. Affiliation with a community, state, regional or national organization (if applicable).
4. Nondiscrimination Statement. It is the policy of the University not to discriminate unlawfully against any individual on the basis of age, race, color, religion, gender, national origin, ancestry, disability, sexual orientation, veteran status, or political affiliation (gender excludes organizations which have been determined exempt according to federal law). The University requires each organization to submit a copy of the charter, constitution and bylaws of the parent organization where applicable. This is necessary to determine whether discrimination



for the aforementioned reasons is encouraged on any level.

5. **Membership.** At least fifty-one percent of the total membership must be fee-paying University students, carry a minimum of three credit hours, and reflect minimum University academic requirements.

Voter eligibility: all voting members must be fee-paying University students and carry a minimum of three credit hours.

6. **Meetings.** Organizations shall indicate what is necessary to achieve a quorum, the necessary voting percentages to conduct business, and the frequency of meetings.
7. **Officers.** State how these officers are selected and replaced, the qualifications for office, officer duties, method of electing officers, specific time of elections, type of vote, term limits, and methods for filling vacancies.

The minimum University requirements for the President or primary officer for an organization must be:

- a. Enrollment as a full fee-paying student (at least 8 credits) by the tenth day of each semester and continuation as a full fee-paying student throughout the academic term. A graduate student may be enrolled as a fee-paying student (at least 3 credits) by the tenth day of each semester and continuation as a fee-paying graduate student throughout the academic term for a recognized student organization that in name, purpose and/or membership serves graduate students.
- b. Maintenance of a cumulative GPA of 2.00 or better.

The minimum University requirements for all remaining organization officers must be:

- a. Enrolled as a fee-paying student (at least 3 credits) by the tenth day of each semester and continuation as a fee-paying student throughout the academic term.
- b. Maintenance of a cumulative GPA of 2.00 or better.
8. **Advisor.** The organization is required to have an advisor. The organization is encouraged to use the University faculty and staff. Explain the duties and role of the advisor within the organization and the University.
9. **Removal of Officers and Members.** Grounds for removal shall be spelled out. Process for providing adequate notice of charges, opportunity for a fair hearing and the right of appeal. The form of vote shall also be indicated.

10. **Sources of Financial Support.**

11. **Constitutional Revision.** Any changes in a group's constitution require the approval of the ASBSU Judiciary. The steps for approval are the same as those for new organizations.

D. Temporary Recognition Status

1. Temporary recognition status is assigned to new organizations upon completing an "Intent to Organize Card" with a Student Involvement staff member. Temporary recognition is for the purpose of organizing as a student organization, recruiting members, developing a University-affiliated constitution, completing University requirements for gaining Official Recognition, and holding elections.
2. The following are limited privileges extended to temporary organizations:
 - a. Use of campus publicity services for promoting the organization including the Poster Distribution System, Student Union marketing booths, and other services described in the Getting Organized Manual.
 - b. Use of meeting rooms in the Student Union on three occasions for an organizational meeting, a constitution development meeting, and an election meeting.
 - c. Photocopying and other services listed on a "Temporary Organization Privileges Card" given to the group by a Student Involvement staff member.
 - d. Fund raising limited to the collection of dues from members in order to establish an organization treasury.

E. Maintaining Recognition Status

The privileges of Official Recognition status will continue when organizations fulfill all of the following conditions:

1. Complete an "Organization Officer Card" within four weeks at the beginning of each fall semester and within ten days of any election.
2. At least one student officer for the organization, listed on the "Organization Officer Card," attends the mandatory Getting Organized Meeting scheduled each fall semester.
3. Collect mail at least once a week from the organization's mailbox in the Student Involvement Center.
4. Maintain a positive balance in the organization's financial account.
5. Abide by the minimum Eligibility Requirements for Extracurricular Activities for officers and abide by enrollment standards for organization membership (at least fifty-one percent of the



total membership must be fee-paying students at Boise State University carrying a minimum of three credit hours).

6. Abide by the organization's constitution and stated purpose.
7. When requested to do so by the ASBSU Judiciary, the organization must amend its constitution to reflect current University policies and local, state and federal laws.
8. When the constitution is revised, submit three revised constitutions to the Student Involvement Center for review and approval by the ASBSU Judiciary.
9. Abide by Boise State University policies, and local, state and federal laws.

F. Ad Hoc Organizations

The ASBSU Judiciary, through its own procedures, is authorized to grant temporary recognition to a student group organized for a one-time event or single purpose of supporting or opposing a candidate or issue on a ballot measure in any special or regular ASBSU election.

G. Withdrawal of Recognition

1. The process of withdrawing an organization's official recognition begins when it has ceased to function as evidenced by any of the following:
 - a. Notice of dissolution from officer and /or advisor.
 - b. Failure to hold any meetings over a twelve-month period.
 - c. Failure to submit a current roster of officers within four weeks of the beginning of each fall semester or within ten days of an election.
 - d. Failure to have a student officer attend the mandatory Getting Organized Meeting held during each fall semester.
 - e. Failure to correct a negative balance in the organization's ASBSU account within two months time.
 - f. Failure to abide by the minimum Eligibility Requirements for Extracurricular Activities for officers or enrollment standards membership.
 - g. Failure to regularly pick up mail from the organization's Student Involvement mailbox during the academic year.
 - h. Failure to comply with ASBSU Judiciary's written request to amend the organization's constitution within two months time.

2. Either the Vice President for Student Affairs or the ASBSU Judiciary may withdraw an organization's official recognition whenever the above conditions occur or the rules and policies of the ASBSU and/or the University are violated.
3. Prior to withdrawal of recognition, the group will be warned, given the opportunity to take corrective steps and be allowed to speak in their behalf before the ASBSU Judiciary.

H. Activity Scheduling

Any organization recognized by the ASBSU may schedule, sponsor or hold activities utilizing appropriate University facilities, property, buildings and grounds, providing that all events are scheduled in the Student Union Reservations Office for events held in the Student Union or through the appropriate office administering other facilities.

Scheduling Procedures

1. An officer of a recognized organization must contact the Student Union Reservations Office and obtain a Facility Requisition for events held in the Student Union.
2. The sponsoring organization is responsible for the conduct, control and handling of the event at all times. Maintenance, security or other staff are present to assist and advise only. Should an organization or the University believe that an event is beyond the organization's control, appropriate action may be taken to ensure personal safety and/or prevent damage to University property.
3. Tentative dates and room assignments for pending events in the Student Union may be scheduled with the Student Union Reservations Office. However, the event must be either definitely confirmed with a completed and approved Facility Requisition or the dates canceled at least two weeks prior to the tentative date. All facility requisitions must be submitted to and approved by the Student Union Reservations Office. Please notify the Student Involvement Center in the case of cancellation of events outside the Student Union.

No publicity may be released until the Facility Requisition is completed and approved.
All advertisements and posters must be removed the afternoon after the event.
4. Times for decorating the facility used should be indicated on the Facility Requisition and must be confirmed in person with the director of the facility used well in advance of the date scheduled.
5. Facility Requisitions must be picked up at least three weeks prior to the event to allow ade-



quate time for completion of the form (i.e. approval of dates and facilities) and for completing all necessary arrangements.

6. Without the approved Facility Requisition, the possibility strongly exists of conflicting dates, competitive events on the same date, and pre-scheduled facilities. It is in your best interest to make sure your event is organized and planned well in advance.

University Eligibility Requirements for Extracurricular Activities

In its official capacity as the primary agency for the development and administration of the Student Code of Conduct, Student Judicial System and other student policies and procedures relating to student life on the campus of Boise State University, the Student Policy and Appellate Board requires that:

1. In order to represent the University or a recognized organization in any extracurricular activity of an intercollegiate nature such as debates; regional or national student, fraternal or organizational conferences; competitions; workshops; clinics; etc., a student must:
 - a. Be currently enrolled as a student.
 - b. Not be disqualified or suspended from the University.
 - c. Meet the standards (academic, enrollment, behavior) of the university organization being represented.
2. The minimum standards of the selection and continuation of individuals as officers or appointed officials of organizations are:

President or Primary Officer

- a. Enrollment as a full fee-paying student (at least 8 credits) by the tenth day of each semester and continuation as a full-fee paying student throughout the academic term. A graduate student may be enrolled as a fee-paying student (at least 3 credits) by the tenth day of each semester and continuation as a fee-paying graduate student throughout the academic term for a recognized student organization that in name, purpose and/or membership serves graduate students.
- b. Maintenance of a cumulative GPA of 2.00 or better

Other Officers

- a. Enrollment as a fee-paying student (at least 3 credits) by the tenth day of each semester and continuation as a fee-paying student throughout the academic term.
- b. Maintenance of a cumulative GPA of 2.00 or better.

Each organization may incorporate more stringent requirements in their constitution of officers or other special situations but it is the responsibility of the organization to monitor and enforce such requirements.

The minimum standards for the selection and continuation of individuals as officers or appointed officials of ASBSU are:

Executive Officers, Student Justices and College Senators

- a. Undergraduate enrollment as a full-fee paying student (at least 8 credits) by the tenth day of each semester and continuation as a full-fee paying student throughout the academic term.
- b. Graduate Senator enrollment as a fee-paying student (at least 3 credits) by the tenth day of each semester and continuation as a fee-paying student throughout the academic term.
- c. Maintenance of a cumulative GPA of 2.50 or better.

At-Large Senators

- a. Enrollment as a fee-paying student (at least 3 credits) by the tenth day of each semester and continuation as a fee-paying student throughout the academic term.
- b. Maintenance of a cumulative GPA of 2.50 or better.

Appointed Positions (Other than Executive Officers, Executive Staff, Student Justices, College Senators, and At-Large Senators)

- a. Enrollment by the tenth day of each semester and continuation as an enrolled student throughout the academic term.
 - b. Maintenance of a cumulative GPA of 2.50 or better.
4. General Provisions
 - a. In periods between fall and spring and between spring and fall semesters, a student is eligible to continue in her/his position as long as s/he met the requirements in the previous semester and is intended to continue as a student with the appropriate eligibility requirements in the following semester.
 - b. The Student Policy and Appellate Board encourages ASBSU and other organizations to set additional standards that they deem necessary and beneficial to that organization.
 - c. The Student Policy and Appellate Board believes that the duty of relieving a student from the position s/he holds because of lack of compliance with the aforementioned



tioned requirements is the responsibility of the appointed official(s) of the organization.

- d. The Student Union and Student Involvement Director may make exceptions to the Eligibility Requirements for Extracurricular Activities policy.

Section 1 - General University Policies

1500-a: Gift Solicitation and Management

(Revised July 1995)

PURPOSE: To ensure a uniform method of gift solicitation and management.

I. Introduction

- A. An essential key to the optimal and appropriate solicitation of gifts is the recognition that specific individuals representing specific projects, units or colleges have particular audiences and constituencies which donate such gifts because of personal interest and affiliation.
- B. The hallmark of a useful institutional program is effective supervision of solicitation efforts. These efforts must be coordinated in such a manner as to not negate the ultimate and collective benefits of a rapport developed over a period of time between University representatives and the philanthropic community.

II. Solicitation

- A. Management and coordination of solicitation, receipting, accounting, and disbursement of gifts will be centralized in the Office of Development.
- B. Central administrators (President, Vice Presidents, Director of Development) and deans or their designees may solicit or otherwise negotiate for gifts for their particular project, unit or college from their special audiences and constituencies.
- C. Before soliciting any private gift or undertaking any fundraising activities on behalf of Boise State University and any subunit thereof, all employees of BSU or their agents must consult with the Director of Development and request appropriate approval for all direct mailings, phonothons, and other proposed group solicitations.

III. Conditions

- A. Central administrators and deans, at their discretion, may: (1) receive gifts of money or property to be used directly by the colleges, units and projects through local accounts

and/or inventoried to Boise State University; (2) request donors to assign property or instruments to the Boise State University Foundations, Inc., acting for a particular project, unit, or college. In either case all gifts will be reported to the Director of Development for processing, receipting, and reporting.

- B. The Foundation will maintain accurate, separate ledger accounts according to the wishes of the donor and recipient.
- C. All BSU employees or their agents (except as delineated in III-A) soliciting gifts should request all donations be made payable to Boise State University Foundation, Inc. If a gift is designated, it should state on the check or donation letter the area or areas where it is to be utilized. Gifts of materials or equipment which require warehousing before state numbering or liquidation are to be delivered to Central Receiving or other approved campus facility.
- D. The Office of Development will provide the following services:
 1. coordinate and assist in fundraising for all units within the University;
 2. provide staff assistance to the BSU Foundation;
 3. upon receipt of gifts, notify the dean and department head;
 4. coordinate the University receipt and acknowledgment of gifts;
 5. arrange for appropriate public relations efforts in accordance with the wishes of the donor;
 6. establish procedures for expeditious retrieval of funds or property being held by Boise State University Foundation, Inc., for their intended purpose; and
 7. maintain the recording and fiscal management to account for gifts directed to and held by BSU Foundation, Inc.

IV. Exceptions

- A. Nothing in this policy should be construed to supersede existing BSU policy regarding research grants and contract activities of the University.
- B. Unsolicited and spontaneous offers may be responded to at once. In such an event, however, immediate notification regarding the same shall be made to the Director of Development.



Section 4 - Student Services Policies

4200-d: Procedural Due Process-Student Conduct (Revised April 1998)

PURPOSE: To establish a procedural due process system for all students facing disciplinary action.

I. Philosophy

- A. Boise State University is a large, complex, educational community made up of groups and individuals representing a diversity of social, cultural, and intellectual life styles. The members of this community are no different than those of the larger society. They have the same constitutional rights and the same obligations of all citizens; however, being a member of the University community adds to an individual's responsibility. In order to preserve the individual's rights and freedom as well as the educational goals and purposes of the institution, standards of conduct have been developed by a committee of representative student, faculty and administrative members of the community.
- B. Ideally, each member of the University community assumes individual responsibility for his/her personal freedom and obligations. The University community expects all members to discipline themselves, individually and collectively, and it requires adherence to standards of conduct appropriate for an academic community. It must and will take appropriate action when a member's conduct places the best interests of the community in jeopardy. Each student, as a member of this community, is responsible for being familiar with the policies of Boise State University.

II. General Policies

- A. Students are both: (1) citizens, and (2) members of the academic community. As citizens, they enjoy the same freedoms that other citizens enjoy. As members of the academic community, they assume the obligations inherent in that membership and as representative of the University.
- B. These obligations include a creditable demeanor for themselves first and the institution second, reflecting intelligence, maturity, concern for the rights of others, and regard for the educational mission of the University.
- C. The University does not differentiate its responsibility for student conduct from the restrictions of the larger community of our society. The institution will not request or agree to any special consideration for students appre-

hended and/or charged for a violation of laws of the larger community because of their status as students, but will cooperate with law enforcement agencies in any program for rehabilitation of students.

- D. Students involved in civil offenses will not ordinarily have further sanctions imposed by the University unless the incident occurred on campus or if the appropriate hearing board determines that the offense interferes with the best interests and educational responsibilities of the University. This does not, in any way, constitute double jeopardy.
- E. The University has the authority to deny admission, dismiss, or suspend a student for violation of its rules and regulations.
- F. Procedural fairness is guaranteed to any student at any time who may be in violation of University rules and regulations. In all cases of disciplinary action, the respondent would have the following rights:
 1. A hearing by a judicial board.
 2. Notification of the specific charges filed and procedures involved in a judicial hearing.
 3. Access to all documents or evidence pertaining to the complaint entered by complainant and/or witnesses.
 4. Notification of the date, time and place of the judicial hearing at least seven calendar days in advance (three calendar days in advance for residence hall violations where the respondent is a hall resident). The respondent may in writing waive the seven calendar days notice of hearing (or three calendar days for residence hall students). Notice of hearing shall have been fulfilled if a notice has been mailed via the U.S. postal service to the local address as listed in the Registrar's Office at least ten calendar days in advance of the hearing or placed in the student's residence hall mailbox at least three calendar days in advance of the hearing.
 5. Except in a case interpreted to be a crime of violence, the respondent has the right to have the outcome of the hearing private and confidential. The respondent may waive this right so the complainant involved in the case is notified of the decision and/or sanctions. University personnel with a need to know may be notified of the outcome.
 6. To challenge any member of the hearing board of the hearing officer if the respon-

dent feels that the person would be biased in favor of the complainant.

7. To have an advisor present at the hearing. However, the advisor may not address the hearing board or officer at any time.
8. To determine whether the hearing is open or closed to the public.
9. To have witnesses testify at the hearing.
10. Opportunity for appeal of any judicial board decision and adequate time to prepare appeal.
11. A declaration in writing is necessary to waive a hearing by a judicial board and have the case adjudicated by the appropriate administrative hearing officer or faculty justice. However, in all instances where a hearing for disciplinary action would be necessary during the last two weeks of either semester or during the summer session, the complaint would be heard by the appropriate administrative hearing officer and not by a judicial board. In this instance, the avenue of appeal would be through the next appropriate administrative hearing officer rather than the judicial board.

See also the Boise State University Student Handbook section entitled, "Student Policies and Procedures."

4201-d: Code of Conduct (Student Code of Conduct: Student Policies and Procedures)

(Revised April 2001)

Article 1 – Student Bill of Rights

Preamble

The University community expects all members to discipline themselves, individually and collectively, and it requires adherence to the standards of conduct appropriate for an academic community. Each member of the University Community is obligated to assume individual responsibility for her or his personal freedom and obligations. The University must and will take appropriate action when a member's conduct places the best interests of the community at jeopardy.

Students are both (1) citizens and (2) members of the academic community. As (1) citizens, they enjoy the same freedoms of speech, peaceful assembly, and right of petition that other citizens enjoy. As (2) members of the academic community, they assume the obligations inherent in that membership, and as representatives of the University. Each student, as a member of this community, is responsible for being familiar with the policies of Boise State University.

The Student Code of Conduct exists to assist in the effort of providing the best possible learning and living environment for all students. It is the obligation of students to treat all other members of the academic community with dignity and respect - including other students, faculty members, employees, visitors and neighbors of the University. The enforcement of campus rules is critical to the existence of such an environment for all members of the academic community.

The Student Code of Conduct is not a criminal law code and criminal law concepts do not apply to it.

Section 1 - Freedom of Association

Students are free to organize and to participate in voluntary associations of their own choosing, subject only to reasonable University regulations ensuring that such associations are neither discriminatory in their treatment of other members of the University, nor operated in a manner that substantially interferes with the rights of others. Freedom of association may not be forbidden because of the general political or philosophical objectives of any particular group. However, campus groups or organizations are under a strong obligation to avoid representing their actions or views as those of the University.

Section 2 - Recognized Campus Organizations

A recognized organization is a group of Boise State University students organized for a stated purpose that has official recognition from the ASBSU. Affiliation with an extramural organization shall not of itself disqualify a student organization neither from institutional recognition, nor 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.

Section 3 - Freedom of Speech and Assembly

No rule shall restrict any student expression solely on the basis of disapproval or fear of his/her ideas or motives. Students and student organizations shall be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately. Modes of expression or assembly that are manifestly unreasonable in terms of time, place, or manner may be forbidden. This does not, however, abrogate the student's accountability as citizens to the laws of the larger society.

Students and student organizations shall always be free to support causes by orderly and peaceful assembly, which does not infringe upon the rights of others. It shall be made clear that such expressions represent views of the students or student organizations, and not the University.



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 so as to ensure 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 does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

Section 4 - Freedom of the Press

There shall be no ideological censorship in the determination of printed matter available on campus; access to publications is not to be denied because of disapproval of their content. Any student publication supported by compulsory student fees or by substantial institutional subsidy shall, however, be subject to the rules and regulations of the State Board of Education acting as trustees of Boise State University or their designees.

Section 5 - Freedom in the Classroom

The classroom is not an unstructured political forum; it is the center for study and understanding of described subject matter for which the faculty member has professional responsibility and institutional accountability. The faculty member should respect the confidential nature of the relationship between faculty and students. The faculty member should avoid exploitation of students for private advantage and should acknowledge significant assistance from them. The faculty member should protect student's rights as defined herein. Control of the order and direction of class, as well as control of the scope and treatment of the subject matter, must therefore, immediately rest with the individual faculty member, free from disruption by students or others who may be in disagreement with the manner in which the faculty member discharges his/her responsibilities.

- a. A student has the right to be informed in reasonable 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. A student has the right to take reasonable exception to the data or views offered in the classroom and to reserve judgment about matter of opinion, without fear of penalty.
- c. A student has the right of protection against improper disclosure of information concerning his/her grades, views, beliefs, political associations or character that an instructor acquires in

the course of his/her professional relationship with the student.

- d. Students shall have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

Section 6 - Nondiscrimination

It is the policy of Boise State University not to discriminate against any individual in matters of admission, employment, housing, services, or in the educational programs or other activities based on non-meritorious factors including, but not limited to: age, race, color, religion, gender, national origin, sexual orientation, ancestry, disability, veteran status, or political affiliation.

Section 7 - Student Records

When a student enters the University and submits the requested personal data, there is an assumed and justifiable trust placed upon the University to maintain security of that information for the protection of the rights of the student. To safeguard student privacy, student records are not to be made available to unauthorized on-campus or off-campus personnel without the expressed written consent of the student. Administrative staff and faculty members are expected to respect confidential information about students that they acquire in their capacity of providing counsel and advice. The student shall have the right of access to his/her official University record, in accordance with the University records policy.

Section 8 - Equal Protection

The University has an obligation to 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 others who cannot be identified, or who are not similarly charged. If in violation of any rules or policies of the University, procedural fairness is guaranteed to any student of the University. Such fairness incorporates adequate notice of the charges, the opportunity for a fair conduct meeting, and the right of appeal.

Article 2 - Definitions

Section 1 - University

The term "University" means Boise State University.

Section 2 - Student



The term “student” includes all persons who meet one or more of the following:

- a. formally admitted;
- b. enrolled full or part-time;
- c. degree or non-degree seeking;
- d. taking credit or non-credit courses;
- e. enrolled in Extended Studies or “personal enrichment” courses or
- f. are attending post-secondary education institutions other than Boise State University, yet, reside in University housing.

Section 3 - Faculty Member

The term “faculty member” means any person who conducts classroom activities for the University.

Section 4 - University Official

The term “University official” includes:

- a. any person employed by the University performing assigned administrative or professional responsibilities or
- b. any student who is an assigned or appointed formal member of a University Conduct Board.

Section 5 - Member of the University Community

The term “member of the University community” includes any person who is:

- a. a student;
- b. a faculty member;
- c. a University official or
- d. employed or volunteering to conduct business for the University.

A person’s status in a particular situation shall be determined by the Vice President for Student Affairs or her/his designee.

Section 6 - University Premises

The term “University premises” includes all:

- a. land;
- b. buildings;
- c. facilities;
- d. and other property in the possession of, or owned, used, or controlled by the University (including, but not limited to items such as: adjacent streets and sidewalks; University web sites; vehicles; etc.).

Section 7 - Organization

The term “organization” means any number of persons who have complied with the formal requirements for University recognition.

Section 8 - Conduct Board

The term “Conduct Board” means any person or persons authorized by the Vice President for Student Affairs or her/his designee to:

- a. determine whether a student has violated the Student Code of Conduct;
- b. impose sanctions when appropriate.

Section 9 - Conduct Advisor

The term “Conduct Advisor” means a University official authorized by the Vice President for Student Affairs to:

- a. advise Respondents and Complainants on student conduct processes and procedures;
- b. serve as a Hearing Officer;
- c. serve as the advisor to the Student Conduct Board, Housing Administrator, and Appellate Board;
- d. maintain official conduct records;
- e. monitor sanction compliance;
- f. coordinate the training and development of student conduct board(s);
- g. serve as the primary liaison to Campus Safety and Security.

Section 10 - Appellate Board

The term “Appellate Board” means:

- a. the Student Policy and Appellate Board;
- b. any person or persons authorized by the Vice President for Student Affairs to consider the appeal from a Conduct Board’s determination that a student has violated the Student Code of Conduct.

Section 11 - Ex Officio

The term “Ex Officio” means any person designated as a member of a board or committee as a result of their official position. Ex Officio members may be designated as voting or non-voting members.

Section 12 - Shall

The term “shall” is used in the imperative sense.

Section 13 - May

The term “may” is used in the permissive sense.

Section 14 - Vice President for Student Affairs

The “Vice President for Student Affairs” is the person designated by the University President to be responsible for the administration of the Student Code of Conduct.



Section 15 - Policy

The term “policy” is defined as the written regulations of the University as outlined in, but not limited to:

- a. the University Student Handbook;
- b. the University Undergraduate/Graduate Catalogs;
- c. the University Residence Hall Handbook;
- d. the University Apartment Handbook;
- e. the University Policy Manual;
- f. the policies, procedures and regulations of the State Board of Education.

Section 16 - Cheating

The term “cheating” includes, but is not limited to:

- a. use of any unauthorized assistance in taking quizzes, tests, examinations, standardized tests (LSAT, GRE, GMAT, etc.), credential tests, and professional licensing tests ;
- b. copying from another exam paper before, during, or after the exam;
- c. having someone else take an exam in your place, or taking an exam for someone else;
- d. collaboration on take-home exams where it has been forbidden;
- e. dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
- f. the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff.

Section 17 - Plagiarism

The term “plagiarism” includes, but is not limited to:

- a. the use, by paraphrase or direct quotation, of the published or unpublished work of another person, without full and clear acknowledgment;
- b. the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

Section 19 - Conduct Body

The term “Conduct Body” is defined as the person or persons who are hearing a Code of Conduct violation case. This can be a single individual, as in a Conduct Officer or Resident Director, or it can be a group of people, as in a Hearing Board or Appeals Board.

Section 20 - Working Days

The term “Boise State University (BSU) working days” refers to days that University administrative offices are open as prescribed by the Official University Calendar.

Article 3 - Student Code of Conduct

The University community expects all students to live by the following standards that are designed for its general well being. Any violations of these University policies may result in disciplinary actions and/or legal actions. Visitors to the University shall observe these regulations while on campus, or other University property. Noncompliance by their visitors may subject students to sanctions imposed by the University as well as to the provisions of local and state law.

University students enjoy all the rights and privileges of citizenship. Students are subject, however, to the special obligations that accrue to them as members of the academic community. Institutional effort should be exerted to develop, not inhibit intellectual and personal development of students by the exercise of the rights of citizenship both on and off the campus.

The enforcement of the obligations of students to the larger society is the responsibility of the legal and judicial authorities duly established for that purpose. When the interests of the University community are clearly involved, however, the authority of the institution may be asserted. The fact that a violation occurs off campus does not preclude the interest and involvement of the University.

Section 1 - Academic Dishonesty

Cheating or plagiarism in any form is unacceptable. The University functions to promote the cognitive and psychosocial development of all students. Therefore, all work submitted by a student must represent her/his own ideas, concepts, and current understanding. Academic dishonesty also includes submitting substantial portions of the same academic course work to more than one course for credit without prior permission of the instructor(s).

Section 2 - Falsification of University Records

Willful falsification of official records or documents, or omission with the intent to deceive is prohibited. Included in this regulation, but not limited to the following examples, is the forging, alteration or misuse of University documents, records, academic record change forms, fee receipts, identification cards, meal tickets, parking permits, financial aid forms, telephone billing cards, ASBSU forms or documents and computer tampering.

Section 3 - Alcoholic Beverages



Possession, consumption or sale of alcoholic beverages is prohibited in University-owned, leased or operated facilities and on campus grounds unless otherwise allowed by University policy.

Section 4 - Drugs

Possession, manufacture, distribution, use or sale of drugs or drug paraphernalia and narcotics classified as illegal, except those taken under a doctor's prescription, is prohibited on University-owned or controlled property, in University-related housing or at any University-sponsored or supervised function.

Section 5 - Hazing

Hazing is defined as an activity which endangers the physical safety of a person; produces mental or physical discomfort; causes embarrassment, fright, humiliation, or ridicule; or degrades the individual -- whether it is intentional or unintentional. Boise State University will not tolerate students being subjected to any treatment, which debases the individual's status or robs her or him of dignity.

Section 6 - Harassment

Conduct towards another person or identifiable group of persons including, but not limited to:

- a. unwelcome comments or other conduct that unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive environment for that individual's work, education or participation in a University activity;
- b. retaliation against any person filing a conduct complaint or against any person cooperating as a witness.

Section 7 - Physical Assault

Conduct including, but not limited to:

- a. unwanted touching;
- b. threats of violence;
- c. use of violence and/or fighting.

Section 8 - Sexual Harassment and/or Sexual Assault

Any actions or statements of a sexual nature which are abusive, intimidating, harassing or embarrassing along with implied or stated threats are prohibited. This policy includes but is not limited to:

- a. unwanted touching or comments;
- b. retaliation;
- c. threats of violence;
- d. use of violence;
- e. and sexual assault.

Section 9 - Lewd or Indecent Conduct

Conduct including, but not limited to actions which are indecent, vulgar, obscene, profane, offensive, or showing lack of consideration for others is prohibited.

Section 10 - Destruction/Damage of Property

Malicious destruction, damages, or misuse of University or private property.

Section 11 - Disorderly Conduct

Detaining or threatening another person, obstructive or riotous acts, and/or verbal abuse of any member of the BSU community on or off campus.

Section 12 - Unauthorized Entry

Any unauthorized or forceful entry, whether actual or attempted, into any University facility or building.

Section 13 - Official Orders

Failure to disperse or to leave; disrupting or obstructing a University building or facility, room or other premise; failure to identify oneself with an identification card; or to cease the use of loudspeakers, amplifiers or other forms of noise after being given notice or an official order to do so by a duly authorized agent or administrative officer of the institution.

Section 14 - Theft

Theft or the conversion of another's property, personal, public or institutional.

Section 15 - Firearms/Weapons

The possession, wearing, carrying, transporting, or use of a firearm or other dangerous weapon, incendiary device or explosive is strictly forbidden on University-owned or controlled premises or vehicles.

Section 16 - Gambling

Any illegal game or contest played for money or for any form of property or item of value. Gambling includes, but is not limited to, games played with cards, dice, or other gambling devices which involve betting and/or wagering.

Section 17 - Group Offenses

Living organizations, societies, clubs, and similarly organized groups are responsible for compliance with University regulations. Upon satisfactory proof that a group encouraged or did not take satisfactory steps to prevent violations of University regula-



tions, that group may be subject to permanent or temporary suspension, loss of recognition or charter, social probation or other action.

Section 18 - Fiscal Misconduct

Fiscal misconduct includes, but is not limited to:

- a. falsification of Boise State University or student organization financial records;
- b. any purchase made without organization membership approval (including, but not limited to: long distance calls; copier use; signature of contracts; travel expenses; etc.);
- c. failure to relinquish student organization financial records to officers/advisors, and/or BSU/ASBSU officials;
- d. failure to provide an end-of-fiscal-year financial disclosure statement to the organization's membership when requested to do so;
- e. writing non-sufficient funds (NSF) checks to the University;
- f. forgery;
- g. embezzlement.

Section 19 - Official Notification

Failure to comply with any official notification, written or verbal, of a duly authorized administrative, faculty or conduct representative of the University.

Section 20 - Conduct System Process Misconduct

Falsifying, distorting, or misrepresenting information before a conduct authority, and/or knowingly instituting a conduct proceeding without cause.

Section 21 - Other Acts of Misconduct

Violation of any City or State laws, University or ASBSU policies.

Article 4 - Student Code of Conduct Complaint

Section 1 - Code of Conduct Complaints

Any member of the University community may file charges against any student for misconduct. The University may bring charges against a student. Charges shall be prepared in writing and directed to the Conduct Advisor.

Section 2 - Discrimination Complaints

Any student who feels they have been discriminated against on the basis of age, race, color, religion, gender, national origin, ancestry, sexual orientation, veteran status, or political affiliation should contact and consult with the Affirmative Action Office.

Section 3 - Harassment Complaints

Any member of the University community who feels they have been harassed by a student for reasons of race, gender, religion, color, age, national origin, ancestry, sexual orientation, or disability, as well as individuals who believe they have been harassed for other reasons, should contact and consult with the Office of the Student Conduct Advisor and/or the Affirmative Action Office.

Section 4 - Student Housing Complaints

Any student who believes they have a legitimate grievance against any student member or group of the University-owned Housing community should contact and consult with the Office of Student Housing and/or the Office of the Student Conduct Advisor.

Article 5 - Conduct Hearings

Section 1

Residents of campus housing facilities are subject to all policy and processes outlined in the Student Code of Conduct, the Residence Hall Handbook and/or the Apartment Handbook. Incidents that occur within University-owned housing areas or adjacent areas, in the residence-dining hall and at housing-sponsored functions, will be initially referred to the professional directors of each housing unit for review. Issues may be resolved at this level through a conduct meeting where sanctions may range from dropping all charges up to and including housing suspension. Cases may also be referred to the University Conduct Advisor for further action. In all cases, documentation of each incident will be submitted to the Office of the Conduct Advisor.

Section 2

When academic dishonesty has been alleged the following procedure will be utilized:

- a. the faculty member will notify the student of the penalty for their academic dishonesty and their right to appeal;
- b. depending on the violation, the penalty may include but is not limited to: receiving a failing grade on the assignment or test or receiving a failing grade in the class;
- c. within 3 BSU working days from the time of student notification, the faculty member must in writing notify the office of the Student Conduct Advisor, the Chair of their department, and the Dean of their college;
- d. the student has 5 BSU working days from the time of notification by the faculty member to submit an appeal in writing to the office of the Conduct Advisor;



- e. appeals, when appropriate, will be heard by the Student Policy and Appellate Board.

Failure on the part of a faculty to either 1) notify the office of the Conduct Advisor of the sanction or 2) notify a student of their right to appeal a sanction of academic dishonesty, is not grounds for voiding the sanction. Repeat offenders may be referred to the Student Conduct process for possible further action.

Section 3

A student who is charged with a Code of Conduct violation will receive written notification and be required to report to the office of the Conduct Advisor. At that time, the Conduct Advisor will conference with the student and then determine whether charges will be dismissed, sanctions will be imposed, or the student should be referred to a Conduct Body for a hearing.

Section 4

Cases forwarded to a Conduct Body shall adhere to the following guidelines:

Hearings normally shall be conducted in private. Admission of any person to the hearing shall be at the discretion of the Conduct Body or the Conduct Advisor;

The Office of the Student Conduct Advisor will notify all parties or groups named in an official complaint that charges have been filed;

The hearing shall proceed according to the "Hearing Checklist" presented to the Complainant and Respondent prior to the start of the hearing;

The Complainant and the Respondent have the privilege of presenting witnesses, subject to cross-questioning;

The Complainant and the Respondent may submit records, exhibits and written statements as evidence for consideration by the Conduct Body;

All procedural questions during the hearing are subject to the final decision of the Chairperson of the Conduct Body at the time of the hearing;

University personnel with a need to know may be notified of the outcome of the hearing.

The Conduct Body's determination shall be made on the basis of whether it is more likely than not that the Respondent violated the Student Code of Conduct.

Section 5 - Time Frame for the Conduct Process

In general, the following time frame will be followed in Student Code of Conduct cases:

- a. notification of the conduct hearing will occur within seven BSU working days from the time the complaint is filed;

- b. submission of relevant information by the Complainant and the Respondent must occur 24 hours prior to the conduct hearing;
- c. decisions regarding the case will be submitted in writing within five BSU working days of the hearing;
- d. appeals to decisions must be submitted in writing to the office of the Conduct Advisor within three BSU working days.

Section 6 - Record of Hearing

There shall be a single record, such as a tape recording, of all hearings before a Conduct Body. The record shall be the sole property of Boise State University. No other recordings of the hearings shall be allowed without the consent of the Conduct Body and/or the Conduct Advisor.

Article 6 - Rights and Responsibilities

Section 1 - Respondent Rights

- a. notification of specific charges filed and procedures involved in a conduct hearing;
- b. to write a Statement of Fact responding to the charges and citing any factual details or information not stated in the Complainant's Statement of Fact;
- c. the right to a conduct hearing;
- d. access to all documents or evidence pertaining to the complaint entered by the Complainant and/or witnesses;
- e. notification of date, time, and place of the conduct hearing (notice of the hearing shall have been fulfilled if a notice has been mailed via U.S. Postal Service to the local address listed with the University at least seven BSU working days in advance of the hearing, or placed in the student's residence hall mailbox at least three BSU working days in advance of the hearing);
- f. the right to have an advisor of their choosing present at the hearing. The advisor is not permitted to speak or to participate directly in any hearing before a Conduct Body;
- g. to challenge any member of the Conduct Body if the Respondent believes that the person is biased;
- h. to have witnesses testify at the hearing;
- i. the right to appeal (three BSU working days from the time the decision is given).

Section 2 - Respondent Responsibilities

- a. to submit all written evidence and a witness list at least 24 hours prior to the designated hearing time;



- b. to pick up all supporting evidence and the witness list which was submitted by the Complainant 24 hours prior to the designated hearing time;
- c. to arrange for their witness(es) and their advisor to be present during the hearing;
- d. to present her or his own case;
- e. to secure his or her copy of the decision at a time and place specified by the Conduct Body;
- f. to follow appeal procedures as outlined in the Student Code of Conduct.

Section 3 - Complainant Rights

- a. to write a Statement of Fact stating the charges and citing any factual details pertaining to the sections in the Code of Conduct that have allegedly been violated;
- b. access to all documents or evidence pertaining to the response entered by the Respondent and/or witnesses;
- c. have the right to have an advisor of their choosing from the University community present at the hearing. However, the advisor is not permitted to speak or to participate directly in any hearing before a Conduct Body;
- d. notification of date, time, and place of the conduct hearing (notice of the hearing shall have been fulfilled if a notice has been mailed via U.S. Postal Service to the local address listed with the University at least seven BSU working days in advance of the hearing, or placed in the student's residence hall mailbox at least three BSU working days in advance of the hearing);
- e. to challenge any member of the Conduct Body or the administrative hearing officer if the Complainant believes the person is biased;
- f. to have witnesses testify at the hearing;
- g. at the discretion of the Conduct Body, the Complainant may learn whether the Respondent has been found "responsible" or not;
- h. the Student Right-to-Know and Campus Security Act allows Universities to inform alleged "victims" of a crime of violence of the outcome (final decision and any sanctions) of the student disciplinary proceeding against the alleged "perpetrator". Universities are required to inform the "victim" of an alleged sexual assault of the final outcome of the disciplinary proceeding against the alleged "perpetrator".

Section 4 - Complainant Responsibilities

- a. to submit all written evidence and a witness list at least 24 hours prior to the designated hearing time;

- b. to pick up all supporting evidence and the witness list which was submitted by the Respondent 24 hours prior to the designated hearing time;
- c. to arrange for their witness(es) and advisor to be present during the hearing;
- d. to present her or his own case.

Article 7 - Appeal Process

Appeals on decisions made by the Conduct Body shall be made to the Student Policy and Appellate Board via the office of the Conduct Advisor. When an appeal is made, all recommended sanctions are placed in a pending status until the appeal process has been exhausted. The pending status of sanctions does not necessarily apply in cases of Emergency Sanctions when an appeal is made.

All appeals shall be submitted in writing within three Boise State University working days of the decision, setting forth a concise statement, clearly establishing one or more of the following grounds for appeal:

- a. the decision or sanction was unreasonable;
- b. the Conduct Body was biased;
- c. the Conduct Body misinterpreted the Student Code of Conduct or University policies upon which the complaint was based;
- d. in cases involving new evidence, the appeal should be submitted to the Student Policy and Appellate Board for review.

When a written appeal is received, the Student Policy and Appellate Board will convene to determine whether there is merit to proceed with the appeal process. The review of the appeal will be in closed session.

If an appeal is accepted, the Student Policy and Appellate Board, at its discretion, may act on the appeal on the basis of written documentation or may require a new hearing.

The Student Policy and Appellate Board, along with other Conduct Bodies will base their decisions on a preponderance of evidence presented during the hearing. Based on the information presented, the Conduct Body will make a determination of "what is most likely to have happened".

Article 8 - Conduct Sanctions

Sanctions are imposed for the purposes of restoring the standards of the University community, educating students about the seriousness of their actions, and promoting positive growth, while maintaining the safety of the students involved and the University community. One or more of the following disciplinary sanctions may be imposed as provided in the Conduct Procedures, whenever a student or student organization is found to be in violation of this the Student Code of Conduct or other pub-



lished policies or regulations of the University prescribing standards of student conduct. Failure to comply with sanctions from an official conduct decision within the specified time period(s) may result in further and immediate sanctions.

Section 1 - Warning

A notice in writing to the student that the student is violating or has violated institutional regulations and that repeated infractions of the Student Code of Conduct could result in further sanctions.

Section 2 - Restitution

Monetary payment to reimburse for damage to or misappropriation of property, or reimbursement for medical expenses incurred by a third party as a direct result of misconduct.

Section 3 - Community Sanctions

Assignment of labor or responsibilities within the University, or local community.

Section 4 - Fines

Monetary penalty imposed for a violation of the Code of Conduct.

Section 5 - Loss of Privileges

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

- a. removal from University-owned housing;
- b. relinquishment of a student office;
- c. loss of such other privileges as may be consistent with the offense committed and the rehabilitation or education of the student.

Section 6 - Conduct Probation with a loss of privilege

Written sanction with or without a loss of privileges signifying that additional disregard for the Student Code of Conduct will constitute grounds for suspension or expulsion from the University. A specific time period of probation will always be prescribed.

Section 7 - Housing Suspension

Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

Section 8 - Housing Expulsion

Permanent separation of the student from University-owned Housing system.

Section 9 - HOLD on Academic Records

Action restricting admission and registration until a conduct sanction is met. A HOLD will also restrict the University from releasing official academic transcripts and awarding a diploma until the obligation is met.

Section 10 - University Suspension

Action terminating registration in all or some classes for a prescribed period of time. Any request for re-enrollment must be submitted in writing to the Student Policy and Appellate Board, in care of the Vice President for Student Affairs. After re-enrollment there is normally a probationary period, to be determined by the Conduct Body that rendered the original decision.

Section 11 - University Expulsion

Action terminating a student's registration at the University and prohibiting re-enrollment for future terms.

Section 12 - Sanctions Imposed for Violation of Article 3, Section 3 "Alcoholic Beverages"

Sanctions imposed for violation of Article 3, Section 3 "Alcoholic Beverages" in the Student Code of Conduct will be addressed based on the nature of the infraction. The sanctions will include, at a minimum:

- a. First Infraction: Warning or conduct probation;
- b. Second Infraction Without Injury; or Without Conduct Likely to Lead to Injury: Referral to conduct board/administrative hearing officer for action, which must include a treatment and/or educational program;
- c. Second Infraction With Injury; or Conduct Likely to Lead to Injury: Referral to conduct board/administrative hearing officer for action, notification to the criminal justice system, strict probation and a treatment or educational program;
- d. Third Infraction Without Injury; or Without Conduct Likely to Lead to Injury: Referral to conduct board/administrative hearing officer for appropriate action, which at a minimum must include suspension from the University for one academic term;
- e. Third Infraction With Injury; or Conduct Likely to Lead to Injury: Referral to conduct board/administrative hearing officer for appropriate action, which at a minimum must include referral to the criminal justice system and suspension from the institution for one year.



Article 9 - Emergency Sanctions

The Vice President for Student Affairs or her/his designee may take action when immediately necessary to secure the health or safety of other persons or the student against whom the action is taken and/or there is an alleged violation of the Student Code of Conduct. This action will take place in the form of Emergency Sanctions.

Emergency Sanctions include, but are not limited to:

- a. immediate withdrawal from the University;
- b. restriction of the accused student's presence on University property and/or at University events;
At the time that the Emergency Sanction(s) are instituted, the Conduct Advisor or her/his designee shall:
 - a. inform the accused student of the reason for the Emergency Sanction;
 - b. inform the accused student that a formal hearing will take place according to Code of Conduct hearing process;
 - c. inform the accused student of the Emergency Sanction(s)

At the time of the Emergency Sanction, the Vice-President for Student Affairs may require a medical/psychological evaluation. This may be conducted at the Boise State Student Health and Wellness Center or by a qualified professional approved by the Boise State Counseling and Testing Center Director (or her/his designee) at the student's expense. The evaluation may be used to determine the appropriateness of withdrawing the Emergency Sanction(s).

Within two (2) Boise State University working days, a review of the Emergency Sanction(s) shall take place. At this review, the student shall have a full opportunity to demonstrate to the Vice President for Student Affairs (or his or her designee) why the conditions specified in the Emergency Sanction(s) should not continue. An advisor, as defined in the Student Code of Conduct, may accompany the student.

Based on the reasonable evaluation of the evidence presented at the review, the Vice President for Student Affairs or her/his designee shall notify the student within 24 hours of the decision to:

- a. remove the Emergency Sanction(s) and take no further action;
- b. remove the Emergency Sanction(s) but proceed to a full conduct hearing regarding the accused student's conduct as prescribed in the Student Code of Conduct;
- c. sustain the Emergency Sanction(s) until such time as a formal hearing regarding the accused student's conduct may be held.

Article 10 - Conduct Boards: General Provisions and Responsibilities

Section 1 - Student Policy and Appellate Board

By delegation of the President of the University, the Student Policy and Appellate Board, under the chairmanship of the Vice President for Student Affairs, is designated as the primary agency for the development and administration of the Student Code of Conduct; the student conduct system; and other student policies and procedures relating to student life on the campus of Boise State University.

The Student Policy and Appellate Board is the highest and final board in the conduct system, and as such, will hear appeals from cases heard by the Student Conduct Board, Student Housing Administrator, University Administrator, Academic Grievance Committee, and on decisions rendered by faculty members in cases of academic dishonesty. The Student Conduct Board and all other conduct bodies are subordinate to the Student Policy and Appellate Board.

Section 2 - Student Policy and Appellate Board: Membership

The Student Policy and Appellate Board is composed of:

- a. the Vice President for Student Affairs or her/his designee;
- b. four students-at-large, appointed by the ASBSU President;
- c. two faculty members, appointed by the President of the Faculty Senate;
- d. two Student Affairs staff members, appointed by the Vice President for Student Affairs, one member being the Conduct Advisor (who is non-voting);
- e. the ASBSU President (ex officio and non-voting);
- f. the ASBSU Chief Justice (ex officio and non-voting);
- g. one ASBSU Senator (ex officio and non-voting);
- h. the President of the RHA (ex officio and non-voting); and
- i. the Chair of the Student Conduct Board (ex officio and non-voting)
- j. in cases of academic dishonesty the Dean of the appropriate college (ex officio and non-voting).

The Vice President for Student Affairs or her/his designee serves as the Chair of the Student Policy and Appellate Board. All members identified above, with the exception of the Dean, who are listed as ex officio and nonvoting, are members for policy matters, but are ineligible for participation in Code of Conduct appeals. The Student Conduct Advisor



shall serve on the board in both policy and appellate matters, however, shall be a non-voting member while serving on the appellate board.

Section 3 - Student Conduct Board: General Provisions and Responsibilities

By delegation of the President of the University, the Student Conduct Board shall have jurisdiction of Student Code of Conduct, and other University student conduct meetings at Boise State University. The Student Conduct Board will review all complaints with reference to the above unless said complaints fall under the jurisdiction of the ASBSU Judiciary. Appeals from decisions of the Student Conduct Board will be made to the Student Policy and Appellate Board.

Section 4 - Student Conduct Board: Membership

The Student Conduct Board is composed of:

- a. three students at-large, selected by the Student Conduct Board Selection Committee;
- b. two students who are residents of University Housing, selected by the Student Conduct Board Selection Committee;
- c. one faculty member, appointed by the President of Faculty Senate;
- d. one staff member, appointed by the Vice President for Student Affairs;
- e. the Conduct Advisor (ex officio and non-voting).

The Vice President for Student Affairs shall appoint a student as Chair of the Student Conduct Board. All members shall be appointed for approximately one year or until the appointment of their successors. All members are eligible for reappointment provided they go through the appropriate selection process yearly.

Section 5 - Administrative Hearing Officers: General Provisions and Responsibilities

When the Student Conduct Advisor determines that there is a need for an administrative hearing, the appointed Administrative Hearing Officer shall have jurisdiction of the Student Code of Conduct. Appeals from decisions of the Administrative Hearing Officer will be made to the Student Policy and Appellate Board.

Section 6 - Membership

The Vice President for Student Affairs shall select and designate a minimum of 4 individuals to serve as Administrative Hearing Officers.

Article 11 - Interpretation

Section 1 - Interpretation

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Vice President for Student Affairs or her or his designee for final determination.

The Code of Conduct is subject to change and it is the responsibility of the student to be aware of the changes. For the most recent version of the Code of Conduct, students should visit <http://www2.boisestate.edu/vpsa/>.

4202-d: Judicial Procedures

(Revised April 1998)

PURPOSE: To establish a set of guidelines to guarantee due process for persons charged with violating the Code of Conduct or other University policies, procedures, or expectations.

I. Filing Complaints

- A. Except in cases of Academic Grievances and Dishonesty, Discrimination, or Harassment, if any member of the University community feels s/he has a legitimate grievance against any other member or group of the University community s/he should contact and consult with the Office of Student Activities (or the Office of Student Residential Life through the Resident Director if the situation is related to University residential facilities or programs). Any member of the University community who feels s/he has been discriminated against on the basis of age, race, color, religion, gender, national origin, ancestry, disability, sexual orientation, veteran status, or political affiliation should contact the Affirmative Action Office.
 1. Any person who feels s/he has been harassed by a student for reasons of race, gender, religion, color, age, national origin, ancestry, or disability, as well as individuals who are harassed for other reasons, such as sexual orientation, should consult with the Office of Student Activities and/or the Affirmative Action Office. A harassment complaint against a student may be filed under the Code of Conduct or the BSU Anti-Harassment Policy, but may not be filed under both policies for the same complaint.
 2. In all matters of grievance pertaining to academic conduct, instructional procedure or testing, the Academic Grievance and Academic Dishonesty Board shall have jurisdiction. Any academic grievance involving other alleged violations of the Code of Conduct, harassment or discrimination should be filed with the Affirmative Action Office and/or the Office of Student Activities.



3. The purpose of any consultation specified above is to assure compliance with the procedure for filing complaints. (For further information, see: BSU Policy 5005-A, Policy on Nondiscrimination and Affirmative Action; BSU Policy 5010-A, Anti-Harassment Policy; the Academic Grievance and Academic Dishonesty Policy in the Student Handbook; the Sexual Harassment and Sexual Assault Policies and Procedures in the Student Handbook.)
 - B. If, after consultation, the complainant wishes to pursue the judicial process, the following information should be filed with the Office of Student Activities (or the Office of Student Residential Life through the Resident Director if the situation is related to University residential facilities or programs):
 1. A concise Statement of Fact specifying the charge; the individual or group being charged; factual details of the incident or grievance; names of witnesses or participating grievants and any applicable dates, times and places.
 2. A Statement of Fact by each additional participating complainant or witness is encouraged but not required.
 3. Any evidence, if applicable.
 - C. The Office of Student Activities (or Student Residential Life through the Resident Director where appropriate) will notify the complainant and respondent of date, time and place of any hearings and provide any other information necessary. The responsibility for summoning witnesses rests with the complainant and/or respondent.
- II. Respondent's Rights and Responsibilities
- III. The Office of Student Activities (or Student Residential Life through the Resident Director where appropriate) will notify all parties or groups named in an official complaint that charges have been filed.
- A. The respondent has the following rights:
 1. A hearing by a Judicial Board.
 2. Notification of the specific charges filed and procedures involved in a Judicial hearing.
 3. Access to all documents or evidence pertaining to the complaint entered by complainant and/or witnesses.
 4. Notification of the date, time and place of the Judicial hearing at least seven calendar days in advance (three calendar days in advance for Residence Hall violations where the respondent is a hall resident). The respondent may in writing waive the seven calendar days notice of hearing (or three calendar days for residence hall students). Notice of hearing shall have been fulfilled if a notice has been mailed via U.S. postal service to the local address as listed in the Registrar's Office at least ten calendar days in advance of the hearing or placed in the student's residence hall mailbox at least three calendar days in advance of the hearing.
 - B. The respondent may consult with the Office of Student Activities (or Student Residential Life through the Resident Director where appropriate) and file:
 1. A Statement of Fact responding to the charges and citing any factual details or information not stated in complainant's Statement of Fact.
 5. Except in a case interpreted to be a crime of violence, the respondent has the right to have the outcome of the hearing private and confidential. The respondent may waive this right so the complainant involved in the case is notified of the decision and/or sanctions. University personnel with a need to know may be notified of the outcome.
 6. To challenge any member of the hearing board or the hearing officer if the respondent feels that the person would be biased in favor of the complainant.
 7. To have an advisor present at the hearing, however, the advisor may not address the hearing board or officer at any time.
 8. To determine whether the hearing is open or closed to the public.
 9. To have witnesses testify at the hearing.
 10. Opportunity for appeal of any Judicial Board decision and adequate time to prepare appeal (see Part V., Appeal Procedures).
 11. A declaration in writing is necessary to waive a hearing by a Judicial Board and to have the case adjudicated by the appropriate administrative hearing officer or faculty justice. However, in all instances where a hearing for disciplinary action would be necessary during the last two weeks of either semester or during the summer session, the complaint would be heard by the appropriate administrative hearing officer and not by a Judicial Board. In this instance, the avenue of appeal is through the next appropriate administrative hearing officer rather than the Judicial Board.



2. A Statement of Fact by any witnesses.
 3. Any evidence, if applicable.
 4. A waiver of notice of hearing, if desired.
 5. A waiver of hearing by Judicial Board, if desired.
- C. The respondent shall have the following responsibilities:
1. To represent herself/himself in written statements and in a hearing.
 2. To submit all written evidence and a witness list at least 24 hours prior to the designated hearing time.
 3. To pick up witness list submitted by the complainant 24 hours prior to the designated hearing time.
 4. To arrange for witnesses to attend the hearing.
 5. To secure his or her copy of the decision at a time and place specified by the Judicial Board or hearing officer.
 6. To follow Appeal Procedures as outlined in Student Handbook (see Part V).
- IV. Complainant's Rights and Responsibilities
- A. The complainant has the following rights:
1. To have an advisor present at the hearing, however, the advisor may not address the hearing board or officer at any time.
 2. To have witnesses testify at the hearing.
 3. Access to all documents or evidence pertaining to the complaint entered by the respondent and/or witnesses.
 4. To challenge a member of a Judicial Board or a hearing officer if the complainant feels that the person would be biased in favor of the respondent.
 5. To receive the final decision when the complaint is determined to be a crime of violence. In other cases, the decision and sanctions remain confidential unless the respondent provides a written release.
- B. The complainant shall have the following responsibilities:
1. To represent herself/himself in written statements and in a hearing.
 2. To submit all written evidence at the time of filing a complaint.
 3. To submit a witness list at least 24 hours prior to the designated hearing time.
 4. To arrange for witnesses to attend the hearing.
 5. To pick up all supporting evidence which was submitted by the respondent 24 hours prior to the designated hearing time.
- V. Hearing Procedures
- A. The respondent may appear in person at a hearing. If the respondent does not appear, the Judicial Board will proceed with a review of the case at the stated date, time and place.
- B. The Chief Justice or hearing officer will have discretionary power to limit the number of observers at an open hearing.
- C. A complete written or taped transcript of the hearing will be recorded and preserved by the appropriate judicial body until all appeals have been filed or heard. No other audio or video recording of the hearing will be permitted.
- D. The decisions and sanctions, if applicable, will be made available to the respondent at a time and place specified by the Judicial Board or hearing officer. It is the responsibility of the respondent to secure his or her copy of the decision.
- VI. Appeal Procedures
- A. All appeals shall be submitted in writing setting forth a concise statement of fact clearly establishing one or more of the following grounds for appeal:
1. The decision or sanction was unreasonable;
 2. The Judicial Board or hearing officer was biased; or
 3. The Judicial Board or hearing officer misinterpreted the Student Code of Conduct or University policies upon which the complaint was based. In cases involving new evidence, the appeal should be submitted to the original judicial body and a new hearing requested.
- B. Appeals from the lower judicial body should be made to the next higher body through the Office of the Vice-President for Student Affairs; i.e., Residence Hall Judiciary to ASBSU Judiciary to Student Policy and Appeals Board. When a student or group appeals a decision of a judicial body, all recommended action is placed in a pending status until the appeal process has been exhausted. In the event a case has been heard by an administrative hearing officer, the appeal would be to the next appropriate administrative hearing officer through the Office of the Vice-President for Student Affairs; i.e., Student Residential Life hearing officer to Student Union and Activities or Faculty Justice hearing officer to the Vice-President for Student Affairs.

- C. Appeals must be submitted within seven (7) calendar days of the time the decision is made available in writing with copies to the original and last judicial body. (Students who are appealing a decision from a Residence Hall Judicial Board or from the appropriate administrative hearing officer must submit appeals within three (3) calendar days of the time the decision is made available in writing with copies to the original and last judicial body.)
- D. When a written appeal is received, the appropriate judicial body will convene to review the appeal and related written documentation in order to determine whether to accept the appeal. The review of an appeal will be done in a closed session. If an appeal is accepted, the appropriate judicial body may, at its own discretion, act on the appeal on the basis of written documentation or may conduct a new hearing for a prescribed period of time. Loss of privileges may include, but is not limited to:
 - 1. removal from campus living quarters or other University housing;
 - 2. relinquishment of a student office; or
 - 3. loss of such other privileges as may be consistent with the offense committed and the rehabilitation of the student.
- E. Censure: Censure is a written sanction warning the individual that repeated infractions of the Code of Conduct could result in further sanctions.
- F. Residence Hall Probation: Residence Hall Probation is a written sanction warning the residence hall student that repeated infractions of the Code of Conduct and/or Residence Hall Policies could result in further sanctions by the Judiciary. The possible loss of a privilege or privileges, a fine and/or community service may also be imposed.
- G. Restitution/Compensation: Restitution is the paying of fines or payment of damages for violations that caused the physical loss, damage or injury to property or person(s) and may be imposed with any of the above sanctions where appropriate. Community Restitution, or the assignment of labor or responsibilities to any student or student organization within the University or local community, may be imposed. Compensation may also be imposed for a particular act or violation of the Code where said payment of a fine or the performance of a service is reasonable and appropriate.
- H. HOLD on Admission, Registration and Academic Records: A HOLD is an action restricting admission and registration until a judicial obligation is met. A HOLD will also restrict the institution from releasing official academic transcripts and awarding a diploma until the obligation is met.

4203-d: Sanctions

(Revised April 1998)

PURPOSE: To establish guidelines for judicial boards or hearing officers to follow when determining a course of action for violation of the Code of Conduct or other University policies, procedures, or expectations.

Sanctions which may be imposed upon an individual or group proven guilty for violation of the Code of Conduct or any other misconduct on or off campus may include any one or a combination of the following:

- A. Expulsion: Expulsion is an action indefinitely terminating a student's registration at the institution. Any request for re-enrollment must be submitted in writing to the Student Policy and Appeals Board, in care of the Vice-President for Student Affairs.
- B. Suspension: Suspension is an action terminating registration in all or some classes for a prescribed period of time not to exceed two years. Any request for re-enrollment prior to the end of the prescribed period of time must be submitted in writing to the Student Policy and Appeals Board, in care of the Vice-President for Student Affairs. (After re-enrollment there is normally a probation period to be determined by the judicial board which rendered the original decision.)
- C. Conduct Probation: Conduct probation is a written sanction with or without loss of designated privileges signifying that additional disregard for the Code of Conduct will constitute grounds for suspension or expulsion. A specific time period of probation will always be prescribed. Other conditions or restrictions may also be included or a combination of sanctions imposed.
- D. Loss of Privileges: Loss of privileges is a disciplinary action excluding a student from participating in certain activities or enjoying certain privileges

4204-d: Maintaining Order

(Effective July 1998)

PURPOSE: To establish policies and procedures for maintaining order on the Boise State University campus and its facilities.

- I. As designees of the chief administrative officer charged with maintaining order on the campus and its facilities, members of the Boise State University faculty are responsible for ensuring orderly conduct in areas under their direct supervision. Therefore, a member of the University community, in fulfilling his professional and contractual obligations, may dismiss a student from the course for the remainder of the semester when a student violates any of the following specific policies listed under the Code of Conduct in the Boise State University Student Handbook:
 - A. Harassment: Any practice by a group or an individual that detains, embarrasses or degrades

a member of the University community, endangers his/her health or interferes with class attendance or the pursuit of education is prohibited.

- B. Lawful Orders: Failure to disperse or leave; disrupting or obstructing a University building or facility, room or other premises; failure to identify oneself with an identification card; or to cease the use of loudspeakers, amplifiers or other forms of noise after being given notice or a lawful order to do so by a duly authorized agent or administrative officer of the institution is prohibited.
 - C. Disorderly Conduct: Detaining or threatening another person; obstructive or riotous acts in or associated with the University community are prohibited. The above includes verbal abuse of any member of the Boise State University community on or off campus where the situation involves the educational purposes or objectives of the University.
 - D. Official Notification: Failure to comply with any official notification, written or verbal, of a duly authorized administrative, faculty or judicial representative of the University may result in disciplinary action.
 - E. In addition to the Student Code of Conduct, students may be dismissed for violation of Idaho Code 33-3715 and 33-3716.
- II. Procedure for Dismissal from One or Two Class Periods Only: A written report of any student dismissed from class must be submitted to the appropriate academic dean, with a copy to the department head, no later than one working day after the dismissal.
- III. Procedure for Dismissal for the Remainder of the Semester: The faculty member, if s/he feels it is warranted, may choose instead to dismiss the student from the course for the remainder of the semester. If the instructor does dismiss the student from the course for the remainder of the semester, s/he must submit a concise Statement of Fact specifying the reasons for the dismissal, the individual or group, the factual details of the incident, the names of witnesses and any applicable dates, times or places. This Statement of Fact must be submitted to the appropriate academic dean, with a copy to the department head, no later than one working day after the incident. Immediately upon receipt of the Statement of Fact, a hearing should be scheduled to afford the student and the faculty member opportunity to present their positions to the dean.

The student and the professor are to be notified by the dean, or his/her designee, no later than two working days after receiving the Statement of Fact if the dismissal is upheld. If the faculty member,

department head and/or dean feel further disciplinary action is necessary, a complaint may be filed with the ASBSU Judiciary.

- IV. Procedure for Appeal: If the dismissal is upheld by the dean and the student desires to appeal the decision, an appeal request must be filed with the Academic Grievance and Academic Dishonesty Board within three working days of the above notifications.

4240-d: Official Student Absence Policy

(Effective April 2001)

PURPOSE: To establish policy concerning student absences for official university-recognized activities.

I. Policy Statement

A student is permitted to be absent from class because she or he is participating in an official university-recognized activity. "Official absence" is defined as absence(s) from class because the student is representing Boise State University at an official, university-recognized event. Such events include those scheduled by athletics, band, forensics, Maneline Dancers, music, theatre, and other events designated as official by an authority as determined by the Faculty Senate and/or university administration.

II. Responsibility and Procedures.

A. Student

- 1. Official absence excuses the student only from attending class or other formal instruction during the absence. Students have both the right and the responsibility:
 - a. to make up any work missed during their official absence;
 - b. to make up examinations given during their official absence; and,
 - c. to have the same privileges as other students in the class.
- 2. Students shall make sure the instructor is notified of the official absence in writing by the sponsoring organization at least 10 days in advance of the absence. Otherwise, official absence status can be jeopardized.

B. Faculty have the responsibility:

- 1. to excuse a student from attending class or other formal instruction during the official absence;
- 2. to not penalize a student for such absence;
- 3. to allow a student to make up any work missed during his or her official absence; and,
- 4. to preserve the same privileges as other students have in the class.



5. Times for make-up examinations and similar work are to be determined at the time the official notice of absence is provided, or as soon thereafter as the examination is scheduled. Make-up work or examinations will be scheduled at times mutually convenient for the student and the instructor.
- C. Activity Sponsor
1. Activity sponsors (athletics, band, dance, etc.) have the responsibility:
 2. to notify instructors, in writing, of official absences or anticipated absences by students at least 10 days in advance of the absence;
 3. to deliver the notice to the instructor via the student on official university stationery with dates and approximate departure and return times for official absence.
 4. Note that the activity sponsor and the student are jointly responsible for timely delivery of the notice. Failure to deliver the notice at least 10 days in advance can jeopardize the student's official absence request.
- D. Department Heads and Deans
1. Academic department heads and deans are responsible for ensuring that the faculty are apprised of this policy. Nonadherence to this policy will be reflected in the performance evaluation of administrative personnel responsible for promulgating this policy, or faculty responsible for implementing it, as appropriate.
- alumni of Boise State University, and their invited guests.
- B. The Student Union reserves the right to limit access to facilities by guests.
 - C. Access to facilities is made without regard to the content of the program being presented as long as it complies with the laws of the State of Idaho and the regulations of Boise State University. Complying with applicable laws is the sole responsibility of the organization sponsoring an event.
 - D. Use of Student Union and Activities facilities does not imply sponsorship nor endorsement by the University unless explicitly authorized by the Director of Student Union and Activities.

III. Administration and Governance

- A. Student Union and Activities is a part of the Division of Student Affairs and reports to the Vice President for Student Affairs.
1. The chief administrative officer of the Student Union is the Director of Student Union and Activities.
 2. The Administrative Staff of the Student Union and Activities consists of the Director of Student Union and Activities, the Assistant Director for Student Activities, the Assistant Director for the Student Union/Coordinator of Conference Services, and the Student Union Business Manager/Coordinator of Campus I.D. System.
- B. The Student Union Board of Governors (SUBOG) is the primary advisory body to the Director of the Student Union and Activities and staff.
1. The Board consists of a representative sample of the various constituencies served by the Student Union: students, faculty, staff, alumni and community members.
 2. The SUBOG provides input and advisement to the Director and staff on matters of policy, finance, pricing, budgetary matters and designated space allocation.
 3. The Board meets on a monthly basis during the regular academic year. The meeting schedule and published agenda are available from the Director's Office.
- C. The current table of organization for the Student Union staff, as well as governing documents and minutes for meetings of the Student Union Board of Governors, are kept with the Director's Office and with the Vice-President for Student Affairs.
- D. The Student Union and Activities has a strong commitment to evaluation of its services, programs and operations. Ongoing evaluation

4900-d: Student Union Policies and Procedures

(Revised July 1995)

PURPOSE: To outline policies and procedures for the use of the Student Union Building and related services.

- I. Description of Student Union and Activities
- A. Student Union and Activities serves as a center and forum for the academic community--students, faculty, staff, alumni and guests. It provides services, conveniences and amenities needed to enhance the daily life and events of the University and develops a relationship to the greater community. It encourages students and other members of the University community to meet and share talents, interests and ideas, through its Board of Governors, student government, student organizations and through the provision of formal and informal cultural, social, educational and recreational programs.
- II. Access to Student Union Facilities
- A. The Student Union and Activities complex is available for use by students, faculty, staff and

methods are practiced to measure customer satisfaction and to assess, refine or revise existing activities to suit the changing needs of the University community.

- E. The Student Union is a member of the Association of College Unions - International, the National Association of Campus Activities and the National Association of College Auxiliary Services. The Student Union works with guidelines developed by its associations to further assess its efforts and to compare the activities and services on the BSU campus with national standards.

IV. Funding

- A. The Student Union and Activities is an auxiliary service of Boise State University and is responsible for the operation and maintenance costs of its facilities and staff.
- B. Operating revenues for the facility are generated through Student Union fees and service areas, leases and commissions on sales.
- C. Prices for Student Union operated services (event spaces and equipment rentals, Recreation Center activities, Outdoor Rental Center equipment, etc.) are reviewed annually.
 - 1. Price adjustments are made based on comparative services in similar markets and actual costs (including such items as utilities, debt service, equipment amortization, etc.).
 - 2. All price adjustments are submitted to the Student Union Board of Governors for their review and recommendation to the Director.
 - 3. Current prices are published and available in the respective operating areas of the Student Union. Copies are also available from the Director of Student Union and Activities Office.

V. Student Activities

- A. The Student Activities Department assists BSU recognized student organizations, encourages and produces programs and workshops on leadership and personal development, and coordinates a variety of campus programs.
- B. For more information, see the Student Activities Policy BSU 4904-D, the BSU Student Handbook or publications available from the Student Activities Office.

VI. Cosponsorship

- A. The Student Union and Activities does not recognize cosponsorship between non-University groups and educational organizations, BSU departments, or governmental agencies when the cosponsorship seeks to reduce applicable

costs for facilities or services. University programs supported by grants are not considered to be cosponsored.

- B. To support their fund raising efforts, ASBSU recognized student organizations may cosponsor an event to reduce charges for Student Union facilities or services, but the student organization must receive value equal to the waived or reduced costs.
 - 1. Value may be in the form of cash, registrations, paid advertising, etc. Proof of value received is required.
 - 2. Additionally, the student organization must take an active role in producing the event or activity (participation by officers, volunteers, promotion, program planning, etc.).
 - 3. Student organizations should discuss their event with the Student Activities Office beforehand if they have any questions.

VII. Facility Hours

- A. The operating hours of the Student Union and Activities complex are prepared annually.
 - 1. Hours for a fiscal year (July through June) are finalized in January of the previous fiscal year. [For example, operating hours for FY94 (July 1993 - June 1994) are finalized in January of FY93 (January, 1993).]
 - 2. Published hours reports indicate both regular hours of operation and special hours (during intersession, holidays, etc.).
 - 3. Updates are distributed as needed.
- B. Changes in operating hours are coordinated by the Assistant Director of the Student Union through the Reservations Office.
- C. Copies of current hours of operation are available at the Information Desk in the Student Union, the Reservations Office, the Student Activities Office and the Director's Office.
 - 1. Regular operating hours information is also available on the Campus Wide Information System.
 - 2. Individual operating areas within the Student Union Complex maintain current operating hours in each area.

VIII. Student Union Meeting and Event Facilities

- A. The Student Union operates the facility to maximize usage to both the University community (recognized student organizations, faculty, staff and departments) and to the larger community in Boise and in Idaho.
- B. The Student Union complies with State Board of Education policies regarding providing facilities to non-University entities and has struc-



tured both its internal guidelines and pricing structures to support this goal.

- C. The University gives preference to groups which further the University's community service missions, enhance educational opportunities in Idaho, or are of a governmental nature.
- D. The Student Union does not confirm advance reservations more than one semester in advance without the explicit authorization of the Assistant Director for the Student Union. (For example, during the fall semester, reservations may be confirmed through the last day of finals for spring semester. During fall semester, reservations for dates beyond the end of spring semester will be recorded as tentative, and are subject to cancellation if found to conflict with traditional University functions.)

IX. Academic Class Use of Student Union Facilities

- A. Student Union facilities are not scheduled for academic class use. Academic classes (regularly scheduled, special, or seminar) include all classes coordinated through the Registrar's Office or the Division of Extended Studies. Facilities are primarily intended for student organizations, student activities (including a social, cultural and recreation program), seminars, workshops and events which contribute to learning out-of-the-classroom or relate to the mission of service as a community center to the University. The Union is generally not financed through state appropriated funds but rather fees paid by BSU students and augmented by generated revenue. To support these Union and Activities programs and services and, in accordance with the action of the Student Union Board of Governors, Union facilities are not used for academic purposes.
- B. Additionally, any special programs offered by University departments or affiliated groups where registration fees, tuition, admission or similar fees are levied will be subject to the "Educational" rates as published by the Student Union.
- C. Academic departments may conduct regular departmental business in the Student Union at the "Academic Department" rates.

X. Conference Coordination

- A. Conference Services Advisory Committee advises the Coordinator of Conference Services at BSU and assists in setting University policy regarding conferencing.
 - 1. The committee prepares, on an annual basis, the Report of Summer Conference Activity which summarizes all non-academic (conferences, special events, Extended Studies) activity on the campus during the

summer months (mid-May through mid-August). This report is available for inspection at the Student Union Administrative Offices.

- 2. Enabling documents for the Conference Services Advisory committee are also available in the Student Union Administrative Offices.
 - B. The Assistant Director for the Student Union serves as the Coordinator of Conference Services at Boise State. For more information, see the Conference Services Coordination Policy, BSU 4903-D.
- #### XI. Event Guidelines and Solicitation
- A. The Reservations and Catering Office publishes "Event Planning Guidelines" which detail specific facility use guidelines and policies. These guidelines address issues including, but not limited to:
 - 1. Reservations Scheduling Deadlines,
 - 2. Billing,
 - 3. Sales and Solicitation,
 - 4. Special Fees,
 - 5. Food and Beverage and Sanitation Requirements,
 - 6. Decorations,
 - 7. Compliance with Laws and Codes,
 - 8. Storage,
 - 9. Event Security, and
 - 10. General Reservations Policies.
 - B. The "Event Planning Guidelines" are available at the Student Union Information Desk and the Reservations Office.
 - C. The Reservations and Catering Office also publishes "Guidelines for Direct Solicitation, Fund Raising, and Publicity." These guidelines establish time, place and manner restrictions for solicitation in the Boise State University Student Union and the areas immediately adjacent to it (adjacent sidewalks, patios and parking areas, and contiguous lawns and flower beds).
 - 1. These restrictions have been implemented to maintain order in the facility and to ensure that the patrons of the Student Union are free to pursue their primary interests of attending events, relaxation, dining, studying, etc. without harassment.
 - 2. Copies of these guidelines are available at the Student Union Information Desk and from the Reservations Office.
 - 3. Revisions to these guidelines are made with the approval of the Student Union Board of Governors upon recommendation from the Student Union staff.



XII. Food and Beverage Services

- A. The University has chosen to meet its food and beverage service needs by contracting with various commercial businesses to provide these services. The contracts that the University enters into for various segments of the food and beverage business guarantee exclusivity to the selected vendor.
- B. Currently, contracts exist that govern vending, soft drink vending and retail/resident/catered/conference/concession foods and beverages.
- C. As an entity of Boise State University, the Student Union and Activities is responsible for contract compliance, as well as coordinating, auditing and enforcing the segments of the contract that occur in facilities under its control.
 1. The Union also assists with compliance on issues of health, safety and food service liability.
 2. The Student Union purchases and maintains the inventory of food service production equipment.
- D. The Student Union is specifically responsible for certain food production and service areas available to the contractor, including all Catering on the BSU campus, as well as retail dining operations in the Student Union ("Maggie's" and "Brava!"), in the Science/Nursing Building lobby ("Riverview") and at various locations featuring mobile food service carts (such as the lobby of the Business Building). The Student Union also maintains the primary production kitchen and all associated equipment on campus which support catering, retail, concessions and residence dining.

XIII. Disruption and Obstruction

- A. The Student Union and Activities serves as a forum for many divergent views and opinions both within the University community and beyond. These views and opinions do not necessarily represent the views of the Student Union and Activities or Boise State University, but merely reflect the institution's commitment to intellectual growth and academic freedom and to an open debate and discussion of ideas.
- B. Those individuals who disagree with the content of a particular program are encouraged to create their own forum for the expression of their ideas.
- C. Disruption of scheduled events will not be tolerated and such disruption will be pursued in accordance with Idaho Code Section 33-3715 and 33-3716 to the full extent available through the University's Judicial process and

the legal system. Explanation of the University's Judicial process is found in the BSU Student Handbook.

1. Counter demonstrations (individuals or groups picketing, marching, etc.) may occur outside the Student Union as described in the Open Spaces Use Policy (BSU 6615-D), with the exception of the Patio, which is considered a reservable space, not a public space. These demonstrations must allow the free flow of people through the entrances and may not be obstructive.
2. Demonstrations are NOT allowed in the building unless they are in a meeting/ballroom, approved by the Director, and are scheduled with the permission of the event sponsor.

4901-d: Special Events Center

(Revised July 1995)

PURPOSE: To outline policies and procedures for the use of the Special Events Center.

I. Administration and Governance

- A. The Special Events Center is scheduled and operated by the Student Union. The chief administrative officer of the Special Events Center is the Director of Student Union & Activities.
- B. The Special Events Center Board of Directors is the governing board for the Special Events Center and an advisory body to the Student Union Director and the Student Union's operations and scheduling staff. The Special Events Center Board of Directors consists of representatives of the primary constituencies served by the Special Events Center including:
 1. Students;
 2. Theater Arts Department;
 3. Music Department;
 4. Student Programs Board; and
 5. Student Union Board of Governors.
- C. The Special Events Center Board of Directors meets on a thrice yearly basis during the regular academic year.
 1. The meeting schedule and published agenda are available from the Student Union Director's Office.
 2. The current governing documents and minutes for meetings of the Special Events Center Board of Directors are kept with the Student Union Director's Office and with the Vice-President for Student Affairs.

II. Utilization of the Facility

- A. The Student Union operates the Special Events Center to maximize usage to both the Univer-



sity community (recognized student organizations and University departments) and to the larger community in Boise and in Idaho.

- B. Users of the facility are encouraged to work with others using the Special Events Center to assist in the sharing of this resource.
- C. When possible, event scheduling is arranged to afford maximum access to the facility by the largest number of sponsors.

III. Funding

- A. The Special Events Center is a uniquely-sized multipurpose facility for University and community activities, programs, performances, and specialized events related to the academic mission, and was originally built with student generated funds.
- B. The facility is supported by appropriated funds for basic operations (utilities, major repairs) and for basic maintenance (routine custodial care, funding for minor repairs and maintenance, etc.).
- C. Ongoing improvements to the Special Events Center are funded through revenue generated by use of the facility by non-University groups and by special allocations of appropriated funds.
- D. Prices for Special Events Center operated services (facility and equipment rentals, etc.) are reviewed annually.
 - 1. Facility rental price adjustments are submitted to the Special Events Center Board of Directors for their review and approval. As this is a uniquely sized and equipped facility for this community, every attempt is made to balance the need for revenue generation with the need to keep the facility economical for use by members of the larger community.
 - 2. Pricing policies are administered by the Assistant Director of the Student Union.
 - 3. Current prices for the facility and equipment are published and available from the Student Union Director's Office.

IV. Cosponsorship

- A. The Special Events Center Board of Directors policy does not allow cosponsorship for the purpose of waiving or reducing rental charges.
- B. All non-University groups are assessed the current rental rates.

V. Academic Class Use of Special Events Center Facilities

- A. The Special Events Center Board of Directors has indicated that regular academic class use of Special Events Center facilities is inconsistent with the role of the facility. Academic

classes (regularly scheduled, special, or seminar) include all classes coordinated through the Registrar's Office or the Division of Extended Studies

- B. Academic field trips to the facility are encouraged provided they are scheduled with the Student Union Reservations Office.
- C. Classes which require the unique facilities of the Special Events Center (such as those in theatrical lighting design and costume design) may use the facility if scheduled in advance, and if such use does not present major conflicts with other uses of the facility.

VI. Access to Special Events Center Facilities

- A. The Special Events Center is available for use by students, faculty, staff, and alumni of Boise State University, and their invited guests.
- B. The Special Events Center reserves the right to limit access to facilities by guests.
- C. Access to facilities is made without regard to the content of the program being presented, as long as it complies with the laws of the State of Idaho and the regulations of Boise State University. Complying with applicable laws is the sole responsibility of the organization sponsoring an event.
- D. Use of Special Events Center facilities does not imply sponsorship nor endorsement by the University unless explicitly authorized by the Director of Student Union & Activities.

VII. Priority Scheduling

- A. The Special Events Center Board of Directors conducts three scheduling meetings annually, usually in September, February, and May.
 - 1. At these meetings, priority scheduling access is given to the Theater Arts Department, the Music Department, and the Student Programs Board for their events and activities occurring during the next year's scheduling period.
 - 2. After the priority scheduling needs of the Theater Arts Department, Music Department, and Student Programs Board have been resolved, the Special Events Center calendar is open to scheduling by all other interested parties, providing:
 - a. No group outside of the priority scheduling group may schedule more than 21 days of use of the Special Events Center per year, unless approved by the Special Events Center Board of Directors.
 - b. No group outside of the priority scheduling group may schedule more than seven (7) consecutive use days of

the facility, nor more than ten (10) days in any thirty (30) day period, unless specifically approved by the Special Events Center Board of Directors.

3. Scheduling access is as follows:

Meeting Date	Period Scheduled	Open to General Booking
September this year	Fall Term next year	One week after scheduling mtg.
February this year	Spring Term next year	One week after scheduling mtg.
May this year	Summer Term next year	End of summer or by Conf. Svcs.

4. Scheduling conflicts between the priority scheduling entities are resolved by the Board of Directors as coordinated by the Assistant Director of the Union/Coordinator of Conference Services.

VIII. Event Guidelines and Solicitation

- A. Ongoing scheduling is coordinated by the Student Union Reservations and Catering Office.
- B. The Reservations and Catering Office publishes "Event Planning Guidelines" which detail specific facility use guidelines and policies. These guidelines address issues including, but not limited to:
 1. Reservations scheduling deadlines;
 2. Billing;
 3. Sales and solicitation;
 4. Special fees;
 5. Food and beverage and sanitation requirements;
 6. Decorations;
 7. Compliance with laws and codes;
 8. Storage;
 9. Event security; and
 10. General reservations policies.
- C. The "Event Planning Guidelines" are available at the Student Union Information Desk and the Reservations Office.
- D. Revisions to these guidelines are made with the approval of the Student Union Board of Governors upon recommendation from the Student Union staff.

E. The Reservations and Catering Office also publishes "Guidelines for Direct Solicitation, Fund Raising, and Publicity." These guidelines establish time, place, and manner restrictions for solicitation in the Boise State University Student Union/Special Events Center and the areas immediately adjacent to it (adjacent sidewalks, patios, and parking areas, and contiguous lawns & flower beds).

1. These restrictions have been implemented to maintain order in the facility, and to ensure that the patrons are free to pursue their primary interests of attending events, relaxation, dining, studying, etc. without harassment.
2. Copies of these guidelines are available at the Student Union Information Desk and the Reservations Office.
3. Revisions to these guidelines are made with the approval of the Student Union Board of Governors upon recommendation from the Student Union staff.

IX. Food and Beverage Services

- A. The University has chosen to meet its food and beverage service needs by contracting with various commercial businesses to provide these services. The contracts that the University enter into for various segments of the food and beverage business guarantee exclusivity to the selected vendor.
- B. Currently, contracts exist that govern vending, soft drink vending, and retail/resident/catered/conference/concession foods and beverage sales.
- C. As a part of Boise State University, the Special Events Center is subject to these contractual agreements. No outside food or beverage may be brought in for distribution or consumption in the Special Events Center.

X. Complaints and Compliments

- A. The Student Union & Activities staff who operate the Special Events Center are committed to providing quality customer service to all members of the University community and their guests.
 1. If a customer wishes to communicate about the quality of the service they have received they are encouraged to discuss the matter with the Technical Services Manager or the Manager on Duty.
 2. If unavailable, observations and comments will be reviewed by the Director of the Student Union & Activities.

XI. Disruption and Obstruction



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- A. The Special Events Center serves as a forum for many divergent views and opinions both within the University community and beyond. These views and opinions do not necessarily represent the views of the Special Events Center or Boise State University, but merely reflect the institution's commitment to intellectual growth and academic freedom, and to an open debate and discussion of ideas.
 - B. Those individuals who disagree with the content of a particular program are encouraged to create their own forum for the expression of their ideas.
 - C. Disruption of scheduled events will not be tolerated and such disruption will be pursued in accordance with Idaho Code Section 33-3715 & 33-3716 to the full extent available through the University's Judicial process and the legal system.
 - 1. Counter demonstrators (individuals or groups picketing, marching, etc.) may demonstrate outside the Special Events Center as described in the Open Spaces Use Policy (BSU 6615-D).
 - 2. These demonstrations must allow the free flow of people through the entrances and may not be obstructive.
 - 3. Demonstrations are NOT allowed in the building unless they are scheduled with the permission of the event sponsor.
- XII. Grand Piano
- A. The Special Events Center is equipped with a Steinway Concert Grand Piano. This instrument was a gift specifically for the Special Events Center and may not be removed from the facility or used elsewhere on campus.
 - B. The Technical Services Manager will determine usage and availability based on the skills and qualifications of the pianist.
- XIII. Technical Services Requirements
- A. The Special Events Center is a working proscenium theater.
 - B. The technical systems for lighting, sound, rigging, draperies, and projection require specialized training for operation, maintenance, and repair. The Union reserves the right to require technical services staff, including hours of call and crew sizes for rehearsals and performances.
 - C. The Union/Special Events Center will provide technical services cost estimates and actual charges may vary due to production circumstances.
- XIV. Safety Requirements
- A. The Special Events Center adheres to Fire and Life Safety Codes as mandated by city and state regulations.
 - B. Questions regarding these regulations should be directed to the Technical Services Manager.
- 4904-d: Student Activities**
(Revised July 1995)
- PURPOSE: To outline policies and procedures for the implementation of Student Activities programs and services.
- I. Description of Student Activities
 - A. Student Activities provides services and resources to facilitate the operation and success of student organizations and the Associated Students by promoting and creating leadership training opportunities; producing and distributing organization directories, maintaining organization data bases, and providing mail box space, office space, promotional services, organization fairs, recognition programs, community service opportunities, etc.; and providing activities which might instill a sense of community spirit.
 - B. Student Activities advising and programs are designed to provide students with a learning experience which complements academic programs. Advising and programs are provided which consider and explore with sensitivity cultural and social development, wellness, art, issues of the day, community service, entertainment and leisure activities.
 - II. Administration and Governance
 - A. Student Activities is the primary component of the Student Union and Activities Department, a part of the Division of Student Affairs which reports to the Vice-President for Student Affairs.
 - 1. The department's chief administrative officer is the Director of Student Union and Activities.
 - 2. All Student Union and Activities professional staff play a role in advisement of student organizations, Student Programs Board committees, student government functions and other University activities programs. They are assisted by University faculty, staff and community members who volunteer as organizational advisors to recognized student organizations.
 - B. Current student organizations policies are developed by the ASBSU Senate (the Senate Code) and/or the Student Activities Office and are subject to review by the Student Policy and Appeals Board.
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1. General student activities policies are published in the BSU Student Handbook.
 2. Specific student organization policies and ASBSU financial procedures for student organizations are published in the "Getting Organized Manual."
- C. Student Activities policies are available from the Office of the Director of Student Union and Activities.
- III. Programs and Services
- A. Student Activities department advising and program coordination responsibilities presently include, but are not limited to:
1. The biannual Student Activities Assessment;
 2. BSU Volunteer Services Board;
 3. Leadership Programs;
 4. Leadership Quest;
 5. Brava! (non-alcohol coffeehouse);
 6. Student Programs Board (Lectures, Concerts, Special Events, Films, Family Activities, Comedy, and Performing Arts);
 7. ASBSU Executive Board;
 8. ASBSU Judiciary;
 9. Fraternities and Sororities;
 10. Coordination of 130 student organizations and support services;
 11. Art Exhibits;
 12. Multicultural activities; and
 13. Homecoming.
- B. A summary of the previous year's student activities and services at the institution is available in the Student Union and Activities Annual Report.
- C. Services include office space and furnishings for student organizations, the student newspaper (The Arbiter) and computer network support.
- IV. Associated Students of Boise State University
- A. The Associated Students of Boise State University (ASBSU) is the formal entity for influencing governance of the University and organizing its student initiatives. The Association represents students enrolling for eight or more credits. ASBSU is structured with three distinct branches: the Executive Branch, the Legislative Branch, and the Judicial Branch.
- B. There are additional boards closely related to ASBSU, including the Financial Advisory Board (which allocates funds to student organizations) and the Election Board (which coordinates and administers student elections).
- C. Over thirty University-wide committees exist which have student representation and provide co-curricular experiences. A current list of these committees is available in the BSU Student Handbook.
- D. ASBSU is involved in delivering services which include student insurance advocacy and legal services.
- E. The National Student Exchange and Volunteer Services Board are cooperative projects developed with the Student Union and Activities and other University departments.
- F. The ASBSU Constitution is the enabling document for the Associated Students activities.
- V. Student Programs Board
- A. The Student Programs Board is responsible for developing and implementing a social and cultural activities program. This series of planned events or programs is geared to meet the interests and needs (educational, social, cultural, service, recreational, developmental and/or entertainment) of the college community or some sub-population of that community.
- B. The Student Union Board of Governors oversees the programming and financial operations of the Student Programs Board with the Student Union and Activities staff providing direct advisement. The Student Programs Board enabling document is found in the Charter of the Student Union Board of Governors.

Section 5 – Personnel Policies

5005-a: Policy on Nondiscrimination and Affirmative Action

(Revised May 1997)

PURPOSE: To establish an affirmative action/nondiscrimination policy at Boise State University.

- I. Foreword
 - A. Boise State University has always been a community-reflective institution, opening its doors to the needs of citizens and responding with academic, vocational, and special programs designed to support the local and state demands for educational opportunities.
 - B. The admissions policy at Boise State University and other general policies in all of its programs, as well as its personnel employment practices in relation to recruiting, hiring, training, and promotion, operate under a philosophy that no person shall be subjected to unlawful discrimination in any manner.
- II. Nondiscrimination
 - A. Boise State University is committed to maintaining a working and educational environment which supports equal rights for all individuals. Decisions affecting the education, employment or access to services and facilities of faculty,



staff, and students will be based only on merit, performance, and legitimate occupational or educational criteria.

- B. It is the policy of Boise State University not to discriminate against any individual in matters of admission, employment, housing, services or in the educational programs or other activities based on non-meritorious factors including, but not limited to, discrimination on the basis of age, race, color, religion, sex, national origin, ancestry, disability, veteran status, or political affiliation.
- C. It is the policy of the university not discriminate against any individual on the basis of sexual orientation in the following areas: personnel decisions, housing, student admissions and evaluation, facilities, or in educational programs or other activities.
- D. Boise State University will apply this policy consistently with its obligation to continue to provide Reserve Officer Training Corps programs under federal law. To the extent this policy conflicts with contractual obligations, state or federal laws, or regulations those obligations and laws or regulations will prevail. Nothing in this policy affects Boise State's policies implemented on the basis of legally recognized marriage. This policy does not cover matters which are outside of the control of the university.
- E. It is the responsibility of each and every member of the university community to ensure that meaningful equal employment and educational opportunity exists. The university will continue to cooperate with agencies of the federal and state governments in fulfilling its obligations.

III. Nondiscrimination Objectives

- A. The objectives of the Boise State University Nondiscrimination Program are:
- B. To further develop and maintain equal employment and educational opportunities for all personnel and students;
- C. To eliminate all traces of unlawful discrimination in employment practices and education programs and activities. This includes, but is not limited to, discrimination on the basis of age, race, color, religion, sex, national origin, ancestry, disability, veteran status, sexual orientation, or political affiliation.

IV. Affirmative Action Objectives

- A. The objectives of the Boise State University Affirmative Action Program are:
- B. To develop a work force which reflects an equitable employment distribution of some previously under-represented group members at all levels of employment and throughout all departments of the university based upon the

availability of such groups within the appropriate labor market(s);

- C. To provide resources for affirmative action programs to implement the policy; and
 - D. To meet state and federal requirements to engage in affirmative action for women, racial minorities, veterans and the disabled.
- ### V. Legal Basis of Nondiscrimination AND Affirmative Action Program
- A. The practice of active or passive exclusion of persons on the basis of personal characteristics not related to job competency has brought about legislation at the state and federal levels. Anti-discrimination laws and policies include specific guidelines for assuring equal employment opportunity. Some laws include specific guidelines for compliance and create boards and commissions to enforce compliance. The following are some of the applicable state and federal laws:
 - B. Idaho Human Rights Act
 - C. Idaho Civil Rights Act, as amended.
 - D. Civil Rights Act of 1964, as amended.
 - E. Age Discrimination in Employment Act of 1967, as amended.
 - F. Civil Rights Act of 1968.
 - G. Pregnancy Discrimination Act.
 - H. Title IX of the Education Amendment of 1972.
 - I. Age Discrimination Act of 1975, as amended.
 - J. Equal Pay Act of 1963.
 - K. Immigration Reform & Control Act of 1986.
 - L. Section 1981 of the Civil Rights Act of 1866.
 - M. Section 1983 of the Civil Rights Act of 1871.
 - N. Civil Rights Restoration Act of 1988.
 - O. Civil Rights Act of 1991.
 - P. Vocational Rehabilitation Act of 1973, as amended.
 - Q. Vietnam Era Veterans' Readjustment Act of 1974, as amended.
 - R. The Americans with Disabilities Act of 1990.
 - S. Executive Orders
 - 1. Executive Order 11246, as amended by Executive Orders 11375 and 12086.
 - 2. Executive Order 11141.
 - 3. Executive Order 12250.
 - VI. Nondiscrimination and Affirmative Action Policy
 - A. Dissemination of Revised/Updated Policies
 - 1. Each time a substantive or procedural change is made to the Policy on Affirmative Action and Nondiscrimination, these actions will occur.



2. Copies of this policy will be disseminated by the Affirmative Action Director with a cover letter from the President to all employees upon official adoption of the policy. Thereafter, each new employee shall be given a copy of the current Nondiscrimination and Affirmative Action brochure.
 3. To ensure effective implementation, deans, directors or heads of administrative units will brief their staff on the changes.
 4. Policy changes will be distributed to all Boise State student organizations, the campus newspapers, and the faculty/staff newsletter.
 5. This policy will be sent to each association representing university employees upon adoption of changes.
- B. Ongoing Implementation of the Policy on Nondiscrimination and Affirmative Action
1. To ensure effective implementation, deans, directors, and department chairs will explain the intent of the policy and individual responsibility during at least one staff meeting each year.
 2. A statement on Nondiscrimination and Affirmative Action will be annually distributed by the Affirmative Action Director to all Boise State student organizations and published in campus newspapers and the faculty/staff newsletter.
 3. Posters stating the university's commitment to nondiscrimination will be displayed throughout the entire campus directing students, staff, and faculty to the appropriate office if they have a complaint of unlawful discrimination.
 4. This entire policy will be included in all supervisory and management manuals, procedure manuals, and employee handbooks. A summary of the policy will appear in the Student Handbook and Catalog each year.
 5. This policy will be discussed thoroughly in ASBSU training, employee orientation, and employee training programs.
 6. Special meetings will be conducted at least once a year by the Affirmative Action Director with deans and directors at all levels to explain the intent of the Nondiscrimination and Affirmative Action Policy and individual responsibility for effective implementation.
 7. Community organizations, employment agencies, news media, secondary schools, universities, colleges, and recruiting sources will be informed annually about the university's policy on Nondiscrimination and Affirmative Action by the Affirmative Action Director.
 8. At a minimum the Nondiscrimination and Affirmative Action Committee shall thoroughly review the policy on Nondiscrimination and Affirmative Action every third year in order to ensure its completeness and accuracy in light of changing legislation and conditions.
- VII. Responsibility for Administration and Implementation
- A. The President of the university has overall responsibility for the administration and implementation of the Nondiscrimination and Affirmative Action Policy. The Affirmative Action Director will report directly to the President and will have the necessary top management support to execute the assignment.
- B. In consultation with all university employing officials and the Nondiscrimination and Affirmative Action Committee, the Affirmative Action Director is responsible for overall coordination of programs directed at employing individuals from under represented groups.
- C. Nondiscrimination and Affirmative Action Committee:
1. Membership: The Nondiscrimination and Affirmative Action Committee is appointed by the President of the university and shall consist of individuals representing the various constituencies of the university, including minority groups, women, students and the disabled. One member will be appointed by the Chairperson of the Faculty Senate, and two members each will be appointed by the Chair of the Association of Professional Staff, Association of Classified Employees and the Associated Student Body of Boise State University (ASBSU). The Nondiscrimination and Affirmative Action Committee shall have no less than 9 and no more than 15 voting members. The Affirmative Action Director and the Director of Human Resources are ex-officio, nonvoting members. The Chairperson of the Nondiscrimination and Affirmative Action Committee shall be a voting member. A term on the Nondiscrimination and Affirmative Action Committee shall be two years. Members may be reappointed for consecutive terms.
 2. Meetings: Meetings will be held at least once monthly during the academic year to ensure continuous attention to the affirmative action purposes detailed in this policy.
 3. Duties of the Nondiscrimination and Affirmative Action Committee:



- a. To annually review the university's Affirmative Action Plan and annual reports and to make recommendations which further the goals of affirmative action and nondiscrimination at Boise State University.
 - b. To assist the Affirmative Action Director in establishing recommended target dates and goals for each administrative unit and academic department of the university in order to implement the Nondiscrimination and Affirmative Action Policy. These plans shall include unit recruitment plans for hiring of faculty and exempt personnel. The Committee shall review the unit plans for compliance with affirmative action and nondiscrimination every two years.
 - c. To make recommendations for appropriate university-wide initiatives or programs which will strengthen affirmative action and nondiscrimination at Boise State University.
 - d. To review the content of publications, handbooks, brochures, posters, letters, training programs, etc., at least every third year, beginning in academic year 1993, to ensure compliance with current policy.
 - e. To study and investigate all matters related to affirmative action/nondiscrimination practices which relate to equal employment or education at Boise State University. Based on the results of study, the Committee shall recommend appropriate courses of action to the President.
 - f. To serve as a grievance committee for those cases involving discrimination claims.
 - g. To study and investigate all matters related to equal employment and educational opportunities at Boise State University. Based on the results of studies and investigations, the Committee shall recommend appropriate courses of action to the President.
4. Each dean, department head, and supervisor of Boise State University employees is responsible for full implementation of the Nondiscrimination and Affirmative Action Policy within his/her area.
 5. The Director of Affirmative Action, under the direction of the President, has the responsibility for ensuring compliance with federal and state regulations regarding equal employment and educational opportunities.

The Director coordinates the Affirmative Action Program and advises the President and other administrators and faculty concerning statements of policy, the identification of problem areas, and methods of arriving at solutions to problems. The Director is an ex-officio member of the Nondiscrimination and Affirmative Action Committee. The Director has the overall responsibility of educating the university community regarding affirmative action. Other duties may be assigned from time to time by the President of the university, except the Affirmative Action Director may not serve on any hiring committees as a voting member.

D. Grievance Procedure

1. Grievance Procedures for Boise State Nondiscrimination and Affirmative Action Committee:
 - a. Purpose: To state clearly the means through which individual employees and students at Boise State University may forward and resolve grievances or complaints filed under this policy.
 - b. Rationale: All employees and students of Boise State should have the right to redress possible injustices or wrongs done to them. The accessibility, simplicity, speed, and high standards of fairness of the university's grievance procedures will encourage employees and students to choose internal means of redress and resolution rather than resorting to external means in seeking to overturn perceived injustices.
 - c. Statement of the Policy: Boise State University herewith affirms that it has procedures to deal with any grievance which may arise in matters of general personnel administration or student participation in university programs. These may involve rights provided for under the 1964 Civil Rights Act and its amendments, those rights guaranteed under Title IX of the Higher Education Act, Americans with Disabilities Act, pertinent state codes and rights provided for under the Boise State Policy or which directly affect the personal interest and well-being of an individual employee or student. These grievance procedures deal with possible discrimination that is not related to bona fide occupational qualifications such as job skills, education, and performance. This includes, but is not limited to, discrimination on the basis of age, race, color, religion, sex, national origin, ancestry, disability, veteran status, sexual

orientation, or political affiliation. These procedures do not apply to complaints of harassment. (See BSU Policy 5010-A)

d. Implementation:

- 1) Coverage is as stated above.
 - 2) Grievances which are covered under provisions of the Faculty Handbook, Administrative Handbook, Classified Staff Handbook, Idaho State Statutes, or student policies and procedures remain subject to those provisions.
 - 3) Grievances which do not involve the personal interest and well-being of an individual employee or student, and which are not otherwise covered by these procedures shall be referred to the appropriate administrative officer at the university.
 - 4) On eligibility, any employee, job applicant, or student who believes that he or she has been discriminated against, as noted above, through the action of one or a group of employee(s), supervisor(s), faculty member(s), or other person or persons acting for the university, may bring an informal or formal grievance under these procedures.
2. Where a dispute exists as to whether a particular matter is subject to coverage by these grievance procedures, the Nondiscrimination and Affirmative Action Committee shall make an initial judgment on such matters of coverage. In making that judgment, the Nondiscrimination and Affirmative Action Committee will interpret the coverage of these procedures liberally. They will deny application of the procedures only where the matter in question clearly concerns issues of broad policy in which the complaining party has no direct interest, where the Committee has good reason to believe that a grievance has been brought in bad faith for political or similarly inappropriate reasons, where the grievance is covered under provisions of the items listed in item O.1.b. or in other circumstances in which use of these procedures would clearly endanger their effectiveness as an instrument for the redress of grievance.
- a. A variety of grievance procedures are available to all members of the campus community: faculty, professional staff, classified staff, and students.
 - b. Faculty members as defined by the Faculty Constitution may utilize the Faculty Grievance Procedure, BSU Policy 5375-B, outlined in the Faculty Handbook.
 - c. The professional staff may utilize the grievance and appeals procedure outlined in BSU 5450-C, Professional Staff Employees Grievances and Appeals, of the Administrative Handbook of Policies and Procedures.
 - d. Classified staff members under the State of Idaho Personnel Commission may utilize the grievance procedure as outlined in the BSU Handbook for Classified Employees and BSU Policy 5550-C.
 - e. Students should contact either the Assistant Director of Student Activities or the Affirmative Action Director to activate the grievance procedure as outlined in the BSU Student Handbook. Should students, for whatever reason, not wish to access the above mentioned offices, they may initiate contact with their Advisor or Department Chair.
 - f. Employees or students who feel they have been subjected to sexual harassment, any unwelcome sexual advance or verbal or physical abuse which interferes with an individual's ability to work or study on this campus may contact the Affirmative Action Director for assistance in processing a grievance under BSU Policy 5010-A.
3. In any case involving a claim of discrimination any employee, applicant for employment or student may present his/her complaint directly to the Affirmative Action Director or to the chair of the Nondiscrimination and Affirmative Action Committee. The following procedure shall be followed by the Affirmative Action Director when handling a grievance.
- a. Informal Grievance:
 - 1) The employee, applicant, or student may first discuss his or her grievance with the individual who is the alleged cause of the grievance.
 - 2) If the employee, applicant or student is unable or unwilling to face the individual who is the alleged cause of the grievance, he/she may request to begin the informal process with the appropriate administrative official or department chairperson or with the Affirmative Action Director.
 - 3) If the grievance involves a question of judgment of opinion not covered by the Nondiscrimination and Affirmative Action Committee, the appropriate administrative official and the Affirmative Action Director shall counsel with



the employee or student, the supervisor, and the department head to resolve the grievance, if possible.

- 4) If the grieving party chooses not to try the informal procedure, if the alleged perpetrator is unwilling to participate in the informal procedures, or if the informal procedure ends with no agreement, the grieving party may proceed to mediation or filing a formal grievance.

b. Mediation:

- 1) The employee or student may choose to have the grievance mediated by a trained mediator.

- 2) Procedures for mediation:

- a) Submit to the Director of Affirmative Action a written request for mediation along with a description of the grievance and the name of the alleged perpetrator.
 - b) The Director of Affirmative Action will contact the alleged perpetrator to notify them of the complaint and explain mediation.
 - c) If both parties agree to try mediation, a mediator will be chosen from a list of trained campus mediators. The mediator must be acceptable to both parties. The mediator selected will be notified by the Affirmative Action.
 - d) Within five working days of the agreement on a mediator, the mediator will convene the first mediation session.
 - e) If the parties are able to reach agreement through mediation in a reasonable amount of time (to be decided by the mediator), the agreement will be put in writing and signed by the parties. The original copy shall be kept on file in the Affirmative Action Office.
 - f) If the parties are not able to reach agreement through mediation in a reasonable amount of time (to be determined by the mediator), the mediation will be closed with a letter to that effect being filed with the Affirmative Action Office.
- 3) If the grieving party chooses not to try mediation, if the alleged perpetrator is unwilling to participate in mediation, or if mediation ends with no agree-

ment, the grieving party may proceed to filing a formal grievance.

c. Formal Grievance:

- 1) If the aggrieved employee or student's grievance has not been resolved after informal steps, or mediation, or if he or she does not wish to use informal procedures, he or she may submit a request, in writing, for a formal investigation and/or grievance hearing to the Nondiscrimination and Affirmative Action Committee.

- 2) Procedures:

- a) File a written request for a formal investigation/hearing with the Director of Affirmative Action or the Chair of the Nondiscrimination and Affirmative Action Committee, stating the nature of the grievance, who the alleged perpetrator is and remedy needed to correct the situation.
- b) The Nondiscrimination and Affirmative Action Committee will accept or not accept the request. The Committee will determine if the complaint falls within the guidelines of the Committee responsibility as defined by this policy. If the request is not accepted by the Committee, the Nondiscrimination and Affirmative Action Committee chairperson shall state the reasons in writing. If accepted, the chairperson will convene the Nondiscrimination and Affirmative Action Committee within 10 working days. A copy of the grievance will be forwarded to the accused party immediately upon approval of the grievance by the Committee.
- c) The Nondiscrimination and Affirmative Action Committee shall conduct a formal investigation/hearing and shall reach a decision on recommendations in a timely manner after the close of the investigation or hearing. The procedures for hearings shall be:
 - 3.1 The Chairperson will advise each party of the date, time, and place of the hearing.
 - 3.2 The Committee may call such witnesses as it deems germane to the grievance.

- 3.3 The Committee may request additional written statements and documents from each party.
 - 3.4 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.
 - 3.5 All parties are entitled to be accompanied by a counselor of their choice.
 - 3.6 The Committee reserves the right to close the hearing to the public and other witnesses.
- d) At any time during the investigation and/or hearing the complainant may withdraw his/her complaint. In that event, the proceedings will be terminated.
- e) The Committee chairperson, at the direction of the Nondiscrimination and Affirmative Action Committee, shall recommend appropriate action to the President based on the findings of the investigation and/or hearing. A copy of the findings and recommendations will be given to the parties of the grievance as well.
- 3) Appeal:
- a) The decision of the committee may be appealed in writing to the President within five (5) working days after receiving the decision.
 - b) The President in turn will be expected to relay his decision on the appeal in writing to the aggrieved employee or student and the alleged perpetrator within 10 working days, with a copy to the Director of Affirmative Action and the Chair of the Nondiscrimination and Affirmative Action Committee.
 - c) With regard to formal grievance appeals, the decision of the President shall be final unless
 - d) the grieving employee is a classified employee in which case that individual may utilize the grievance procedure available to them; or
 - e) the decision of the President is for termination, in which case the employee would have full right to due process as provided under university policy, State Board of Education policy, and Idaho Code.
- 4) Nothing in this directive supersedes or amends grievance procedures set forth by valid contractual agreement.
- 5) The grievance procedures spelled out above are in no way intended to limit the rights of employees or students under applicable federal and state laws.
- d. Retaliation: Any retaliatory action of any kind taken by an employee of the university against another employee, applicant, or student of the university as a result of that person's seeking redress under these procedures, cooperating in an investigation, or other participation in any proceedings under these procedures is prohibited and shall be regarded as a separate and distinct grievable matter under these procedures, including the same range of sanctions applicable for the original grievable action(s).
- e. Confidentiality: Confidentiality in the investigation is of the utmost importance to protect complainant and the university. Lack of confidentiality may lead to damaged careers/reputations and may undermine confidence and trust in the university.

5010-a: Anti-Harassment Policy

(Revised July 1997)

PURPOSE: Boise State University exists to educate people to become knowledgeable citizens who are actively involved in the communities where they live. Critical to the development of this educated citizenry is fostering an atmosphere of respect and civility. Harassment is contrary to these values and the mission of BSU and will not be tolerated.

All members of the university community must be able to pursue their goals, educational needs, and working lives without intimidation or injury generated by intolerance and harassment. The development of creative, critical thinking skills demands freedom of thought, expression, and exploration. This requires an environment of mutual respect and tolerance for diverse persons, groups, and ideas. The goal of this policy is to promote the environment needed for creative work and study.

This policy addresses harassment in all forms, covering individuals with legally protected status for reasons of race, gender, religion, color, age, national origin, ancestry, or disability, as well as individuals who are harassed for other reasons, such as sexual orientation.

I. Policy Statement



It is the policy of Boise State University that its campuses be places of work and learning which are free from all forms of harassment. Faculty, staff, and students should be aware that harassment of any kind will not be tolerated. All complaints and information will be taken seriously, will be investigated when appropriate, and appropriate corrective action will be taken when warranted by the facts.

II. Scope

This policy applies to all faculty, staff, and students during activities on any university property or any university-related activities occurring away from campus. The university will not tolerate harassment of its faculty, staff, or students by persons conducting business with or visiting the university, even though the persons are not directly affiliated with the university.

III. Definitions

Harassment is conduct towards another person or identifiable group of persons including, but not limited to, unwelcome comments or other conduct that unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive environment for that individual's work, education, or participation in a university activity.

- A. **Racial Harassment:** Racial harassment is conduct directed toward another person (or identifiable group of persons) on the basis of race, color, national origin, or ancestry that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for that individual's work, education, or participation in a university activity. The conduct may be words, gestures, or actions.
- B. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in a university activity;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's employment, education, or participation in a university activity; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for that individual's

work, education, or participation in a university activity.

IV. Determination of Harassment

To determine whether a particular behavior constitutes harassment, the behavior will be evaluated by considering all available information and data. The university reserves the right to investigate circumstances that may involve harassment in situations where no complaint, formal or informal, has been filed. Sanctions in accordance with this policy may be imposed when it is determined that the policy has been violated.

- A. **Academic Freedom:** Academic freedom protects the legitimate academic judgments of a faculty member made in furtherance of the institution's educational mission. Intimidation and harassment are inconsistent with the maintenance of academic freedom, and it is the ethical responsibility of faculty members to avoid exploitation of students for private advantage.
- B. **Retaliation Prohibited:** This policy is intended to encourage faculty, staff, and students to report and address incidents of harassment. Retaliation against faculty members, staff members, or students for reporting or complaining of harassment or enforcing this policy is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, or harassment against an individual or group for exercising rights under this policy will be subject to appropriate and prompt disciplinary or remedial action.
- C. **Sanctions:** An individual or group of individuals found to have violated this policy will be subject to disciplinary or remedial action, up to and including termination of employment or expulsion from the university. The sanctions for conduct that constitutes harassment as defined by this policy are subject to enhancement when such conduct is motivated by bias based on a person's legally protected status as defined by federal and state law: e.g., race, gender, religion, color, age, national origin, sexual orientation, ancestry, or disability. This enhancement of sanction is applicable to university faculty, staff, students, and all recognized student organizations.
- D. **Reporting:** Persons who believe they have experienced or witnessed harassment should report it to the Affirmative Action Office, a university administrator, or a supervisor. Administrators or supervisors who have knowledge of harassment or receive a complaint shall immediately take action according to the procedures described in this policy. Administrators and supervisors shall make known to all of their

members those individuals and offices designated as resources for people seeking assistance with harassment. The complainant should present the complaint as promptly as possible after the alleged harassment occurs. One consequence of the failure to present a complaint promptly is that it may preclude recourse to legal procedures should the complainant decide to pursue them at a later date.

- E. **Due Process and Fair Treatment:** Allegations of harassment shall be dealt with in a fair, unbiased, and timely manner. All parties shall be advised of the procedures available to them, and persons against whom allegations of harassment have been made shall be advised of the allegations against them, and shall be accorded a reasonable opportunity to provide information in support of their own position.
 - F. **Confidentiality:** Allegations of harassment, particularly sexual harassment, may involve sensitive disclosures. Confidentiality is required so that those who may have been harassed feel free to come forward and so that reputations may be protected throughout the procedure. Confidentiality is important to the fair investigation of a harassment complaint and all parties to the complaint are encouraged to maintain confidentiality at all times. Confidentiality, however, must be distinguished from anonymity. It is a requirement of due process and fair treatment that an individual accused of an offense and subject to sanctions be informed of the allegations, which will require disclosure of the identity of the complainant. The complainant must therefore be prepared to be identified. It should be noted that appropriate supervisors and administrators will be informed about the progress of a complaint and/or investigation on a need to know basis and that actions, such as leave with pay, may be taken at any time to facilitate the resolution of the problem and to ensure a work environment that is free from harassment for all employees.
 - G. **University Jurisdiction:** Allegations of harassment by members of the university in their capacity as members of the university community shall be considered within the jurisdiction of the university to investigate whether or not the alleged harassment occurred on campus, whether or not it occurred during working hours, and whether or not the complainant is a member of the university community.
- V. **Procedure for Bringing a Complaint of Harassment**
- A. A variety of individuals at the institution may receive a complaint of harassment or information that leads them to believe that harassment may have occurred, including deans, directors, supervisors, affirmative action staff,

human resources staff, faculty, administrators, staff members, and students. It is the responsibility of the Affirmative Action Office to provide assistance with the resolution of complaints. An administrator, faculty, or staff person who receives a complaint shall report the complaint to the Affirmative Action Office.

- B. **COMPLAINT RESOLUTION:** A complaint of harassment may be resolved informally or through a formal investigation.
 - 1. **INFORMAL RESOLUTION:** If after a consultation with the individual bringing the complaint it is determined that the situation can be corrected without disciplinary action, the complaint may be resolved informally. An informal resolution must be agreed upon by the complaining party, the accused, and the supervisor and/or appropriate administrator. The informal resolution must be reported to the Affirmative Action Office which will document the action and close the case.
 - 2. **FORMAL INVESTIGATION:** A formal investigation will be initiated under the following conditions:
 - a. The complainant asks for a formal investigation of the allegations, OR
 - b. The Affirmative Action Officer or other administrator asks for a formal investigation when the situation cannot be resolved informally and further investigation is warranted by the information available. Individuals who wish to file a formal complaint against a student for harassment may file using this policy and procedure or they may file a BSU Code of Conduct violation complaint with the ASBSU Judiciary. To file a complaint under this policy, contact the Affirmative Action Office, and to file with ASBSU Judiciary, contact the Student Activities Office in the Student Union Building and refer to the Student Handbook, Student Policies and Procedures. An individual must choose which policy to file the complaint under and may not file under both policies for the same complaint.
- VI. **Formal Investigative Process:** The formal investigative process is initiated through the Affirmative Action Office by the complainant, administrator, or Affirmative Action Officer.
- A. **Notification:** When a complaint is received the Affirmative Action Office will notify the appropriate faculty and/or administrators up to and including the appropriate vice president about



the complaint and investigation. The Affirmative Action Office will notify the parties to the complaint that an investigation will take place. Notification will be made within three (3) working days of receipt of the formal complaint or request for investigation. All parties to the complaint will be advised of their rights in the process under this policy.

- B. The Chair of the Nondiscrimination and Affirmative Action Committee shall appoint to a Complaint Management Team three (3) members of the Affirmative Action Committee who have received appropriate training regarding sexual harassment, complaint management, and disciplinary procedures. The Affirmative Action Officer will sit on the Complaint Management Team as a non-voting member. The Complaint Management Team will be appointed within five (5) working days of receipt of the complaint.
 - C. The Affirmative Action Office will contract with an independent investigator/fact finder who will be responsible for obtaining all of the facts of the case including but not limited to gathering documents and conducting interviews. The independent investigator/fact finder will report his or her finding in writing to the Complaint Management Team within thirty (30) calendar days after being contracted.
 - D. The findings of fact will be given to the parties to the complaint. The parties to the complaint will have ten (10) working days to review and prepare a response to the findings of fact.
 - E. The Complaint Management Team reviews the findings of fact and the response of the parties to the complaint and determines if the policy has been violated. The determination shall be made within ten (10) working days after the Team receives the responses from the parties to the complaint.
 1. If it is determined that the policy has not been violated and no corrective action is necessary, the Complaint Management Team notifies, in writing, the parties to the complaint and the immediate supervisor of the accused (in the case of an employee) with copies to appropriate faculty and/or administrators up to and including the vice president. The case is closed and all documents and information are kept in a confidential file in the Affirmative Action Office, OR
 2. If it is determined that the policy has been violated and/or corrective action is warranted, the Complaint Management Team issues a report with the determination and recommendations for corrective and/or disciplinary action to the parties to the complaint, the immediate supervisor of the accused (in the case of an employee), and appropriate faculty and/or administrators up to and including the vice president. All documents and information utilized will be kept in a confidential file in the Affirmative Action Office.
 - F. The supervisor and appropriate administrator, up to and including the appropriate vice president, determine what action is contemplated and notify the employee or student in writing with a copy to the Affirmative Action Office within three (3) working days of receipt of the Complaint Management Team's determination and recommendations.*
 - G. An accused employee has the right to respond to the contemplated action to the supervisor and administrator. An accused student may respond to the administrator responsible for the disciplinary action. The accused has three (3) working days in which to respond to the contemplated action.
 - H. The supervisor and administrator, up to and including the appropriate vice president, determine appropriate disciplinary action and notify the accused in writing. If the accused is an employee, a copy of the disciplinary determination is sent to the Affirmative Action Office, Human Resources Department, appropriate Vice President or President, and individual(s) who brought the complaint. When the accused is a student, a copy of the disciplinary determination is sent to the Affirmative Action Office and the Vice President for Student Affairs. The supervisor and administrator have five (5) working days to determine disciplinary action and notify the appropriate individuals and offices.
 - I. Appropriate action is taken by the institution. The action is documented in the appropriate offices, including, but not limited to, the Affirmative Action Office, Human Resources, Office of the Provost, and appropriate Vice President/President. The only documentation placed in the employee's official personnel file is a record of disciplinary action.
- *Steps F through I, regarding discipline will be consistent with university policy and state regulations for disciplinary action, and appropriate to the type of position the employee holds.
- VII. Grievance Rights of the Accused
- An employee has the right to appeal any action under this policy through normal grievance procedures for faculty, classified staff, or professional staff. (Faculty Grievance Procedures - Policy 5375-B, Classified Employees Grievances and Appeals -



Policy 5550-C, and Professional Staff Employees - Grievances and Appeals - Policy 5450-C). A student may appeal the action to the Student Policy and Appeals Board - Policy 4202-D (Student Handbook, Student Policies and Procedures, Hearing Boards). The time limits set in the policy are designed to facilitate the investigation of complaints of harassment and ensure that they are handled in a timely manner. An extension of time may be allowed at any point in the process for good cause as determined by the Complaint Management Team.

It is the responsibility of the Affirmative Action Office to facilitate the processing of the complaint, to ensure that parties are notified appropriately, and to guarantee that the policy is followed.

5015-a: Drug and Alcohol Free Workplace

(Revised March 1997)

PURPOSE: In accordance with the following federal requirements: 1) the Drug-Free Workplace Act of 1988, 2) the Drug-Free Schools and Communities Act Amendments of 1989, and 3) the Omnibus Transportation Employee Testing Act of 1991, the University has enacted the following policy applicable to all employees and students.

I. Policy Statement

- A. It is the policy of Boise State University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or the unlawful possession, use, or distribution of alcohol is prohibited on the BSU campus, in the workplace or as part of any of the University's activities. The workplace and campus are presumed to include all BSU premises where the activities of the University are conducted.
- B. Definitions: The following terms are important for purposes of expressing the University's policy on a drug and alcohol free workplace:
 1. Controlled substance means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15 and as defined in Idaho Code.
 2. Contract means a legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition by purchase, lease, or barter of property or services for the direct benefit or use of the federal government; or whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.

3. Conviction means finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. Criminal drug statute means a federal or non-federal criminal statute involving the manufacture, sale, distribution, dispensation, use or possession of any controlled substance.
5. Employee means any faculty, staff, or student receiving a salary, wages, other compensation and/or stipend support from the University.
6. Federal agency or agency means any United States executive department, military department, government corporation, government-controlled corporation, or any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.
7. Grant means an award of financial assistance, including a cooperative agreement, in the form of money or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.
8. Grantee means a legal entity which applies for or receives a grant or contract directly from a federal agency.
9. Illegal use of drugs means the use of a controlled substance, as defined above.
10. Workplace means the physical boundaries of the University and all University-owned/controlled property.

II. Policy

It is the policy of the University that the illegal manufacture, sale, distribution, dispensation, possession or use of drugs is prohibited on its prem-



ises. Sanctions imposed for violation of this policy are indicated below.

A. In support of this policy, the University

1. Has a drug-free awareness program to inform its faculty, staff, and students about the dangers of drug and alcohol abuse in the workplace, and has available counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug and alcohol abuse violations are specified.

Per federal requirements, this information is distributed annually to all employees and students, except for students enrolled exclusively in continuing education units through the University's "Safety & Security Annual Report."

2. Will provide each new employee a copy of this policy. In addition, all faculty, staff and students will be notified of this policy through appropriate publications (i.e., BSU Catalog, the Student Handbook and the BSU Administrative Handbook).
3. Will notify each University employee and each student employee hired under a federal grant or contract that, as a condition of employment, the person, once so employed, must abide by the terms of the policy.
4. Will require any employee convicted of any criminal drug statute violation which has occurred in the workplace to provide his/her supervisor or appropriate academic officer notification, preferably written, of such conviction including any resultant conditions within five (5) days of the conviction.
5. Will require supervisors of employees who are required to obtain Commercial Drivers Licenses in order to be able to drive vehicles weighing more than 26,000 pounds, vehicles placarded for the transportation of hazardous materials, and/or vehicles designed to carry sixteen (16) or more persons must assure that the appropriate test for the use of drugs and/or alcohol are administered to these employees.

For details on this testing regimen, contact the Human Resources Department to obtain a copy of "The Omnibus Transportation Employee Testing Act of 1991" guidelines as applicable to applicants and employees required to hold a commercial drivers license.

6. Will require each academic officer, supervisor, or student employment official hav-

ing knowledge of or receiving notification of a conviction as described above to immediately notify in writing the Director of Human Resources. Under certain conditions, the Director of Human Resources will notify the Office of Research Administration.

7. Will notify the appropriate federal agency within ten (10) days after receiving notice of criminal drug statute conviction of any University employee engaged in performance of the grant or contract.
8. Will impose sanctions on, or require the satisfactory participation in a drug abuse assistance rehabilitation program by any employee so convicted.
9. Will make a good faith effort to continue to maintain a drug and alcohol free workplace through implementation of this policy.

B. Application of Policy

1. The Drug and Alcohol Free Workplace Policy, which applies to all persons in the University workplace, is supported by a drug and alcohol awareness program available to the faculty, staff, and students of the University. Specific compliance and reporting items enumerated in the policy (items B, C, D, E, F) are applicable to all persons employed on federal contracts and grants.
2. Individuals who are not BSU employees, but who perform work at BSU for its benefit (e.g., independent contractors, job shoppers, temporary employees provided by agencies, visitors engaged in point projects at BSU, volunteers and so forth) are required to comply with this policy. Such individuals who unlawfully manufacture, distribute, dispense, possess or use controlled substances or unlawful use, possess, or distribute alcohol in the BSU workplace may be barred from further work for and at BSU.

C. Implementation

Implementation of this policy is the responsibility of the Human Resources Department.

III. Penalties for Violation of the Policy

The University policy prohibiting illegal drugs and alcohol in the workplace is a protection of, and support for, the employees and students of Boise State University. Therefore, any employee convicted of a drug offense occurring in the workplace will be subject to disciplinary action (up to and including suspension, suspension without pay, and termination) and may be required to satisfactorily participate in a drug abuse assistance or rehabilita-



tion program as agreed upon between the employee, the Human Resources Department and the Employee Assistance Program provider. Further information concerning disciplinary action and appropriate procedures are available from the Human Resources Department.

IV. Employee Assistance Program

Boise State University through its Employee Assistance Provider, offers the following drug information, counseling, rehabilitation, and assistance programs.

- A. Information and Referral: All employees receiving benefits are eligible to consult with the Employee Assistance Program provider regarding the availability of drug and alcohol abuse assistance programs. Drug counseling and rehabilitation program referrals are made to mutual help organizations, private hospitals, public treatment programs, and private drug treatment practitioners.
- B. Individual and Family Counseling: Individuals and family members are seen on a short-term basis for assistance with drug-related problems. This service is available to employees on benefits at no charge.
- C. Educational Programs: On a periodic basis programs focusing on coping with and managing drug-related problems are offered as well as programs on the dangers of drug abuse.

Further information regarding these programs and services may be secured from the Boise State University Human Resources Department.

5017-a: Possession of Firearms/Weapons on University Owned or Controlled Premises

(Effective June 2000)

PURPOSE: A safe and secure environment is a fundamental requirement for fulfilling the university mission of teaching, research, and public service. Boise State University is committed to maintaining an environment that is free of violence. This obligation includes eliminating recognized hazards from the campus community that contribute to violence or serious harm.

The possession, wearing, carrying, transporting, or use of a firearm or other dangerous weapon, incendiary device or explosive is strictly forbidden on university owned or controlled premises or vehicles. This prohibition also extends to any person who may have acquired a government-issued permit or license. Violation of this regulation will result in disciplinary action and sanctions up to and including expulsion, in the case of students, or dismissal from employment, in the case of faculty and staff, or charges of trespass in the case of the public. Any questions regarding granting of exceptions to individuals or organizations in addition to those specifically identified below should be ad-

ressed to the Director of Campus Safety. No authorization period shall extend for more than one year.

The following firearms are excluded from this definition:

- A firearm in the possession of a full-time sworn peace officer. Among those not included in this exemption are reserve officers, part-time employees, and private security guards.
- A firearm in the possession of a person who has received prior written authorization from the Director of University Security.
- Members of the ROTC training program, when so directed by a provision of the ROTC training program, Department of Army Regulation 145-1 and United States Army Cadet Command Regulation 145-3.

Section 6 - Administrative Services Policies

6100-c: Transfer of BSU Funds to BSU Foundation

(Revised May 2002)

PURPOSE: To establish the policy for transfer of University funds to the BSU Foundation.

- I. No funds received into the University will be transferred to the BSU Foundation unless the transfer is approved by the Vice President for Finance and Administration. In order to effect this transfer you must complete an "Authorization to Transfer Boise State University Funds to the Boise State University Foundation" form, available on the Business Forms and Documents website, and forward it to the Office of the Vice President for Finance and Administration.
- II. Only those funds which are true donations and which do not obligate BSU to the donor in any way are eligible for transfer.
- III. Checks which are made payable to Boise State University but which are received by the BSU Foundation should be deposited with the Payment and Disbursement Center.

6200-a: Student Fee and/or Increase Guidelines

(Revised July 1995)

PURPOSE: To establish guidelines for student fee and/or rate increases.

The State Board of Education has delegated the authority to the President of the University for establishing student health insurance rates; room, board, and apartment rates; and activity fees. (Activity fee is defined as the fee charged for such activities as intercollegiate athletics, student health center, student union operations, the associated student body, financial aid,



intramurals and recreation, and other activities which directly benefit and involve students. The activity fee shall not be charged for educational costs nor major capital improvement and building projects.)

PROCEDURE:

1. Whenever any department or group contemplates a fee or rate increase for the next academic year, it should provide information and documentation to the appropriate committees or boards within the University. This procedure shall be commenced in the fall semester and completed by the beginning of spring semester.
2. After the procedure outlined in 1 has been followed, a specific proposal for any fee or rate increase for the next academic year should be forwarded to the Provost and Vice President for Academic Affairs no later than February 15.
3. The Vice-President for Student Affairs shall establish a hearing procedure to receive testimony regarding any proposed fee or rate increases no later than March 15.
4. The Executive Budget Committee shall present a recommendation to the President by March 31 regarding proposed fee and/or rate increases.
5. The President shall make a final decision regarding any fee or rate increases within his jurisdiction no later than April 1.
6. The President shall notify the State Board of Education of any approved fee or rate increases at the April Board meeting.
7. At the April Board meeting, the President shall also present to the State Board of Education those tuition or fee proposals which must be approved by the Board.

6470-c: Purchasing

(Revised July 2001)

IV. NON-PROCURABLE ITEMS

- A. The following items are not procurable with funds administered by Boise State University unless prior written approval is obtained from the Purchasing Manager, a Vice President or designee.
1. Briefcase and attaché cases, unless required to perform assigned tasks. Cases and organizers purchased should be of reasonable cost, may not be personalized and are to remain the property of BSU.
 2. Office or workstation decorations and equipment including:
 - a. Desktop accessories; e.g. special pads, clocks, pen sets, etc.
 - b. Decorative items such as vases, planters, pictures, flowers, plants, etc.

- c. Office equipment not meeting University requirements.
 - d. Personalized or extravagant personal organizers.
 - e. Public areas are exempted from this prohibition.
3. Beverage making equipment and supplies, including coffee pots, unless the primary purpose is for student or public use.
 4. Repairs to personal (i.e., not BSU-owned) property or the purchase of replacement property (even if used for work-related purposes). If BSU is held liable for loss or damage to personal property, reimbursement will be made directly to the owner of the property.
 5. Memberships in associations that do not have a direct relationship to an individual's current employment assignment.
 6. Rugs, carpets, draperies or window coverings in academic or office complexes. (These must be bid through Facilities Operations & Maintenance with Division of Public Works authority.)
 7. Flowers, plants, and other gifts given to BSU employees and their families. The exception is in the event of a death or other rare, non-recurring event.
 8. Food or entertainment purchases that are not directly related to a University business function that has a published agenda. This includes Christmas and birthday parties, Secretaries' and Bosses' Days gifts or other event parties for employees only.
 9. Parking permits for faculty or staff.
 10. The payment of fines imposed by BSU or municipal authorities for violations of parking regulations.
 11. The payment of traffic citations and other court ordered fines.
 12. Regalia, rental or purchase, except for dignitaries when approved by the Provost's Office.
- B. No Boise State money shall be used to pay for any kind of professional, occupational, or trade license, certificate, permit, or occupational registration for any State employee or officer; nor shall any Boise State monies be used to pay for any kind of dues to any professional, occupational, or trade association in which membership is restricted to persons who are licensed, certified, or registered under Idaho law. This does not preclude payment of dues to organizations relating to their responsibilities at Boise State University



C. Alcohol

1. Alcoholic beverages are not procurable with funds administered by Boise State University.
2. Use of tax-free alcohol is subject to Federal Law. Department records and alcohol are subject to Federal Audit by the Internal Revenue Service.

IX. PURCHASE OF GOODS FOR RESALE

- A. A BSU department can purchase goods for resale if they will be resold to the general public as part of an officially sanctioned fundraising effort, business enterprise, or to individuals who are members of the campus community.
- B. By selling the goods purchased for resale, the department must not compete in any way with other established University businesses such as the Bookstore. Note: Sales to students may represent a conflict of interest for faculty members. Also, BSU policy gives the BSU Bookstore the exclusive right to sell academic materials on the University campus.
- C. The goods must be purchased specifically for resale; under no circumstances can existing inventory be sold for the sole purpose of raising funds. Note: The disposal process described below may result in money being returned to a department.
- D. When the goods are resold, the resale price to each buyer must equal or exceed the initial unit price paid by the University to the original vendor of the goods. Goods may only be resold for less than the original unit price after obtaining written authorization by Purchasing Manager.
- E. The University is not exempted from the collection of sales tax on goods that it sells. It is the responsibility of the department to notify customers that Idaho sales tax must be paid on resold goods.
- F. Goods purchased through State of Idaho contracts generally cannot be resold.

XI. USE OF BOISE STATE UNIVERSITY FOUNDATION, INC. FUNDS

- A. Any department with access to a BSU Foundation, Inc. account can pay for goods or make reimbursements with a Foundation check. In this case, a financial system requisition is not necessary and the normal purchasing rules do not apply. However, the Idaho State Tax Commission has ruled that such purchases are not exempt from Idaho Sales Tax. To avoid paying Sales Tax on bona fide University purchases, Foundation funds can be transferred to a BSU local account. All purchases in excess of \$1,500 are subject to bidding by the BSU Pur-

chasing Department. If the purchase exceeds \$25,000, a Foundation official must provide written verification that the purchase is being funded by the Foundation.

- B. Payments or reimbursements to BSU employees cannot be made directly by the Foundation. Expense reimbursements are to be made by requisition from a BSU local account. Compensation, including honorariums, may only be paid through the BSU Payroll system to ensure compliance with Federal and State regulations.

XII. ENTERTAINMENT, MEETINGS, FOOD, AND TRAINING SESSIONS

- A. Entertainment, meeting, food, and training session expenses are defined as the cost of food, refreshments, and related services for both State and non-State employees.
- B. Entertainment costs that are to be paid by the University must comply with the specific requirements of the State Controller's Office. The Purchasing Department does not have the authority to approve requisitions that do not meet the Controller's criteria.
- C. When providing meals or refreshments for non-State employees, the University will reimburse or pay the actual cost of the meals and refreshments for both the non-State employees and for BSU employees. Documentation to support the request for payment must include original receipts, a statement of the business purpose, and a list of participants.
- D. BSU Advisory Committee meetings and other meetings consisting of both employees and non-employees will be paid at actual cost. Documentation providing the agenda and a list of participants must accompany the request for payment.
- E. BSU sponsored meetings or training for BSU employees, attended solely or primarily by BSU employees, student employees, and other State of Idaho employees, meeting the following criteria, will be paid at actual cost not to exceed the in-state daily travel per diem rate. Documentation providing the agenda, a statement of business purpose, and a list of participants must accompany the request for payment.
 1. Refreshments may be provided if one of the following is met:
 - a. Meeting or training session has a published agenda and attendance is mandatory.
 - b. Meeting or training session has an intended duration of three hours or more.
 - c. There are ten or more attendees.



2. Meals may be provided if two of the following are met:
 - a. Meeting or training session has a published agenda and attendance is mandatory.
 - b. The location or scheduling conflicts do not lend themselves to a meal recess.
 - c. The meeting's business is enhanced by speeches, presentations or interpersonal exchange that would not normally occur on a daily basis.
 - d. The meeting or training session has an intended duration of six hours or more.
 - e. There are ten or more attendees.
- F. Social gatherings and casual meetings do not qualify for meals or refreshments unless paid from a Public Relations Account. (See Section XIII.)
- G. Retirement or separation receptions given to honor the efforts of a valued employee when leaving University service.
 1. The University will reimburse or pay for the cost of a reception held on campus that is open to all.
 2. Other allowable expenses include a card or sign-in book and a BSU memento/award not exceeding \$50.00.
 3. For employees with more than twenty years at BSU a memento/award not exceeding \$300.00 may be purchased and presented to the employee.
- H. Certification required before the University will reimburse or pay for entertainment, meeting, food, or training session expenses.
 1. The person requesting reimbursement or payment is to certify that the charge was necessary to support the business function of the department and that it conforms to BSU policy.
 2. A department head or administrator at least one management level above the requestor must certify that the cost is deemed reasonable and necessary to accomplish the intended purpose, and that it conforms to BSU policy. Documentation to support the request for payment must include a meeting agenda, a statement of business purpose, and a list of participants.

6480-c: Independent Contractor Services

(Revised September 1999)

PURPOSE: The purpose of this policy is: (1) To define the terms independent contractor and employee as

recognized by University policy, external guidelines and laws. (2) To outline policies and procedures concerning the justification for, and selection of, consultants for either grant/sponsored projects or for other University work. (3) To specify the requirement for documentation and procedures for initiating an agreement with such consultants. (4) To set out procedures for initiating payment for the consulting services rendered.

I. Policy Statement

- A. When the University requires special skills for a limited period of time, such services can be obtained from an independent contractor. However, the person or firm providing the services must satisfy certain requirements as an independent contractor. If the listed criteria are not met, the individual must be hired as an employee and paid through the University payroll system.
- B. Present employees of Boise State University cannot be retained as independent contractors (Section 67-5726, Idaho Statutes). Boise State or other former state employees cannot serve as independent contractors for services related to their previous jobs for at least thirty days after their last day of employment.
- C. Significant legal consequences and penalty assessments may result if an individual who meets the legal definition of an employee is erroneously hired as an independent contractor. The University may be audited at any time to determine appropriate use of independent contractors. This policy is intended to assure that independent contractors are properly hired.
- D. For purposes of Workers' Compensation, Unemployment Insurance, Social Security and income tax withholding, an individual's status is either employee or independent contractor. The contracting department must determine this status and a written agreement must be completed BEFORE services are rendered.
- E. An agreement for consulting services in connection with a grant/sponsored project may be entered into when a contract or grant authorizes such consulting services. The University management may determine that the services are so urgent, special, temporary, or highly technical they cannot be performed economically or satisfactorily by existing University personnel during the normal course of duties.

II. Independent Contractor Definition

- A. An independent contractor is defined as a firm or individual who is responsible to the University for the results of certain professional or highly technical advice or assistance under terms of an engagement, but is not subject to



the University's control as to the means and methods of accomplishing those results. In contrast, the relationship of employer and employee exists when the individual/department for whom the services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but also as to how it shall be done. (See Appendix I for IRS "20 questions" Guidelines (<http://diamond.boisestate.edu/%7Emargene/policies/section6/6480Appendix.html>).

B. Further, the individual or firm and the services to be provided must meet the following two legal criteria:

1. An independent contractor renders services in the course of an occupation and has been and will continue to be free from control or direction by the contracting department over the performance of the services, both under the contract and in fact.
 - a. The independent contractor performs services using the skill, judgment, training and knowledge of a profession or occupation rather than relying on the contracting agent's instructions. If the contracting department wishes to directly control the manner of performing services, then the services are not being provided by an independent contractor but rather by an employee of the University.
 - b. The contracting department cannot expect to discipline or discharge an independent contractor in the same manner as an employee. In turn, the independent contractor has similar remedies for breach of contract by the contracting department.
 - c. An independent contractor is usually paid on the basis of a completed project or on installments or other basis consistent with other independent contractors in the same trade, occupation, profession or business. Normally, an independent contractor sets the price for services, or negotiates it.
 - d. An independent contractor will usually schedule his or her own working hours, or may perform services on call for a set service charge, but must still be free to accept other similar contracts for services in the course of his

or her occupation. An independent contractor has had or presently does have other similar contracts to perform services.

- e. An independent contractor normally furnishes most of the equipment, supplies and other requirements to perform the services.
2. An independent contractor is engaged in an independently established trade, occupation or business, and does not look to the University as the source of benefits in case of illness or injury, or when the contract terminates.
 - a. If the independent contractor has employees or assistants who will do work for the University, the contractor must submit proof of unemployment compensation insurance and Workers' Compensation coverage for the employees. This proof must be filed with the agreement.
 - b. A sole proprietor or working partner of a partnership that does not have employees may elect to apply for an exemption from Workers' Compensation, or pay for coverage at his or her own expense. However, they must acknowledge, in writing, that they are not entitled to benefits from the University in case of illness or injury, or when the contract expires. (See Contract for Services form).

III. Examples of Independent Contractor Services

- A. The following categories of individuals or firms and types of services are generally qualified to serve as independent contractors (who are not faculty, staff or student employees):
 1. Architects, engineers and other professional persons or firms operating established businesses offering services to the public.
 2. Artists, entertainers, musicians, or photographers who perform short-term engagements for multiple clients.
 3. Persons who maintain a home occupation for a particular talent or training and will perform similar services for the University.
 4. Physicians, dentists, lawyers or other professional persons who maintain independent private practices, including off-campus clinics or sole practitioners providing clinical training and supervision for students at their places of business.
 5. Speakers for short-term courses or workshops or other non-credit lecturers who



maintain some independent related business or occupation.

6. Auditors, appraisers, arbitrators, evaluators, referees, test proctors, etc.
7. Cooperating teachers for student teachers in off-campus school locations who are NOT also Boise State University faculty or administrators.

IV. Competitive Selection

- A. Often it is possible to justify procurement of personal services with an independent contractor on the basis of an emergency purchase, or that the purchase is from the sole source of such services. The contracting department must maintain records that provide justification for the contractor's selection and the basis for cost.
- B. Independent contractor services are usually procured through negotiation with potential suppliers. However, procurement must be competitive to the maximum extent practicable, and must follow current University Purchasing Policies.

V. Procedure (See Independent Contractor Processing Checklist)

- A. If an individual does not meet the independent contractor definition the individual must be hired as an employee and paid through the Boise State University payroll system following appropriate University rules and regulations.
- B. All current employees of Boise State University must be paid as employees through the Boise State University payroll system.
- C. To secure the services of an independent contractor, the following steps must be completed:

1. Prior to the start of work:

- a. The department completes the Independent Contractor Status Form, which must be signed by the unit head (director or department chair). This document is then forwarded to the Office of the Vice President for Finance and Administration for approval. If approved, the form will be signed and faxed back to the unit/department. The contractor's name will be entered into the Independent Contractor Status Form database. The approved form is valid for one year from date signed, after which time a new form must be submitted for any new services performed. If not approved, the individual cannot be paid as an independent contractor. At this point, contact Human Resource Services for information on

how to hire and pay the individual as an employee.

- b. If the Independent Contractor Status Form is approved, the department initiates a Contract for Services form that describes services to be performed, the duration of the agreement, and the fees or rate of payment. Travel and other reimbursable expenses should be included. (Note: If services provided by the independent contractor total less than \$600, a Contract for Services form is not required. The department completes and submits the Statement of Services Rendered form for payment.)

2. If the services are for a grant/sponsored project, the department FIRST submits the appropriate forms to the Office of Research Administration (ORA) for approval. If ORA does not approve, the paperwork will be returned to originating department.

3. Requesting Payment for Contractor.

- a. Under \$600 payment for services: Follow the instructions on the Payment Request Form and submit to Accounts Payable Department with Statement of Services Rendered form to process payment to contractor.
- b. Over \$600 payment for services: Follow the instructions on the Payment Request form and submit to Accounts Payable Department with a copy of the Contract for Services, and the Statement of Services Rendered for (or vendor's invoice) to process payment to contractor.

6615-d: Open Spaces Use

(Revised February 2002)

PURPOSE: The purpose of this policy is to assure that Boise State University remains a forum for the broadest expression of views not in conflict with the normal uses of the campus, the rights of others, and the limitations of lawful conduct. The time, place, and manner of free expression activities may be regulated to prevent unreasonable interference or conflict with the educational, research, outreach, or other legitimate functions of the University, including the normal use of the affected University area by others, or any other scheduled activity.

A. Overview

1. The following apply to all activities on campus:
 - a. They may not be conducted in a manner constituting a violation of federal, state or local law.

- b. They may not be conducted in a manner or at a place or time that unreasonably interferes with the educational, research, service, and other legitimate functions of the University.
 - c. They may not be conducted in a manner that violates rules, regulations, and/or policies of the University and/or the State Board of Education, including, but not limited to, regulations set out below or other regulations that may be developed by the University.
 - d. They may not be conducted in a manner that violates applicable fire and safety regulations.
2. The Vice President for Student Affairs has sole responsibility for the administration and implementation of the regulations for the use of the part of the campus that is generally made available to the public; the Vice President's interpretation of all of the terms in this document is binding.
 3. This policy and these regulations apply to all University-owned and/or controlled facilities and property and to all users of the facilities and property.
- B. Definitions**
1. **Activities:** Activities include, but are not limited to, the things listed under the heading "Activities" in Appendix 1 to this policy.
 2. **Central Quad:** The area defined by Hemingway Center, Liberal Arts, Math/Geology, COBE, and Albertson's Library.
 3. **Memorial Plaza:** The area defined by Albertson's Library, COBE, the Friendship Bridge, and the Central Quad.
 4. **Multi-Purpose Plaza:** The area defined by the Multi-Purpose Classroom Building, the Education Building, and the Science-Nursing Building.
 5. **Public Areas:** Those areas of campus generally open to the public during the times the University is open. Public Areas do not include, among other places, the interiors of University structures.
 6. **Sponsoring Organization/Individual:** The individual or entity responsible for the activity.
 7. **Structures:** Include the framework of, and the space enclosed by, any building, booth, tent, canopy, vehicle, trailer, fence, wall, or similar object or enclosure, including, but not limited to, the football stadium, the tennis complex and the amphitheater.
- C. Public Areas**
1. Public Areas of the campus may be used by individuals lawfully on the University property for any free expression activities, including passing of petitions, distribution of written information, and/or picketing and carrying of placards, subject to the general limitations set out at A.1. above, and the specific limitations set out throughout this policy.
 2. Activities allowed in each Public Area of the campus are outlined in Appendix 1 to this document.
 3. Public Area activities shall neither impede pedestrian and vehicular traffic ingress to and egress from University structures, nor disrupt official University activities or University-authorized activities on University property.
- D. Distribution of Literature**
- The passing of petitions, distribution of written information, carrying of placards, and picketing are not allowed inside University Structures, unless the facility manager gives permission for such activity.
- E. Posting of Signs and Banners**
- Kiosks are provided for the purpose of promoting activities and services of recognized student organizations and university departments. All other posting and advertising is not permitted, except as described herein, including, but not limited to, posting on car windshields or other similar techniques. Signs, banners, and other materials may not be affixed to the interior or exterior of any other University Structure without permission from the facility manager. Such permission may be given in the form of building guidelines or regulations. University personnel may remove materials posted in violation of this policy. The cost of such removal along with the cost of any damage to University facilities or grounds will be the responsibility of the person or organization responsible for the violation.
- F. Activities**
- Any displays, exhibits, information tables, (booth, table, chair) or any activities on Public Areas that are expected to attract more than 25 people, or are advertised by any medium, are subject to the regulations and limitations outlined below. This section shall not apply to the practice of faculty occasionally holding their classes outside of their regularly scheduled room on the University campus.
1. To facilitate scheduling, the avoidance of irreconcilable conflicts in the use of Public Areas, the maintenance of public safety, the fullest possible use of the Public areas of the university, the uninterrupted performance of the educational, research, service and other legitimate functions of the University, persons



engaged in activities in Public Areas must adhere to the following procedures:

- a. Reservations. Space in the Public Areas may be reserved for use by a Sponsoring Organization/Individual. Reservation of space must be made through the Student Union Reservations Office. Scheduling the use of these spaces will be handled on a "first come, first served" basis. Requests for the use of Public Areas must be submitted to and approved by the Student Union Reservations Office in advance of the date the activity is scheduled to take place. Forms for scheduling Public Area activities are available in the Student Union Reservations Office. The Student Union Reservations Office will maintain a master calendar showing scheduled activities. **Each Sponsoring Organization/Individual will be limited to ten days per semester.**
- b. Fundraising for Student Organizations. If the recognized student organization is planning a fund raising activity, a Fund Raising Scheduling and Approval form must also be signed by the Director of Student Union and Activities. Forms are available at the Student Activities or Student Union Reservations Offices.
2. Responsibility. The Sponsoring Organization/Individual shall designate a responsible individual as contact person for Public Area activities requested. It is understood that a Sponsoring Organization/Individual, acting through its contact person, will take full responsibility for injury to any person or property caused by the Sponsoring Organization/Individual or its members and will assume the risk of any injury to the property or persons of the Sponsoring Organization/Individual or its members. The name of the Sponsoring Organization/Individual must be clearly displayed, along with a copy of the approved scheduling form for the activity, at the location of the activity for the duration of the activity.
3. Clean-Up. The Sponsoring Organization/Individual will be responsible for cleaning the activity area of debris and trash on a daily basis, and will be responsible for the dismantling and removing of any non-University owned tables, chairs or displays/exhibits or any other material used for the activities. When the sponsoring entity is an organization rather than an individual, the Contact Person will be the individual who will be charged with the responsibility for such clean-up on behalf of the Sponsoring Organization. An exception to the requirement for dismantling and removing all but trash and debris exists if the Sponsoring Organization/Individual is willing to pay the costs of having Campus Security protection overnight. Failure of the Sponsoring Organization/Individual to comply with this section will result in the University billing the responsible party for any services rendered as a result of their non-compliance.
4. Equipment. All uses of the Public Areas that require special equipment, such as risers, tables, recreational equipment, etc., must be coordinated with the designated representative of the Facilities Operations and Maintenance Department. Sponsoring Organization/Individual shall be responsible for costs associated with equipment use.
5. Payment. Any Sponsoring Organization/Individual not funded by the University or by student fees must pay the University prior to approval of the activity for any services to be provided by the University, including but not limited to, security. Payment by such Sponsoring Organization/Individual shall be submitted to Student Union or Facility Operations and Maintenance.
6. Insurance. The Sponsoring Organization/Individual may be required to provide satisfactory evidence of ability to compensate for potential injury when there is a reasonable basis for concern that an activity may cause significant personal or property damage. Such evidence typically includes a certificate of liability insurance in the amount of \$500,000, and must be provided to the Office of Risk Management upon request.
7. Noise and Sound Amplification. Use of sound amplification in all Public Areas is governed by Section J below.
8. Security. After consultation with Campus Security, the contact person of the Sponsoring Organization/Individual will be notified of any necessary security arrangements, including the use of monitors and other aspects of crowd control. The contact person is responsible for making the necessary arrangements for the deployment of Campus Security Officers, or other appropriate authority, if additional security is required. Sponsoring Organization/Individual shall be responsible for any additional cost experienced by the University in providing security for the activity.
- G. Credit Card and Third-Party Solicitations.
 1. Signed applications for credit cards or other third-party signed contracts cannot be collected.
 2. Gifts in exchange for completion of third-party contracts or credit card applications cannot be distributed or promised.



3. Vendors that solicit credit cards or require a third-party contract must provide and display credit card and/or debt education materials - this may include information provided by the University. The annual fees, interest rates and computation methods must be displayed.
4. Companies collaborating with Student Organizations or University-affiliated groups for compensation must compensate that group with a flat fee, not per application.

H. University Buildings

Persons or entities desiring to use University Buildings for activities other than those that constitute the ordinary use of such structures in fulfillment of the educational, research, service and/or other legitimate functions of the University must obtain permission from the appropriate facility manager.

I. Nighttime Use

In furtherance of the educational, research, service, and other legitimate functions of the University, no part of the campus is generally available for organized activities after 10:30 p.m. and before 7:00 a.m. except official University activities or University-authorized activities.

J. Camping

Camping is not allowed on University property.

K. Noise and Sound Amplification

Sound amplification is generally not permitted on the campus during class times. Exceptions may be granted on a case-by-case basis. In addition, any unreasonable level of noise caused by mechanical or other similar cause shall be prohibited.

L. Manner of Display

The Vice President for Student Affairs is authorized to require a Sponsoring Organization/Individual to utilize reasonable methods to allow the public a choice about viewing or receiving certain material that the Vice President deems may not be suitable for a general audience. The methods required will be narrowly tailored to respect the free expression rights of the Sponsoring Organization/Individuals balanced with the University's legitimate interest in maintaining a public area that is freely accessible to all members of the public.

M. Interpretations, Amendment and Effect of Certain Findings

The Vice President for Student Affairs may make insubstantial changes to the wording of this policy when such changes are required for clarity and do not affect the substance of the policy. If one or more provisions of this policy are declared inoperative or are otherwise voided, the remaining provisions shall remain in full force. The Vice President shall have the sole authority to interpret this policy and these interpretations shall be binding.

N. Enforcement

This policy shall be enforced by Campus Security, the facility managers, and the Office of the Vice President for Student Affairs.

O. Violations

1. Any Sponsoring Organization/Individual who violates any of the provisions of the policy may be denied approval for future requests for permission to use University property for activities that require such permission, or may otherwise be restricted in their use of University property.
2. Any Sponsoring Organization/Individual whose violations of the provisions of the policy also constitute violations of other policies, rules or regulations of Boise State University, or the State Board of Education will be subject to all applicable sanctions for violations of those other policies, rules, or regulations.

Appendix 1

ACTIVITIES	CENTRAL QUAD	MEMORIAL PLAZA	MULTI-PURPOSE PLAZA	STADIUM PARKING LOT	PUBLIC AREAS ON CAMPUS
Amplification				X	
Food Service	X	X	X	X	
Info table - booths/tables/chairs	X	X	X	X	
Display/Exhibits	X	X	X	X	
Films				X	
Sales	X	X	X	X	
Credit Card Solicitations	X	X	X	X	
Posted Signs/Banners	kiosks	kiosks	kiosks	X	
Distribution of Literature	X	X	X	X	X
Passing of Petitions	X	X	X	X	X
Picketing/Carrying Placards	X	X	X	X	X

X - indicates activities allowed in this area
 *unrelated to Intercollegiate Athletic Events

6715-c: Campus Posting and Distribution of Materials Policy

(Revised October 2001)

PURPOSE: To regulate the distribution of written and other material that may be handed out and/or posted on the Boise State University campus, other than as addressed by the Open Spaces Use Policy (BSU 6615-D).



I. Description

- A. This policy is applicable to items being distributed and/or posted in or on:
1. Campus buildings and parking lots
 2. Buildings and vehicles owned, leased or under the jurisdiction of Boise State University.
 3. Private vehicles parked in Boise State University lots.
- B. This policy covers all types of posters, notices, brochures, banners, advertisements, handouts, flyers and other material. The word "posters" shall be used throughout the remainder of policy to include any or all of the abovementioned items. This policy does not apply to display advertising contracted with the university, such as signs in Bronco Stadium or the BSU Pavilion.
- C. This is a general policy that provides guidelines. More detailed auxiliary policies may apply to specific venues, such as the BSU Pavilion, Bronco Stadium, Student Union, or student housing.
- D. Posting/handout of items is also addressed in the Open Spaces Use Policy (BSU 6615-D).

II. Exterior Placement of "Posters"

See Open Spaces Use Policy (BSU 6615-D).

III. Interior Placement of "Posters"

No "posters" shall be attached to any painted wall, wood panel doors, chalkboards, glass, restroom walls, ceiling tile or exit signs of any building. This prohibition shall not apply to the short-term placement of notices necessary for the conduct of University business.

"Posters" may be posted on specific bulletin boards and other specified campus locations.

IV. Placement of "Posters" on Vehicles

"Posters" may not be placed on vehicles parked on the Boise State campus.

V. Personal Distribution of "Posters"

Boise State University recognizes the right of individuals and groups to hand out "posters" on the campus. However, the university reserves the right to regulate the time, place and manner of distribution of "posters." Distribution shall not take place in the interior of buildings. Distribution is allowed on the campus grounds, as outlined in the Open Spaces Use Policy, but shall not take place at the entrance to buildings in a manner which can reasonably be considered to impede ingress and egress to the building. The entrance to a building shall be considered to be that area within twenty feet (20') from the doorway, stairway or ramp. In general, if the distribution is occurring outside the

entrance area as defined above, then it can be presumed not to be impeding ingress and egress to the building (BSU 6615-D).

VI. Student Elections

ASBSU Election Board and Student Activities Office in the Student Union Building shall coordinate election campaign poster policies and rules with Facilities Operations & Maintenance to afford opportunity for candidates for student government office to advertise elections and individual campaigns without postings being attached to building surfaces.

ASBSU student election posters and signs shall not be affixed in any manner to the exterior surfaces of buildings or other facilities on the Boise State University Campus.

Posters shall not be affixed to lampposts, utility poles, dumpsters, fences, trees, bleachers or any other location not designated for posting.

VII. Compliance With Law

All posters must comply with applicable local, state and federal laws and regulations.

VIII. Removal/Compensation

Boise State University personnel may remove materials in violation of this policy. Should violations of this policy create damage to Boise State University facilities or grounds, the University may bill the sponsor of the "poster" to recover the cost of those damages.

IX. Questions

All questions related to this policy should be directed to the University Relations office.

6800-c: Risk Management Policy

(Effective October 2000)

PURPOSE: To establish the scope and nature of the University's risk management and loss control programs and to establish a risk management committee to provide guidance to those programs

I. Introduction

Boise State University is committed to the protection of its personnel, facilities, information and financial resources. This policy outlines the University's general approach to risk management while more specific responsibilities and programs related to occupational safety, environmental protection, data management and insurance are identified in other University policies. The risk management and loss control programs of the University are provided for the benefit of employees, students, visitors, taxpayers and the environment and respond to State of Idaho Executive Order No. 99-06: Comprehensive Safety and Loss Control Policy.

II. Responsibilities



- A. Managers and supervisors have primary responsibility for the identification and analysis of potential risks to people, facilities and information management systems within their administrative units. They shall assign a high priority to reduction of risk in the development of plans, operations and budgets. They shall also ensure compliance with safety and loss control laws and programs to the extent enabled by their authority and resources.
 - B. Employees and students shall conduct their campus activities in a manner that will minimize risk to themselves and others and will protect University facilities, information and financial resources.
 - C. The Risk Management Committee serves as the primary source of leadership and policy guidance on matters pertaining to risk management and loss control. The committee provides a forum for addressing issues affecting environmental and occupational health, safety, insurance and the security of information systems. The committee reviews health, safety and financial loss data and makes recommendations to the University Administration and to the Department of Risk Management and Audit Services for improvements in policies and programs. Membership of the committee shall consist of one representative each from Facilities Operations and Maintenance, Student Housing, Campus Safety/Security, Pavilion, Student Union, Morrison Center, Training and Development, Affirmative Action, Human Resources, Academics, Athletics, Office of Information Technology and the Department of Risk Management and Audit Services.
 - D. The Department of Risk Management and Audit Services is responsible for development and implementation of risk management programs as necessary to protect the people, environment, facilities, information and financial resources of the University.
- B. These regulations apply whether the funds are appropriated or local funds. No other source of funds is available within the general framework of the budget to which travel expenditures may be charged. All concerned personnel are required to familiarize themselves with the following travel regulations and procedures and with the forms required.
 - C. Generally, faculty and staff members who have been terminated or who have resigned will not be allowed to use institutional funds for travel.
 - D. For insurance purposes, business travel requests must still go through routine channels for approval even if there is no expense to the university.
 - E. Persons traveling without prior appropriate approval will not be eligible for University reimbursement.
- II. Authorization of Travel
 - A. Each college, department and service unit has been allocated travel funds for the fiscal year.
 - B. It is stressed that there is no other source of funds within the general framework of the budget to which travel expenditures may be charged and that the travel funds assigned to each college/department/unit are for the entire fiscal year.
 - C. When requests for travel are submitted by a faculty or staff member for either in-state or out-of-state travel, it will be the responsibility of the department chair or unit head to render a decision of priority with respect to expenditure of travel funds allocated to their respective area. The original decision regarding travel should be made by those who best know the participation and involvement of the individual originating the request and the funds available to the department.
 - D. Internal approval procedures are indicated below as follows.
 - 1. Request for travel will be submitted by the concerned faculty/staff member to the department chair/unit head. If the travel request is determined to be justified and there are sufficient funds available to cover in full or in part the anticipated travel expense, the department chair/unit head will authorize the faculty/staff member to complete a Travel Request and Authorization (T 590) (available from Printing and Graphics).
 - 2. The anticipated expenses for travel are encumbered into the financial travel system

(See Idaho's Statewide Safety and Loss Control Model for additional resources.)

6900-c: Travel Requests and Authorizations (T590)

(Revised June 2001)

PURPOSE: To establish travel policies and procedures for employees of the University.

I. Policy

- A. State travel regulations and procedures, adopted by the Board of Examiners in accordance with Section 67-1001, 67-2004 through 67-2008, Idaho Code, shall be applied and interpreted within the context of the following policies and procedures governing Boise State



- by the department/unit and a requisition number is obtained and placed on the (T590) form. (Please note, when travel by air is requested, only the cost of coach fare will be reimbursable.) This form will be forwarded to the dean or appropriate supervisor for review/approval and the final appropriate authorizing signature. (Appropriate authorizing signatures are as follows: academic areas require department chair/unit head and dean's signatures for travel authorization; academic department chairs require their dean's signatures; administrative areas require their department or unit head/director and vice president signatures for travel authorization; academic and administrative deans and directors require their vice president's signature for travel authorization; and vice presidents require the president's signature for travel authorization.)
3. Once the travel request has been reviewed, approved and the appropriate authorizing signature has been obtained, the travel request will be forwarded to Travel Services (A-205). The travel request should be received by the Travel Services office ten to fifteen (10-15) working days before travel. If there is no expense to be incurred by the traveler, the T590 form does not need to be forwarded to Travel Services. Once the appropriate authorizing signature has been obtained, that office will keep the original (top copy) and return the approved T590 back to the traveler.
 - E. It will be necessary for individuals wishing to check out a state vehicle from the Motor Pool for local city travel to complete a Motor Pool Reservation and Charge Form (available from Printing and Graphics). One form can suffice for the entire fiscal year and the entire department if the vehicle(s) will be used for local travel and mileage costs only. See BSU 6905-C for procedures to schedule/utilize University vehicles.
- ### III. Student Organization Travel
- A. Travel advances are generally allowed ONLY for student organization travel. A travel advance may be requested by submitting a Travel Request and Authorization (T590), following the authorized travel procedures listed above. Submit in the group advisor's name to Travel Services. A list of the students participating in the trip must be attached. This office will process the advance request and forward the document to Accounts Payable for check issuance. Checks can only be issued in the advisor's name. Advisors must pick up their advance personally and are required to sign a travel repayment agreement. Checks can be picked up before 4:00 p.m. Monday through Friday.
 - B. Travel advances can be issued for one-hundred percent (100 %) of the estimated expenses.
 - C. No travel advance will be issued for less than fifty dollars (\$50). No advance will be issued if a previous advance is outstanding. Advances must be repaid within fifteen (15) days after return from a trip.
 - D. Travel advance requests must be submitted ten to fifteen (10-15) working days prior to the anticipated trip for sufficient processing time.
 - E. In order to clear the travel advance, upon return from the trip, complete the Travel Expense and Authorization (T590) - Section Two. Obtain the appropriate signatures (if trip does not exceed 10% of the original estimated amount the form need be signed only by the traveler and the department/unit head) and file the T590 with Travel Services (Refer to REGULATIONS 1 through 11, listed below.)
- ### IV. Early Reimbursement or Direct Payment to Vendor (Options on Travel Request and Authorization Form T590)
- A. When requesting direct payment to vendor please note that the University will make direct payments to travel agencies and conference sponsors only.
 - B. When applying for early reimbursement on prepaid airfare, submit the Travel Request and Authorization (T590) with Section One completed to Travel Services. Attach the original invoice/itinerary showing a zero balance due along with a copy of the passenger receipt of the airline ticket. After returning from the trip, complete Section Two of the previously approved Travel Request and Authorization (T590) form and submit to Travel Services along with the original passenger receipt from the airline ticket and other related original receipts for reimbursement of remaining costs.
 - C. If airfare is the only expense the University is paying, attach the original passenger receipt of the airline ticket to the Travel Request and Authorization (T590) form with Section Two completed and send to Travel Services for the permanent file.
 - D. When applying for early reimbursement on prepaid registration fees, attach a copy of the registration form showing the published amount and the method of payment (if paid by personal check, attach a copy of the check) to the Travel Request and Authorization (T590)



form with Section Two completed and send Travel Services for the permanent file.

- E. When requesting direct vendor pay, fill out Section One of the T590, encumber the estimated costs, attach the appropriate receipts and obtain the appropriate signatures. When encumbering the travel costs on the financial system, use the appropriate vendor number for each line item. For example, when requesting direct vendor pay be sure to set up a line on the requisition for that specific amount with the number of the vendor so that Travel Services can have a check cut for them. (Please Note: The T590 must be filed as soon as possible to ensure a speedy reimbursement or timely direct vendor pay.)

V. Travel Request and Authorization Form (Form T590)

All reimbursable travel expenses of Boise State University employees must have been properly authorized, actually incurred, essential to achieving the goal or fulfilling the responsibility of a particular department and conducted in the most economical and practical manner for the State and the University. Payment of travel expenses by the State of Idaho and Boise State University is limited to costs authorized in these regulations. If a department stipulates a maximum reimbursement, the remaining expenses will be absorbed by the traveler as personal expenses. The T590 must be submitted for reimbursement within sixty (60) days of trip completion (grants/sponsored projects travel paperwork must be submitted within 30 days of trip completion).

VI. REGULATIONS

A. MEAL EXPENSES (no receipts required--EXCEPTION: TEAM TRAVEL)

1. PER DIEM REIMBURSEMENT

A per diem reimbursement will be paid to the traveler in accordance with the amounts set by the Board of Examiners, up to the maximum allowed for all official travel which mandates an overnight stay. Per diem is defined as the reimbursement for meals, meal gratuities, and fees and tips given to porter, baggage carrier, bellhop, hotel maid, steward or stewardess on ships, and hotel servant in foreign countries.

2. PARTIAL DAY REIMBURSEMENT

Employees absent from their official station for less than twenty-four hours shall be paid a partial day per diem reimbursement at the maximum rate set by the Board of Examiners: Breakfast at 25% of the total per diem rate; lunch at 35% of the

total per diem rate; and dinner at 55% of the total per diem rate.

For travel involving an overnight stay a partial day reimbursement for per diem shall be paid to the traveler at the maximum rate set by the Board of Examiners within the following limitations:

Breakfast: If the actual departure time is 7:00 a.m. or before or if the return time is 8:00 a.m. or after.

Lunch: If the actual departure time is 11:00 a.m. or before or if the return time is 2:00 p.m. or after.

Dinner: If the actual departure time is 5:00 p.m. or before or if the return time is 7:00 p.m. or after.

If meals are furnished as part of a conference registration fee, the employee shall be reimbursed for meals not provided at the partial day per diem rate.

When permitted by internal departments and/or federal grants or contracts, the amount reimbursed for the cost of meals and incidental travel expenses, such as laundry and dry cleaning, incurred on travel outside the U.S. will be based on the per diem rate published by the U.S. Department of State for travel to foreign countries. (U.S. Department of State website for most up-to-date rates- <http://www.state.gov/www/perdiems/index.html>). The actual cost of lodging plus applicable tax and service charge will be reimbursed to the traveler with the understanding that every attempt will be made to obtain the most reasonably priced lodgings available.

Except for the special provisions noted under Regulation 10, no reimbursement will be allowed for meal expense at an employee's official station. See Purchasing Policy (BSU 6470-C) Section I. L. (Note: Unless department specifically defines otherwise, the definition of official station is "all territory within the corporate limits of the city in which the employee is permanently assigned; or all territory within a two-mile radius of his/her permanently assigned official duty post if not situated in an incorporated city.")

Reimbursement will not be made to an employee for expense of meals or lodging provided by relatives or other parties unless the relative or other party is in the business of providing such services and advertises such to the general public.



The destination, time, date of departure and return to Boise must be shown on the Travel Expense and Authorization T590 for each trip.

B. LODGING EXPENSES (original receipts required)

The actual cost of lodging (single room rate), plus applicable tax or taxes, will be reimbursed to the traveler. Original receipts for all lodging must be attached to the T590 along with credit card charge slip if used to pay the balance.

Lodging costs within an employee's official station are not allowable. At the time of making reservations, employees should identify themselves as State employees and ascertain whether a state rate is available.

C. MODE AND ROUTE OF TRAVEL

Employees shall use the most economical and practical mode of travel from the standpoint of time and expense and shall utilize the most standard route of travel. Under unusual circumstances, exceptions will be allowed.

D. TRAVEL BY PUBLIC TRANSPORTATION (original receipts required)

1. Reimbursement for travel by commercial transportation shall be limited to the lowest cost passage (coach fare) unless it is not available. All original receipts (this would be the carbon copy or "passenger's receipt") of the actual airline ticket for travel by common carrier paid by an employee must be attached to the T590. This receipt may be obtained from the travel agency. Receipts photocopied or reproduced by other means will not be accepted for reimbursement, without explanation of its correctness from the traveler.

2. If a personal automobile is used in lieu of a commercial carrier, reimbursement shall be made based on coach fare or mileage, whichever is less.

E. USE OF PRIVATELY OWNED AUTOMOBILE, AIRPLANE, OR OTHER CONVEYANCE

1. The use of privately owned automobiles, airplanes, or other conveyances may be authorized whenever mode of transportation is more practical than transportation by commercial carrier or state vehicles. Privately owned conveyances must be adequately covered by public liability and property damage insurance. The cost of transportation by private conveyance is reimbursable at the allowable rate per the State Board of Examiners.

2. A full explanation must be attached to the T590 when an employee is authorized to

use his/her own transportation in preference to the airlines and is claiming an amount equivalent to air passage. The explanation must include destination, actual departure time, return dates, and actual in-flight hours that would have occurred with air passage.

3. When for personal reasons a traveler is authorized by the department head to use his/her own transportation in lieu of common carrier, reimbursement will be limited to an amount for travel, meals, lodging, and miscellaneous expenses equal to the amount which would have been incurred had the travel been by common carrier. Authorized travel time shall be limited to that which would have been allowed had the employee traveled by air.

4. Travel for official purposes in and about a city, including travel within an employee's official station when not constituting a trip between two communities, may be consolidated on a daily basis and reported as "vicinity travel."

5. The private automobile license number should be shown on the T590 where indicated only when mileage is being claimed or traveling as a passenger, if available.

6. Charges for repairs, tires, gasoline, or other operating expenses will not be allowed when the employee is operating his/her own car or other conveyance on a mileage basis. Automobile storage or parking fees will be an allowable expense when necessary to protect State or private property or for other reasons when advantageous for the State and University. Claims for storage or parking fees for private automobile must be substantiated by receipts attached to the T590.

7. Employees are required to use seat belts in state and private automobiles operated for state business.

F. VEHICLE RENTALS (original receipts required)

1. Automobile rental or airplane charter may be authorized when the use of such conveyance is the most economical and practical means of transportation. The most economical and practical rental equipment available will be used. Original receipts for vehicle rental and charter costs paid by the traveler must be attached to the T590 for reimbursement.

G. USE OF STATE AND UNIVERSITY VEHICLES

1. The use of state and University vehicles for personal or other non-official business is



strictly prohibited. Home-to-office is only permissible when beginning or ending an authorized trip outside of regular business hours or for other reasons considered in the best interest of the state and the University. (See BSU Policy 6905-C)

2. State and local traffic regulations must be observed at all times. Any employee committing an infraction of such regulations shall be personally liable for any damage if the employee is acting outside the course and scope of his/her duty, and may be subject to disciplinary action. Any employee committing an infraction of such regulations shall be requested to attend a defensive driving course. Employees shall be personally liable for any fines arising from infractions of state and local traffic regulations. State automobiles may be driven only by employees of the State and University who possess a valid operator's license. Seat belts must be worn at all times while driving or riding in State vehicles.

H. MISCELLANEOUS EXPENSES

1. Expense for the following miscellaneous items is allowable if incurred by a University employee in the official conduct of University business.
 - a. Taxi or bus fares to and from depots, airports, and hotels. (Receipts required if available.)
 - b. Reimbursement for charges for transportation, handling, and storage of University equipment. (Receipts required.)
 - c. Airport parking. (Receipts required if available.)
 - d. Business-related telephone charges, including one personal telephone call per day by the traveling employee, limited to 10 minutes a day.
 - e. Stenographic or typing services. (Receipts required.)
 - f. Stationery, postage, photocopying, or other supplies if such were necessary for transaction of University business. (Receipts required if available.)
 - g. Registration fees, conference fees, workshop fees which are required as admittance or attendance fees for official participation in conferences, conventions, or other meetings. (Receipt required.)
 - h. Customary fees for cashiers' cheques, bank drafts, or money orders for the

purpose of making a remittance to the State. (Receipts required if available.)

- i. Necessary miscellaneous expenses for which receipts may not be available, may be reimbursed upon certification* by the employee. Miscellaneous expenses that can be reimbursed with only certification and no receipts are limited to \$10 per day.

The person requesting reimbursement or payment must certify that the cost is deemed reasonable and necessary to accomplish the intended purpose and that it conforms to BSU policy. Then list the expenses for reimbursement, e.g., tips \$4.00, maps \$2.00, etc.

- j. Reasonable laundry expenses allowed during official business trip of five days or longer away from employee's official workstation. (Receipts required if available.)
- k. Items not specifically described in these regulations as an allowable expense, but which are nevertheless necessary in the performance of official duties. (Receipts required.)

I. LEAVE DURING TRAVEL STATUS

1. A traveler who has been granted leave, either compensable or non-compensable, while in travel status, shall report in his/her claim for reimbursement the exact date and hour of departure from duty and return to duty.

J. EXPENSES NOT ALLOWABLE

The following will not be paid by the state or the University:

1. Expenses of a personal nature incurred for the convenience of the traveler including travel by indirect routes, stopovers for personal reasons, or leaving earlier or returning later than necessary on a trip.
2. Expenses for travel between home and office or for other non-official purposes.
3. Expenses for meals or lodging of an employee at his/her official station.
4. Any potential determination as to what comprises a "conference" or "convention" at the official station should first be subjected to certain testing criteria before any consideration of meals reimbursement will be made. Such criteria could include whether: the function has participants from various locations; a registration fee is charged; it has a published agenda; meal cost was included in the registration fee;



- attendance was compulsory or voluntary as determined by the department, etc.
5. Reimbursement for meals at the official station is not allowable for informal meeting (i.e., over a casual breakfast, lunch, or dinner) between staff members of an agency or other agencies; state and federal employees; and/or state employees and legislators, etc. However, with approval of the Board of Examiners, official station meals may be reimbursed where necessary to promote trade or commerce.
 6. The State Controller's Office will refuse to process future vouchers for meal reimbursement at the official station when a clear distinction cannot be made by any submitting agency's documentation supporting what constitutes an official "conference" and/or "convention" using the criteria cited in Item 1 of this writing. The State Controller's Office will interpret all meeting to be informal unless documented proof is submitted with the T590 showing otherwise. All meals qualifying for reimbursement will be paid only to the extent of existing maximum allowances set by the Board.
 7. Expenses incurred by an employee during periods of compensable or non-compensable leave.
 8. Reimbursement for meal and lodging expenses while staying with relatives. (See REGULATION 1)
- K. THIRD PARTY REIMBURSEMENTS, REBATES, PROMOTIONS
1. When a state employee's travel has been or will be paid by the State and the employee's travel costs are also reimbursed by a third party, such as the federal government, the State shall be reimbursed for any expenditures forwarded to the employee by the third party.
 2. Travel awards and benefits such as frequent flyer miles awarded as a result of authorized business travel will become the property of the traveler and will not be claimed by Boise State University or the State.
 3. When in charge of a travel group (field trip, etc.) do not issue a lump sum of monies to each participant for meals, rooms, etc. It is the responsibility of the advisor (faculty or staff member) in charge to demonstrate with receipts that funds were spent in accordance with these regulations and for the purposes intended.
 4. The traveler must sign the Travel Request and Authorization (T590) where indicated. Signatures of the department chair/unit head and the appropriate authorizing signature (see Section II.D.2) are also required on the T590 only. Send the completed T590 to Travel Services for auditing and processing for payment.
 5. (Note: If the T590 is lost or misplaced before receipts are submitted for reimbursement, the Travel Expense Voucher for Reimbursement-T40 is available on the Business Forms and Documents web site in an interactive format. The T40 is a replacement form for a lost T590 and can also be used as a continuation sheet(s) should the space for expense listings on the T590 not be adequate.
 6. American Express Corporate Travel Cards are available to full-time employees of Boise State University upon request. Applications are available through Travel Services. The card should be used for Boise State University travel related expenses. Also available with the card program is the Corporate Travelers Cheque Program. For detailed information, contact Travel Services.

6905-c: Scheduling and Utilization of University Vehicles

(Revised July 1995)

PURPOSE: To provide information related to the acquisition, use, and cost of University Motor Pool vehicles.

- I. Responsibility/Department and User
 - A. User authorization: It is the responsibility of the approving department and the user to ensure that the vehicle is used for official business only (See the subsequent Section III, "Use").
 - B. Driver's license: Driver must have a valid license.
 - C. Citations: Responsibility for traffic citations belong to the cited user.
 - D. Inspections before and during use: The user is responsible for inspecting tires, brakes, horn, lights, windshield wipers, oil check, and general condition of vehicle prior to leaving Central Receiving.

If deficiencies are noted before use, advise personnel at the Central Receiving office. Should a problem develop during use of the vehicle, see the instructions on the insert sheet in the State of Idaho Accident Report Guide located in the glove box.



- E. Smoking, alcoholic beverages, controlled substances: Use or possession is prohibited in any Motor Pool vehicle.
- F. Damage during use or vehicle failure: Follow instructions on the insert sheet in the State of Idaho Accident Report Guide, located in the glove box.
- G. Safe and prudent use: All users of University vehicles are required to operate the vehicle in a safe and prudent manner. Use of seat belts is a State-mandated law and is required during the operation of any vehicle.
- H. Condition of vehicle: Maintain the auto prudently by avoiding areas where potential rock damage to transmissions and undercarriage might occur or excessive mud and debris would damage the car's interior and exterior.

II. Vehicle Acquisition Procedure

A limited number and variety of motor pool vehicles are available through Central Receiving Monday through Friday, except holidays. Advance scheduling ensures reservation.

III. Use of Vehicle

A vehicle is authorized for travel directly associated with:

- A. Instructional programs of the University, including field trips.
- B. Grant program administration.
- C. All approved, non-academic activities.
- D. Official University business (e.g., travel to State Board of Education meetings, high school public relations, and purposes for which travel expenses have been authorized).
- E. Professional meetings by University-authorized personnel or representatives, such as State Board of Education members and University-approved associations traveling to and from meetings.
- F. ASBSU organizations and those authorized by the student organization.

IV. Vehicle Use Charges/Costs

Charges are periodically updated, dependent upon costs. Contact Central Receiving for the charge structure. Department-caused damage will be covered by the department and State insurance.

Departments will be charged the daily rate for reserved vehicles not used, in addition to a pick up or delivery fee of 1/3 the hourly charge for campus area, and time accrued for outlying areas. No costs will be incurred if vehicle fails to operate.

V. Other Related Guidelines

- A. Final details should be arranged beforehand with Central Receiving to avoid last minute

problems such as picking up keys, appropriate credit cards, or availability of snow chains.

- B. Central Receiving may only issue a vehicle if an approved copy of the Motor Pool Reservation and Charge Form has been received.
- C. Notice of cancellation for a scheduled vehicle should be given to Central Receiving as soon as possible to cancel any non-vehicle use charges.
- D. Return vehicle to Central Receiving immediately after trip completion and park the vehicle in the designated area adjacent to Central Receiving. Leave keys, charge card, charge slips and any related items at the location identified by Central Receiving personnel.
- E. Do not park University vehicles at air terminal or similar locations for long periods of time. Have a second party drive the user to and from the airport.

6910-c: Field Trips

(Revised July 1995)

PURPOSE: To establish a procedure for arranging class field trips.

I. Policy Statement

If field trips are considered educationally beneficial to students, the following procedures must be followed prior to scheduling the trip.

- A. An official Travel Request and Authorization (T590) must be completed and submitted by the responsible faculty member to his/her department chairperson and dean for approval at least two to three (2-3) weeks in advance of the planned trip. A list of the students participating in the trip and a copy of the itinerary, including lodging arrangements must be attached to the Form T590. The responsible faculty member will advise his/her students that it is their responsibility to check with their other instructors regarding class absences due to field trips.
- B. When authorization from the department head and dean of the college has been obtained, the Travel Request and Authorization will be submitted to the Provost and Vice President for Academic Affairs and also to the Vice President for Student Affairs for approval.
- C. After the field trip has been authorized by the Provost and Vice President for Academic Affairs and Vice President for Student Affairs, the Travel Request and Authorization is sent to the Office of Travel Services for processing.
- D. If any private vehicles are taken on the field trip, the responsible faculty member will determine that each driver has sufficient insurance to cover all occupants of the vehicles as



well as liability. In addition, a waiver and release of liability must be signed by the student.

- E. Nearby campus field trips, not involving transportation or cost to the department, can be scheduled by the department chairperson at his/her discretion.

Student University Personnel Grievance Board

Purpose

To provide a procedure whereby students may bring a grievance against University personnel, that is faculty, classified staff or administrative staff, for an alleged violation of BSU Policies and Procedures. This grievance policy does not pertain to discrimination grievances or sexual harassment grievances covered by the Affirmative Action Policy, academic grievances already covered by the Academic Grievance and Academic Dishonesty Board or matters of academic freedom.

Responsibilities

The Student/University Personnel Grievance Board (hereinafter "Grievance Board") has the responsibility to act as the final board of review in complaints arising from grievances filed by students against University personnel. No further appellate provision will be available at BSU to the student bringing the grievance.

Composition

This board will consist of seven voting members: the ASBSU Chief Justice as Chairperson, ASBSU Vice President, an ASBSU Student Senator, Chairperson of the Faculty Senate, Chairperson of the Association of Classified Employees, Chairperson of the Professional Staff Senate and a seventh member to be selected (by the above-named members) from the same employee group that the respondent is from. The Director of Affirmative Action and the Director of Human Resources shall serve as non-voting members.

Procedure

- A. In order to obtain a hearing before the Grievance Board, the complainant should: present the complaint to the University employee concerned; if no solution is reached, the complaint should be presented to the appropriate department head or supervisor and to the unit head or dean of the appropriate college or administrative unit. If the complaint is against a dean or unit head, it should be presented to the appropriate vice president. If it is against a vice president, it should go directly to the Grievance Board. The complaint should be presented to and addressed by the appropriate University officials within a reasonable amount of time.

- B. If the grievance is not resolved after contacting the employee, department head or supervisor, unit head/dean or appropriate vice president, it should be presented in writing to the Assistant Director of Student Activities on the appropriate Student/University Personnel Grievance Board form available in the Student Activities Office.
- C. When the Assistant Director of Student Activities has received the written grievance, s/he will convene the members of the Grievance Board within five working days to determine if the Grievance Board has jurisdiction.
- D. If the Grievance Board determines that it does not have jurisdiction, the complainant will be directed to the appropriate individual or body to handle the grievance.
- E. If the Grievance Board determines that it does have jurisdiction, the Director of Affirmative Action or a designated member of the Board will notify the respondent of the grievance in writing including a bill of particulars and ask him/her to respond in writing within five working days.
- F. If the Grievance Board accepts the grievance for hearing, the Director of Affirmative Action or a designated member of the Board shall then issue a Notice of Hearing which will set the date, time and place of the hearing (no sooner than five working days nor later than ten working days from the notice) and an Order of Hearing.
- G. If, after reviewing the case, the Grievance Board rules that a violation occurred, then all information pertaining to the case will be forwarded to the President of the University within five working days of the conclusion of the hearing with a recommendation for action, for final review and disposition. All parties to the grievance will be notified in writing of the recommendation of the Board. All parties to the grievance will be notified of the President's decision in writing within ten working days after s/he has received the recommendations of the Grievance Board.
- H. If, after reviewing the case, the Grievance Board rules that a violation did not occur, the case will be closed. All parties to the grievance will be notified in writing of the decision of the Board within five working days of the conclusion of the hearing. The notification will be deemed made when the recommendation is deposited in the United States Mail addressed to the last known address of the parties.



Boise State University

Speaker's Policy

Students and student organizations shall be free to express their views and to examine all issues of interest to them. They are also free to support causes by orderly and peaceful assembly that will not infringe upon the rights of others or with the regular and essential operation of the institution.

Scheduling of Speakers

Officially recognized student groups are allowed to invite or hear any person of their own choosing.