

Student Code of Conduct
[Faculty-Staff Handbook 2300]

Preamble.

The university disciplinary system is part of the educational process of students focusing on behavior within a community. Sanctions are imposed for violations to the Student Code of Conduct to teach students how to be better and more responsible members of a community. Sanctions also serve to protect the UI community. The Student Code of Conduct is UI's manifestation of Section III, P-12, of the State Board of Education's Governing Policies and Procedures which states: Each institution will establish and publish a statement of student rights and a code of conduct. The code of student 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 to 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 by the chief executive officer. The original of this code was created during the 1969-1970 school year. It was amended, at the suggestion of an ad hoc Faculty Council committee in July 1992, July 1993, and July 1998 (Article II). For further information, contact the Dean of Students (208) 885-6757. [rev.7-98]

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Article I – Scope of the Code.

This document is a codification of disciplinary regulations enacted to govern the conduct of students on campus or at authorized UI activities. Disciplinary regulations govern the conduct of students on campus and/or at authorized UI activities [see 2200, Section III]. The inclusion of or failure to include, regulations herein pertaining to academic matters or to motor vehicles shall not affect any regulation, or the enforcement of any regulation, now or hereafter enacted by UI or any college or department thereof pertaining to academic matters or to motor vehicles.

1. Concurrent Jurisdiction.
 - a. Acts of violation of federal, state, or municipal laws come under the jurisdiction of UI only when they are also in violation of this code.
 - b. When the Dean of Students office is informed that criminal charges are being brought against a student for conduct that also violates the Student Code of Conduct, the Dean of Students office may file disciplinary charges against a student and investigate the incident. The Dean of Students office has the discretion to wait a reasonable period of time before requesting a hearing or final resolution of the disciplinary charges if it is in the best interest of the university disciplinary process to await the outcome of the criminal charges.
 - c. If a student is convicted of a crime prior to the university disciplinary hearing, the University Judicial Council (hereafter UJC) shall accept as fact that the student had engaged in conduct that constitutes the crime.
 - d. The disposition of criminal charges against the student, if determined prior to the university disciplinary hearing, shall be taken into account by the UJC in determining sanctions against that student. [See 2300, Article XI, Section 5.]
2. Definitions:
 - a. Student. Student as used in this code means:
 1. all persons taking UI courses, both full-time and part-time; and/or
 2. all persons who are not officially enrolled for a particular term but have a continuing relationship with UI or intend to enroll in the next semester. [This provision is intended to include within the definition of students, those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and students who are first time enrollees who engage in misconduct prior to the time of enrollment.]
 - b. Campus. Campus means:
 1. all land, buildings, facilities, and other property- including adjacent streets and sidewalks-in the possession of or owned, used, or controlled by UI;
 2. all land, buildings, facilities, and other property-including adjacent streets and sidewalks-used as residences in the possession of or owned, used, or controlled by student associations recognized by UI.
 - c. Knowingly. As used in this code, the terms “knowledge” and “knowingly,” when referring to causing consequences, means that the person is aware that his or her conduct will probably cause the consequence described in the code.

Article II-Academic Honesty.

1. Cheating on classroom or outside assignments, examinations, or test is a violation of this code. Plagiarism, falsification of academic records, and the acquisition or use of test materials without faculty authorization are considered forms of academic dishonesty and, as such, are violations of this code. Because academic

- honesty and integrity are core values at a university, the faculty finds that even one incident of academic dishonesty seriously and critically endangers the essential operation of the university and may merit expulsion. [rev. 7-98]
2. The operation of UI requires the accuracy and protection of its records and documents. To use, make, forge, print, reproduce, copy, alter, remove, or destroy any records, document, or identification used or maintained by UI violates this code when done with intent to defraud or misinform. Entrance without proper authority into any private office or space of a member of the faculty, staff, or student body is a violation of this code.
 3. Instructors and students are responsible for maintaining academic standards and integrity in their classes. Consequences for academic dishonesty may be imposed by the course instructor. Such consequences may include but cannot exceed a grade of “F” in the course. The instructor should attempt to notify the student of the suspected academic dishonesty and give the student an opportunity to respond. The notice and the opportunity may be informal and need not be in writing. Penalties for any disciplinary infraction must be judicially imposed. [See 1640.02 C-5]
 4. Instructors may report incidents of academic dishonesty to the Dean of Students. Upon receiving such a report, the Dean of Students shall provide the students with written notice that a report has been made and an opportunity to meet with the dean to discuss the report. The Dean of Students shall maintain the report and any record of the meeting for a period of time deemed appropriate by the dean. The Dean of Students may file a complaint against the student after the meeting has taken place or the student has elected, either affirmatively or through inaction, not to meet with the dean. [add. 7-98]

Article III – Physical Abuse, Hazing, or Harassment.

1. Living together in a university community requires respect for the rights of fellow members of that community to pursue their academic goals and to participate in lawful campus or UI activities.
2. Harassment, hazing, detention, threats, intimidation, coercion, physical abuse, or similar actions, undertaken knowingly, are violations of this code.

Article IV – Campus Disorders and Disruptions.

1. Members of the UI community have the right to lawful freedom of movement on campus; to lawful use of property, facilities, or parts of UI; and to lawful ingress to and egress from the institution’s physical facilities. It is a violation of this code to violate the above rights of the university community by:
 - a. knowingly hindering entrance to, exit from, or normal use of any UI facility or part thereof;
 - b. remaining in any UI building or failing to disperse from a crowd or group after being advised by an law enforcement personnel or UI official to leave or disperse [See Appendix, Paragraph 5];

- c. knowingly creating noise, including the use of noisemaking or amplifying devices, which interferes with the academic process or violates another person's privacy;
- d. knowingly interfering with reasonable use of UI driveways, parking lots, or sidewalks;
- e. knowingly interfering with authorized events on property owned or controlled by UI or in UI facilities;
- f. knowingly interfering with law enforcement personnel, public safety personnel, or UI officials in the lawful conduct of their duties; or
- g. knowingly obstructing or disrupting teaching, research, or other academic activities. [Idaho Code 33-3715 and 33-3716, though not part of this code, are appended for information.

Article V-Housing and Living Groups.

1. The internal regulations of residence halls shall primarily be the responsibility of the individual living-group organization. Such regulations must conform to the Statement of Student Rights; violations of those regulations may also be violations of this code. Living groups may also set internal regulations governing hours and areas of public access provided that such regulation do not condone the violation of a student's right to privacy in his or her own rented space.
2. UI dwellings are regulated only by this code and the housing contract. Provisions of the housing contract may not violate the Statement of Student Rights or the stipulations of this code. [It must be recognized, nonetheless, that UI dwellings are also regulated by applicable municipal, state, and federal laws and regulations.]
3. Sanctions available to the living groups range from warning through probation. In addition, fines not in excess of \$200 and/or restitution for damage or loss may be levied. Sanctions affecting the student's residence in UI housing may also be imposed as outlined in Article XI.

Article VI – Physical Safety and Welfare.

1. As in any community, certain forms of responsible conduct must be adhered to in order to ensure the physical functioning and safety or security of that community. The need to safeguard the property of the university community requires that it is a violation of this code to engage in the unauthorized entry or unauthorized attempted entry into or on any facility or area on campus, including but not limited to heating tunnels, elevator shafts, shops, mechanical rooms, trunk rooms, storerooms, roofs, and fire escapes.
2. Possessing, giving to another, making, or causing to be made any key or other access device to UI property or facilities without proper authorization is a violation of this code.
3. Theft or misappropriation of UI property and theft or misappropriation of private property of any person occurring on campus are violation of this code.

4. Knowingly damaging, destroying, or defacing UI property or property that is owned by others and located on campus are violations of this code.
5. Protecting the University community against fire is a major concern. Smoking is prohibited in all university buildings except full-time residential facilities. It is also prohibited in official meetings and hearings of UI unites and bodies. [For details of the UI policy on smoking, see Administrative Procedures Manual.] Building or setting fires on property owned or controlled by UI without proper authorization, removing or tampering with fire equipment or fire alarms systems, or failure to vacate buildings promptly when fire alarms sound are violations of this code.
6. Firearms also may endanger the safety of the university community when improperly handled. "Firearms" as used in the code means any instrument used in the propulsion of shot, shell, or bullets, or other harmful objects by the action of gunpowder exploded within it, by the action of compressed air within it, by the power of springs and including what are commonly known as air rifles, BB guns, and pellet guns.
7. No firearm may be brought onto campus unless it is encased and has a trigger lock attached. ("encased" is defined as placing a gun with a trigger lock in some sort of container-hard or soft, and including, but not limited to, such materials as aluminum, plastic, wood, leather, and cloth- that is fastened by means of a snap lock, zipper, tie, etc.). In UI residence halls firearms must be kept in an area authorized by the Housing Office. Loaded guns are not permitted on campus. A "loaded gun" is defined as one containing live ammunition either in the chamber or in the magazine. Possession and storage of gunpowder must comply with federal, state and municipal laws. No ammunition will be allowed on campus except that designated for firearms that are properly stored on campus. Other explosive substances are also prohibited on campus except as approved by the safety officer. Exceptions to the above may be made for supervised UI courses.
8. Unauthorized uses of dangerous projectile or explosive devices, including but not limited to sling shots, crossbows, catapults, and devices which cause dangerous chemical reaction, are violations of this code.
9. It is a violation of this code to:
 - a. knowingly gain unauthorized access to computer-based information or information resources;
 - b. knowingly, without authorization, destroy, alter, dismantle, disfigure, prevent rightful access to, or otherwise interfere with computer-based information or information resources; or
 - c. knowingly invade, without authorization, the privacy of individual or entities that are creators, authors, users, or subject of the information resources.

Article VII – Discrimination.

1. Any violation of the basic rights of a human being is contrary to the very nature of a university. The regents' antidiscrimination policy is as follows:

- a. Practices or regulations that discriminate on the basis of race, color, national origin, religion, sex, age, disability, or status as a Vietnam-era veteran, as each of these bases is defined by law, are neither condoned nor permitted in any area of UI operations, including personnel appointments, student admissions, housing assignments, use of dining halls, classrooms, or other facilities, or in any activities of the faculty, staff, or students that may be commonly regarded as sponsored or sanctioned by UI.
 - b. Nothing herein shall be deemed to affect the classification of persons based on the differences between males and females or between other classes or groups that is not irrational, capricious, or arbitrary, and that is intended to accomplish a lawful purpose (e.g., women's or men's living groups may exclude persons of the opposite sex, and students with substandard grades may be denied membership in honor societies and other groups having minimum grade requirements).
2. Any student conduct that violates this policy shall, upon due proof, be a violation of this code.

Article VIII-Drugs and Alcohol.

1. The Sale, use or possession of illegal drugs is a violation of this code. Sale or illegal possession or illegal consumption of alcoholic beverages is prohibited in facilities owned, leased, or operated by UI and on campus grounds. Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to and most commonly used by the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of UI-owned buildings or grounds.
2. UI's primary role in handling matters involving the use or potential use of drugs or alcohol by its students is that of counseling. However, in appropriate situations, the full range of sanctions may be applied.

Article IX- Aiding, Solicitation, and Attempt.

A person is in violation of this code if he or she:

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

Article X – Judicial Proceedings.

1. Any member of the university community may file a complaint against any student for misconduct. Such complaints shall be prepared in writing and directed

- to the office of the Dean of Students. Any complaint should be submitted as soon as possible after discovery of the alleged misconduct, preferably within thirty days. The office of the Dean of Students may investigate to determine if the complaint has merit.
2. The office of the Dean of Students, or its representatives, may file charges on behalf of the university against a student accused of violating the Student Code of Conduct. In no event shall the Dean of Students office file charges more than one year after the Dean of Students office has discovered the alleged misconduct, although summons can be served after the one-year period.
 3. All charges, including amended charges, shall be presented to the accused student in writing. The accused student shall be deemed to have been “notified” of the charges, amended charges, notice of the hearing date and any changes in the hearing date, by any of the following methods:
 - a. hand-delivered notice; or
 - b. proof of the mailing of a certified, registered letter containing such information, sent to either the campus address or the home address that the student provided the university registrar in the student’s registration documents; or
 - c. if receipt for the certified, registered letter is not returned with a signature within three weeks, then the accused student may be notified by proof of the mailing of a certified, non-registered letter to the student’s campus or home address; and the hearing date shall be set not less than five nor more than fifteen calendar days after the last date that the postal service attempted to deliver the certified, non-registered letter.
 4. A disciplinary hearing may be waived and informal disposition of disciplinary action may be made by an agreed settlement, in writing, between the student charged with code violations and the office of the Dean of Students or the dean’s designee. The sanctions imposed in the agreed settlement will be effective upon signature of the parties, do not depend upon the approval of the UJC, and shall have full force and effect as if the sanctions had been imposed by the UJC. The Dean of Students office shall, on a regular basis, inform the UJC of the agreed settlements entered into with students during the academic year.
 5. A student suspected of violating this code shall be informed of the right to remain silent. This information shall be provided in the notice of the charges, in any summons, at any meeting with the office of the Dean of Students, and at any hearing conducted by the UJC.
 6. The disciplinary hearing shall not occur not less than five nor more that fifteen calendar days after the accused student has been notified in writing of all charges, including amended charges. Maximum time limits for scheduling of hearings may be extended at the discretion of the dean for Dean of Students, or the dean’s designee, as long as the hearing will be prompt. The accused student and the office of the Dean of Students may agree to specific hearing date. The accused student may waive his or her right to a prompt hearing. The accused student may request the chairperson of the UJC to reschedule the hearings.
 7. Hearings shall be conducted in private unless the student charged with the violations states on the record that he or she wishes the disciplinary hearing to be

- public. The student charged with the violation can request the chairperson of the UJC to order that the hearing be open only to specified members of the public. Otherwise, the only persons admitted to attend the “private” hearing will be the members of the UJC, the dean for Dean of Students and/or dean’s designee, the university counsel or the university counsel’s designee, the party bringing the charges against the student, the accused student, the accused student’s advisor, and witnesses. Although the student charged with a violation has the right to public hearing, the chairperson of the UJC has the discretion to refuse to admit to the hearing any person whose conduct interferes with the hearing. Any party can request that witnesses be removed from the hearing when they are giving testimony. In hearings involving more than one accused student, the chairperson of the UJC has the discretion to permit the hearings concerning each student be conducted separately.
8. The university, if it is filing charges against the student, may be represented by any advisor it chooses. The student charged with the violation has the right to be assisted by any advisor he or she chooses at his or her expense. The advisor may be an attorney. The advisor will be permitted to speak and to participate directly in the hearing.
 9. The accused student, the party filing charges against the accused student, and the UJC shall have the right to be present witnesses and evidence and shall have the right to be present and hear and question adverse witnesses, as well as the right to object to the admission of testimony and evidence.
 10. Irrelevant evidence is not admissible. All evidence, pertinent records, exhibits, and written statements, as well as copies or recordings of such evidence, may be accepted as evidence at the discretion of the chairperson of the UJC. Hearsay evidence is admissible if it is of the type commonly relied upon prudent persons in the conduct of their affairs.
 11. All questions of procedure and evidence are subject to the final decision of the chairperson of the UJC.
 12. Generally, the hearing shall be conducted in the following order:
 - a. The chairperson of the UJC shall determine whether the accused student has requested a public or a private hearing, shall state for the record the names and roles of persons present at the hearing, and shall remind the accused student of the right to have an advisor, of the right to refuse to testify, and the right of refusal to testify shall not be considered as evidence against him or her. [see 2200]
 - b. The party filing charges and the accused student shall have the opportunity to present opening statements in which they summarize the evidence they intend to present to the UJC.
 - c. The party filing charges shall present its evidence first, and the accused student shall have the right to present his or her evidence afterwards.
 - d. Following the presentation of evidence the party filing charges shall have the opportunity to summarize the evidence presented. Afterwards, the accused student shall have the opportunity to summarize the evidence presented.
 - e. After the presentation of evidence and summaries, the UJC shall make its decision in a closed session.

13. The UJC shall determine by majority vote whether the student has violated each section of the Student Code of Conduct, which the student is charged with violating. The chairperson of the UJC, or the designee in the event of absence of the chairperson, is permitted to vote only in the event of a tie ballot. The burden of proof shall be upon the party bringing the charges against the accused student. The UJC's conclusions shall be made on the basis of whether it is more likely than not that the accused student violated a specific provision or provisions of the student code of conduct.
14. If the UJC concludes that the accused student did violate a provision or provisions of the Student Code of Conduct, the UJC must state in writing the facts, conduct, or circumstances it has found to support its conclusion. These "findings of fact" must be based exclusively upon the evidence and testimony properly presented to the UJC and upon facts that are universally regarded as true. The UJC shall inform the parties in writings of its "findings of fact," its conclusion that the student has violated the Student Code of Conduct, and the right of the student to appeal the decisions of the UJC.
15. The UJC shall maintain a single verbatim record, such as tape recording, of all hearings. The record shall be property of the university.
16. The failure of an accused student to appear at a hearing after notification is neither admission nor evidence to the charges. No accused student may be found to have violated the Student Code of Conduct solely because the student failed to appear before the UJC. [Failure to appear after being summoned may be a separate violation of the Student Code of Conduct; see below.] If the accused student fails to appear at the hearing after proper notification, the party filing charges against the accused student shall present the evidence in support of the charges, and the UJC shall conclude based on evidence whether it is more likely than not that the accused student had violated the Student Code of Conduct. If the UJC concludes that the student had violated the Student Code of Conduct, the UJC shall inform the parties in writing of its conclusion, its "finding of fact," and the right of the student to appeal the decision of the UJC.
17. Failure to comply with any procedural rule may render invalid the decision of the UJC if such failure materially prejudiced the rights of the party.
18. All members of the university community are encouraged to assist the parties and the UJC in determining whether the accused student violated the Student Code of Conduct. The chairperson of the UJC, or the chairperson's designee, shall have the authority to issue a summons commanding a student to appear at a hearing and to testify. Such a summons may be requested by any party to the hearing or by any member of the UJC. The summons may be served either by hand-delivery or be certified, registered mail sent to the campus or the home address that the student provided to the university registrar. The summons shall inform the student that it is a violation of the Student Code of Conduct to fail to appear or to refuse to testify, unless such testimony would force the student to testify against himself or herself.
19. It is a violation of this code for a student to fail to appear at a hearing after proper service of a summons to appear. It is also a violation of this code for a student to refuse to give testimony at a hearing after proper service of a summons to appear,

unless such testimony would force the student to testify against himself or herself. It is a violation of this code to knowingly disrupt, impede, threaten, or disregard the lawful procedures or sanctions of the UJC. It is a further violation of this code to knowingly provide false information to the UJC.

Article XI-Range of Sanctions

1. When the Dean of Students determines it is necessary to stop a violation of the Student Code of Conduct, as permitted under the Statement of Student Rights [2200, Section IV, Para. 1], the Dean of Students or a designee, with the concurrence of the chair of the UJC, if and when he or she is available, may impose an interim university or residence-hall suspension prior to the hearing before the UJC.
 - a. Interim suspension may be imposed only to ensure the safety and well-being of members of the university community or preservation of property, to ensure the student's own physical or emotional safety and well-being, or if the student poses a definite threat of disruption of or interference with the normal operations of the university.
 - b. During the interim suspension, the student shall be denied access to the residence halls and/or the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Student or a designee, with the concurrence of the chair of the UJC, if and when he or she is available, may determine to be appropriate.
 - c. As soon is practicable, the student subjected to an interim suspension shall be provided notice of the reasons for the university's action and shall be according the normal procedures of the UJC, including the filing of a complaint and the right to a hearing.
2. Sanctions that may be imposed are listed here in order of their severity:
 - a. warning;
 - b. probation (with terms and length as determined by the UJC);
 - c. withheld suspension (failure to comply with the terms of probation results in immediate suspension from UI);
 - d. suspension (removal from UI for a specific length of time, e.g., semester or academic year);
 - e. expulsion (indefinite removal from UI).
3. Before the UJC may impose a sanction of withheld suspension, suspension, or expulsion, the UJC must make a specific finding in writing that the student's misconduct seriously and critically endangered the essential operation of UI or the safety of members of the university community [see 2200, IV-9].
4. In addition to the sanctions enumerated in paragraph 1, the UJC may impose any combination of the following and may include them as terms of probation:
 - a. community service (to be performed for a specified period of time under the direction of the dean for student advisory services);
 - b. restitution of damages;

- c. special sanctions deemed appropriate and reasonable by the UJC (e.g., counseling, restrictions on behavior, or requiring letters of apology to be written);
 - d. administrative fees not exceeding \$25.
 - e. penalties for disruption of the judicial process range from warning through suspension, depending on the severity of offense.
5. When appropriate, a student may be given the option of working off the equivalent of restitution for UI at the minimum wage.
 6. If sanctions, including community service hours and restitution imposed by the UJC, have not been completed or if sanctions agreed to by a student in an agreed settlement have not been completed, UI, at the discretion of the Dean of Students or the dean's designee, may deny a student the privilege of reregistering, may hold transcripts and/or diplomas, and may refuse to release information based on the student's record.
 7. Sanctions affecting a student's residence in UI-controlled housing may be imposed. These sanctions are loss of privileges within living group and temporary or permanent removal from UI-controlled housing.
 8. Sanctions already imposed by civil or criminal process are taken into account when any UI sanction is imposed.
 9. Extensive, organized, serious, or repeated violations of this code are taken into account when determining the appropriate sanctions.
 10. The Regents of the University of Idaho adopted guidelines for enforcing campus alcohol regulations. Minimum sanctions for violations of Article VIII, section 1 and 2 of the Student Code of Conduct are listed below. These sanctions will be minimum standards and more severe sanctions may be applied.

a. First Infraction

Infraction

1. Open container or minor in possession violations.
2. Illegal distribution of alcohol.

Sanction

1. Referral to judicial council for education programs and payment of administrative costs.
2. Referral to judicial council with sanctions to include community service, period of probation, administrative costs, and education programs.

b. Second Infraction

Infraction

1. Without injury; or without conduct likely to lead to injury.

Sanction

1. Referral to judicial council or similar authority for action which must include a treatment and/or education program.

2. With injury; or conduct likely to lead to injury.

2. Referral to the proper administrative body of the institution for action must include notification to the criminal justice system, strict probation, and, a treatment or education program.

**c. Third Infraction
Infraction**

1. Without injury; or without conduct likely to lead to injury.

Sanction

1. Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.

2. With injury; or conduct likely to lead to injury.

2. Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, referral to the criminal justice system and expulsion from the institution for one year.

Appendix to the Student Code of Conduct:

(1) **Idaho Code, section 33-3715:** “The legislature, in recognition of unlawful campus disorders across the nation which are disruptive of the educational process and dangerous to the health and safety of persons and damaging to public and private property, establishes by this act criminal penalties for conduct declared in this act to be unlawful. However, this act shall not be construed as preventing institutions of higher education from establishing standards of conduct, scholastic and behavioral, reasonably relevant to their discipline for violations of such standards.”

(2) **Idaho Code, section 33-3716:** “No persons shall, on the campus of any community college, junior 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 students, school officials, employee, and invitees: (a) lawful freedom of movement on campus; (b) lawful use of property, facilities, or parts of any institution of higher education; or (c) the right of lawful ingress [to] and egress [from] the institution’s physical facilities.

(3) “No person shall, on the campus of any institution of higher education, or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student

of such institution in the lawful pursuit of his educational activities, through the use of restraint, abduction, coercion, or intimidation, or when force and violence are present or threatened.

(4) “No person shall willfully refuse or fail to leave the property of, or any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education upon being requested to do so by the chief administrative officer, his designees charged with maintaining order on the campus and in its facilities, or a dean of such college or university, if such person committing, threatening to commit, or incites others to commit, any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

(5) “Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between the institution of higher education and its employees.

(6) “Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500), or imprisoned in the county jail for a period no to exceed one (1) year, or by both such a fine and imprisonment.”