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Chapter 1 General Provisions

§1. Policy Statement

1. Goals of the Student Code. This document consists of standards, policies and procedures governing student conduct at the autonomous organization of education “Nazarbayev University” (hereinafter – University). Both academic and non-academic behaviors are considered, with appropriate procedures established to deal with instances to misconduct in each case. The goal of the Student Code is to balance the necessary protections of due process and fundamental fairness for the students with need for the University to maintain its standards and character as an educational enterprise and as a community. Nothing in this Code is intended to limit the exercise of students’ constitutional rights, including rights of free speech and assembly, or their full exercise of academic freedom. The provisions of this Code should be interpreted and applied in ways that further the realization of these purposes.

2. Involvement of faculty and administration. Toward this end, in cases of academic misconduct involving the possibility of serious penalty, faculty and faculty, and members of the administration are involved in the process. In cases of non-academic misconduct involving the possibility of serious penalty, the Department of

Student Affairs, faculty, and members of the administration are involved in the process. In all cases involving the possibility of serious penalties the elements of hearing and appeal are built into the procedures for the determination of guilt and the imposition of sanction.

3. Academic misconduct, generally. Academic misconduct is defined broadly, to include: plagiarism, forgery, interference with others' ability to learn and work, misrepresentation of other students' work, cheating, and assisting others in the commission of these acts. Penalties for academic misconduct are divided into three categories, in increasing order of severity: Category A, Category B, and Category C.

4. Categories of penalties for academic misconduct. Category A, the least serious category of penalties consists of an oral or written reprimand that is not made part of the student's record, or a requirement that work be re-done. Category B penalties include removal of the student from the course, lowering a student's grade for an assignment or course, or the issuing of a written reprimand that becomes part of the student's record. Category C penalties include probation, exclusion, and dismissal. The procedures that are required vary with the severity of the potential penalties, as described herein.

5. Nonacademic misconduct, generally. The mission of the University can be realized only if the University's teaching, learning, research and service activities occur in living and learning environments that are safe and free from violence, harassment, fraud, theft, disruption and intimidation. In promoting such an environment, the University has a responsibility to address student nonacademic misconduct. This responsibility is separate from and independent of any civil or criminal action resulting from a student's conduct. This Code defines nonacademic misconduct and provides University procedures for effectively addressing nonacademic misconduct. Penalties for nonacademic misconduct are divided into two categories: Category 1 and Category 2.

6. Categories of sanctions for nonacademic misconduct. Category 1 sanctions include: a written reprimand to be included in the student's permanent record; denial of specified University privileges; payment of restitution; educational or service sanctions including community service; disciplinary probation; removal from a class in progress. Category 2 sanctions include: removal from a program or course of study and/or restrictions of future enrollment and dismissal from the University. (Note: these are not the same as Categories A, B, and C for academic misconduct.) The procedures required in Category 1 cases and Category 2 cases differ as described herein.

7. Use of University property, permit requirements. Provisions in this Code establish a system of required permits for large-scale activities both inside and outside

University buildings, and especially for those involving sound amplification systems. The most important requirement is that at the beginning of each year, or of a multi-year term, the Provost must appoint a permitting officer to be responsible for overseeing this area. The provisions in this Code also identify activities that are prohibited on University property without the written permission of the Provost, including solicitation and selling.

8. Restricted access to University lands. Finally, the provisions in this section identify particular categories of persons who are not permitted to enter University property for any purpose without written permission of the Provost, including persons under an order of exclusion or dismissal, persons previously convicted of certain categories of crimes, and persons whose presence is determined to be disruptive of the operations of the University and the performance of its educational mission.

§2. Definitions of Terms

9. Definitions of terms. The following terms shall have the meaning stated below:

1) University – the term refers, interchangeably, to all entities subject to the governance of the Board of Trustees of the autonomous organization of education “Nazarbayev University”;

2) President – the term refers to the President of Nazarbayev University;

3) Provost – the term refers to the Provost of Nazarbayev University;

4) Vice-Provost for Academic Affairs – the term refers to the Vice-Provost for Academic Affairs of Nazarbayev University;

5) Dean – the term refers to the Dean or Acting Dean of the student’s School. In the event there is no Dean or Acting Dean, all functions designated to the Dean shall be fulfilled by the Vice Dean;

6) Vice Dean – the term refers to the Vice Dean for Academic Affairs or Vice Dean responsible for teaching and learning, or the equivalent School official;

7) sexual assault – is defined as using force, threat, or other form of compulsion to subject an otherwise unwilling person to being touched in a sexual fashion, participating in sexual activities, or being exposed to sexually explicit materials. Recognizing the special sensitivity of allegations of sexual assault, investigative officers and hearing committee members are encouraged to exercise careful judgment both to prevent false allegations or innocent misunderstandings from becoming the basis for the imposition of sanctions, on the one hand, and to ensure that the victims of sexual assault are protected and treated with respect at all times;

8) stalking – is defined as intentionally and repeatedly following, contacting, or harassing another person and making a credible express or implied threat to subject the other person to death, serious bodily harm, or sexual assault;

9) harassment – is unwanted conduct which has the purpose or effect of

violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working or learning environment. In most cases, hostile environment sexual harassment requires a pattern of conduct, but in extremely egregious cases a single incident may be sufficient. Creation of an intimidating, hostile, or offensive learning or working environment by a pattern of repeated conduct shall not constitute a violation of this sub-clause unless the offending student has been made aware of the fact that his or her conduct is creating such an environment and has failed to remedy the situation;

10) bullying – is the exercise of power over another person through negative acts or behavior that undermine him or her personally and/or professionally;

11) sexual harassment – is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or is used as the basis of an employment decision, or;

such conduct has the purpose or known effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working or learning environment (hostile environment sexual harassment). In most cases, hostile environment sexual harassment requires a pattern of conduct, but in extremely egregious cases a single incident may be sufficient. Creation of an intimidating, hostile, or offensive learning or working environment by a pattern of repeated conduct shall not constitute a violation of this sub-clause unless the offending student has been made aware of the fact that his or her conduct is creating such an environment and has failed to remedy the situation.

12) preponderance of the evidence – proof by “preponderance of the evidence” means that after all pertinent and admissible evidence has been considered, it is the judgment of the finder of fact that it is more likely than not that the accused person is guilty of the acts in question. The standard cannot be reduced to a mathematical nicety, as in “a 51% chance,” it requires the exercise of judgment and includes a consideration not only of the amount of evidence, but also weight, the credibility of its source, and its relationship to other elements in the case;

13) clear and convincing evidence – proof by “clear and convincing evidence” means that after all pertinent and admissible evidence has been considered, it is the judgment of the finder of fact that it is reasonably certain that the accused person is guilty of the acts in question. The standard cannot be reduced to a mathematical nicety, as in “a 66% chance,” it requires the exercise of judgment and includes a consideration not only of the amount of evidence, but also its weight, the credibility of its source, and its relationship to other elements in the case;

14) dismissal – dismissal of a student means that he or she is no longer enrolled at Nazarbayev University, and is no longer in any other respect a current student entitled to any of the privileges attached to that status;

15) exclusion – exclusion refers to an order of the President prohibiting a named individual from entering University property without specific permission;

16) class – as used herein, “class” refers to all lectures, labs, recitation, tutorials, seminars, or other activities organized around a single entry in the course timetable such as “Calculus I,” “Introduction to Electrical Engineering,” or “History of Kazakhstan”;

17) program – as used herein, “program” refers to a set of classes organized into a program of study, such as a major or minor, a progression of classes leading to the award of a certificate. Examples include an Executive MBA program, a major in Chemical Engineering, a minor in History, or a Master’s Degree program in Educational Leadership;

18) resolution of uncertainty concerning definitions of terms employed in the Chapter 1 in the event there shall be uncertainty as to the precise definition of a term employed in this Chapter, the common understanding of the term in the University shall apply. Under no circumstances shall ambiguity as to the meaning of a term be the basis for the dismissal of proceedings under this Chapter.

19) disciplinary probation – disciplinary probation constitutes a change in the status of the student, and is midway between “good standing” and dismissal. The student is permitted to remain at the University under certain stated conditions, which depend on the nature of the violation and upon the potential learning value that may be derived from such restrictive measures.

20) written notification – any requirement of written notification in this policy may be met by email with electronic confirmation of receipt.

Chapter 2

Academic Misconduct

§1. Policy Statement

10. Mission of the University and academic standards. The missions of the University and its constituent Schools can be realized only if students hold themselves and each other to the highest standards of academic conduct. Academic misconduct not only reflects poorly on the student committing the act, it degrades the quality of the educational environment for all and calls the integrity of the University’s educational mission into question. Consequently, the University has a responsibility to everyone involved, from other students and future alumni to the Board of Trustees of Nazarbayev University and the Republic of Kazakhstan, to address student academic misconduct. This Chapter defines academic misconduct, provides University procedures for effectively addressing misconduct, and describes the sanctions that may be imposed in cases of misconduct. In all cases, the University is committed to respecting students’ constitutional and legal rights and the principles of academic freedom.

11. Participation in the University community. Ongoing membership and participation in the Nazarbayev University community is a privilege, not an entitlement.

12. Relation of Student Code to additional regulations. The rules contained in this section may be supplemented by regulations specific to a School, Research Center, or program, or rules established by a particular instructor for a class or exercise. Failure to comply with these or other regulations defined elsewhere can result in the imposition of penalties under this section so long as it is the case that the student in question can be shown to have adequate notice of the operation of those rules prior to the time of an alleged violation.

§2. Academic Misconduct Subject to Disciplinary Action

13. Academic misconduct defined. Academic misconduct is an act in which a student:

- 1) seeks to claim credit for the work or efforts of another without authorization or citation (“plagiarism”);
- 2) uses unauthorized materials or fabricated data in any academic exercise;
- 3) forges or falsifies academic documents or records;
- 4) intentionally impedes or damages the academic work of others;
- 5) engages in conduct aimed at making false representation of any student’s academic performance;
- 6) engages in any form of cheating on an exam or assignment;
- 7) assists other students in any of these acts.

14. Plagiarism. Plagiarism is intentionally or carelessly presenting the work of another as one’s own. It includes submitting an assignment purporting to be the student’s original work which has wholly or in part been created by another person. It also includes the presentation of the work, ideas, representations, or words of another person without customary and proper acknowledgement of sources. Plagiarism occurs when a person:

1) directly copies one or more sentences of another person’s written work without proper citation, including cutting and pasting material obtained from the Internet or other electronic sources;

2) changes words but copies the sentence structure of a source without giving credit to the original source, or closely paraphrases one or more paragraphs without acknowledgement of the source of the ideas, or uses graphs, figures, drawings, charts or other visual/audio materials without acknowledging the source or the permission of the author;

3) submits false or altered information in any academic exercise, including making up data for an experiment, altering data, citing nonexistent articles, contriving

sources, etc.;

4) turns in all or part of assignment done by another student and claims it as their own;

5) uses a paper writing service, has another student write a paper, or uses a foreign language translation and submits it as their own original work;

6) in computer programming class, uses computer code written by another student.

15. Cheating. Cheating harms the very fiber of the University community. Honest students are put at a disadvantage due to the unfairness of the act and the potential that the grading structure of the class may be altered to their disadvantage. Students who cheat do not receive a real education, depriving themselves of the experience of how to learn. Cheating also damages the reputation of the University as well as the fabric of society. Finally, cheating damages the ethics of the individual, teaching them a wrong approach to life that will not be sustainable in their future careers. Cheating occurs when a person:

1) gains or provides unauthorized access to examination materials;

2) uses notes, mobile phones, books, calculators or other materials/devices during an examination without the permission of the instructor;

3) copies from another student's exam sheet with or without their permission or allows a student to copy from their exam sheet;

4) obstructs or interferes with another student's efforts in an academic exercise;

5) states a dishonest reason in a request for an extension for an exam or paper;

6) continues to write even when time is up during an exam;

7) talks during an examination period;

8) asks another student take an examination or quiz;

9) commits any other action that gives a student an unfair advantage during an examination period or on any assignment being graded for credit;

10) assists in, facilitates, organizes or arranges any of the above-mentioned actions.

16. Falsification of documents. Falsification of documents is a form of academic dishonesty that deliberately seeks to misrepresent some aspect of the student. Falsification of Documents occurs when a person:

1) presents a falsified application form, financial aid form or any other official form submitted to the University;

2) presents a falsified or misleading medical certificate in order to obtain an excuse for a class absence, examination absence or late work or for any other reason;

3) uses a falsified or illegally altered student identification card;

4) tampers with transcripts or other academic records.

17. Penalties for academic misconduct. Acts of academic misconduct may result in the imposition of any of Category A, B, or C sanctions as described herein.

Each particular instance of misconduct will be judged on its own merits, taking into account the severity of the incident, the existence or absence of a prior record of misconduct, and the extent to which the interests and mission of the University are affected. For example, a case of plagiarism that involves only a few sentences that are not central to the student's project will be treated differently than a case of plagiarism that involves an entire work or substantial portions of work or material that is central to the student's project.

18. No categorical restrictions on sanctions. There are no categorical restrictions on what kinds of sanctions may result from particular categories of academic misconduct. In the following sections examples are provided of conduct that may be expected to result in particular sanctions; these are only guidelines. The outcome of any particular case is left to the judgment of the appropriate authorities.

§3. Category A Penalties for Academic Misconduct

19. Category A violations. Category A violations are acts of academic misconduct that may lead to the imposition of Category A penalties. Category A violations may occur because of inexperience or lack of knowledge of the principles of academic integrity and are often characterized by the absence of dishonest intent on the part of the student committing the violation. Category A violations include but are not limited to: working with another student on a minor laboratory exercise or homework assignment when such collaboration is prohibited; failure to footnote or give proper acknowledgment in a very limited section of an assignment; use of an idea or general argument without attribution in the absence of quoted text; erroneous omission of citations without prior offences.

20. Category A penalties. The following are Category A penalties for academic misconduct:

- 1) an oral reprimand;
- 2) a written reprimand presented only to the student;
- 3) required participation in a noncredit workshop or seminar on ethics or academic integrity;
- 4) an assigned paper or research project related to ethics or academic integrity;
- 5) a make-up assignment that is more difficult than the original assignment;
- 6) no credit for the original assignment. This shall be the minimum penalty in all cases involving plagiarism.

21. Procedures for the imposition of Category A penalties.

Category A sanctions may be imposed at the discretion of the instructor. The instructor shall meet with the student to discuss the grounds for suspicion that academic misconduct has occurred. The instructor shall submit a written report of the

disciplinary action to the Vice Dean of his or her School. Subsequent to the imposition of Category A sanctions, the students shall have the right to submit a written appeal to the Vice Dean to challenge the instructor's imposition of sanction. The Vice Dean may thereafter order a meeting with both the affected student and the instructor in order to discuss the situation further, and may take such other actions as he or she deems appropriate.

22. Records of imposition of Category A penalties.

In cases involving students enrolled in undergraduate classes, the Vice Dean shall ensure that a record of all disciplinary actions covered by paragraph 19 of section 3 is forwarded to the designated School official and is forwarded to the Office of the Registrar. In cases involving students enrolled in graduate classes, the Vice Dean of the Graduate School shall ensure that a record of all disciplinary actions is forwarded to the designated School official and to the Office of the Registrar.

§4. Category B Penalties for Academic Misconduct

23. Category B violations.

Category B violations are acts of academic misconduct that may lead to the imposition of Category B penalties. Examples of Category B violations include but are not limited to:

1) quoting directly or paraphrasing, to a moderate extent, without properly citing the source or using proper quotation marks;

2) submitting the same work, or major portions thereof, to satisfy the requirements of more than one class without permission from the instructor to whom the work is submitted for the second or subsequent time;

3) using data or interpretative material for a laboratory report without proper acknowledgement of sources or collaborators. All sources or collaborators in the acquisition of data and/or to the writing of the report must be acknowledged;

4) failing to acknowledge assistance from others in the completion of an assignment or project such as help with research, statistical analysis, computer programming, or field data collection, if such help was an integral part of the assignment;

5) during an in-class examination, looking on another student's examination sheet, talking, or continuing to write after the allotted time has expired.

24. Category B penalties. The following are Category B penalties for academic misconduct:

1) a written reprimand to be included in the student's permanent file;

2) a lower or failing grade on the particular assignment or examination. A failing

grade on the particular assignment or examination shall be the minimum penalty for any offense involving substantial plagiarism or cheating of any kind;

- 3) a lower or failing grade in the class;
- 4) removal of the student from a class in progress;
- 5) disciplinary warning or probation for a set period of time;
- 6) any lesser penalty described in Category A.

25. Procedures for the imposition of Category B penalties for academic misconduct:

1) if an instructor believes there are grounds for the imposition of Category B sanctions for academic misconduct, he or she shall prepare a written report detailing the nature of the suspected misconduct, the basis for belief that it has occurred, and a recommended Category B sanction;

2) the instructor shall provide a copy of his or her written report to the student and forward a separate copy to the Dean and the Vice Dean;

3) the Dean, upon receipt of the report, may order the Vice Dean to conduct a further investigation of the case;

4) in the event a further investigation is ordered, the Vice Dean shall produce a written report, and delivery copies to the instructor, the student, and the Dean;

5) subsequent to receiving the report of the Vice Dean, if any, the Dean shall notify all parties. At this time the student shall have the right to request a hearing in the case;

6) upon the request of the student, the Dean shall meet with the instructor, student, the Vice Dean of the School, and an Vice Dean from one other School to conduct a hearing in accordance with procedures detailed herein. Within 48 hours of this hearing the Dean shall determine what sanction, if any, is to be imposed on the student. The Dean shall prepare a written statement of the Category B sanction to be imposed. Copies of the Dean's statement shall be delivered to the student, the instructor, and the Vice Dean;

7) the student shall have the right to request a reconsideration by the Dean. Subsequent to reconsideration, if any, the Dean's decision shall be final.

26. Records of imposition of Category B penalties. The imposition of any Category B penalty shall be recorded on the student's permanent transcript, and all written materials and the record of any hearing shall be made a part of the student's file.

§5 Category C Penalties for Academic Misconduct

27. Category C violations. “Category C violations” are acts of academic misconduct that may lead to the imposition of Category C penalties in addition to Category B penalties. Examples of Category C violations include but are not limited to:

1) repeated incidence of a Category A or Category B violation, whether or not a sanction has previously been imposed;

2) presenting the work of another as one’s own in an assignment whether graded or ungraded, an examination, a senior thesis, a master's thesis, a doctoral dissertation, a scholarly article submitted for publication, a conference or working paper, or in any other work represented by a student to be his or her own work;

3) using notes, mobile phones, computers, books, calculators or other materials/devices during an examination without the permission of the instructor;

4) plagiarizing major portions of a written assignment;

5) facilitating cheating during an exam;

6) submitting purchased materials such as a term paper;

7) removing or damaging posted or reserve material, or otherwise preventing other students from having access to the material;

8) fabricating or falsifying data by inventing or deliberately altering material;

9) committing a violation of academic integrity that breaks the law or resembles criminal activity such as forging a grade form, stealing an examination from a professor or from a University office, buying a stolen examination, falsifying a transcript to gain access to the University or its resources, or altering the record of work done at the University;

10) arranging for a substitute to take an examination or taking an examination for someone else;

11) sabotaging another student’s work through actions designed to prevent the student from successfully completing an assignment;

12) acquiring or distributing copies of an examination from an unauthorized source prior to the examination period;

13) conspiring before an exam to develop methods of illicitly exchanging information during the exam;

14) altering examinations or other work after it has been submitted for grading;

15) organizing the commission of, or conspiring to commit, any of the acts enumerated in this section;

16) committing any other act of academic dishonesty that is deemed to rise to the highest level of seriousness by a reviewing hearing committee (see below).

28. Category C penalties for academic misconduct. The following are

Category C penalties for academic misconduct:

- 1)disciplinary probation;
- 2) withdrawal from all current classes—no tuition will be refunded in the case of the imposition of this sanction;
- 3) exclusion from the University;
- 4) dismissal from the University.

29. Procedures for the imposition of Category C penalties:

1)if an instructor believes there are grounds for the imposition of Category C sanctions for academic misconduct, he or she shall prepare a written report (signed and dated) detailing the nature of the suspected misconduct, the basis for belief that it has occurred, and a recommended Category C sanction;

2)the instructor shall provide a copy of his or her written report to the student and forward a separate copy to the Dean and the Vice Dean;

3)the Dean, upon receipt of the report, may order the Vice Dean to conduct a further investigation of the case;

4)in the event an investigation is ordered, the Vice Dean shall produce a written report within 7 days, and deliver copies to the instructor, the student and the Dean;

5)subsequent to receiving the report of the Vice Dean, the Dean shall meet with the instructor, the student, the Vice Dean the student's School, an Vice Dean from one other School. The School shall record minutes of this meeting. Within 48 hours of this meeting the Dean shall determine what sanction, if any, is to be recommended in the case. The Dean shall prepare a written statement of the Category C sanction to be imposed. Copies of the Dean's statement shall be delivered to the student, the instructor, the Vice Dean and the Provost;

6)the Dean's recommendation to the Provost shall be accompanied by all additional documents, including the instructor's original report and the investigative report of the Vice Dean, student explanation letter and any other additional documentation that has been generated in the case up to that time;

7)the Provost will schedule a hearing. The hearing will be scheduled to occur at least fifteen (15) days from, but not more than twenty-five (25) days from, the date that the Dean forwards his or her recommendation. The Provost shall conduct the hearing, to be attended by the student, the instructor involved in the last recorded instance of academic misconduct, the Dean, the Vice Dean, and the Vice Provost for Academic Affairs, a representative of the Office of the Provost who shall act as recording Secretary, and a representative of the Office of the Registrar who shall act as an observer in accordance with the procedures described herein. The Provost shall act as Chair. In the event the Provost is unavailable due to absence or for other reason,

the Provost shall delegate his or her authority under this section to the Vice Provost for Academic Affairs who shall serve as Acting Chair. In the event both the Provost and the Vice Provost for Academic Affairs are unavailable, the Provost shall delegate his or her authority under this section to the Vice Provost for Research, who shall serve as acting Chair. In the event the faculty member involved in the last recorded instance of academic misconduct is unavailable due to absence or for other reason, the Dean or Vice Dean of the student's School may designate another faculty member to take his or her place.

8) the student shall have the right to waive the conduct of this hearing, in which case the Provost will make a determination of recommended sanctions, if any, based on the written record. In the event the Provost is unavailable due to absence or for other reason, the Provost shall delegate his or her authority under this section to the Vice Provost for Academic Affairs. In the event both the Provost and the Vice Provost for Academic Affairs are unavailable, the Provost shall delegate his or her authority under this section to the Vice Provost for Research, who shall serve as acting Chair. ;

9)within 48 hours of the hearing, the Provost shall either recommend imposition of sanction to the President or, acting on authority delegated from the President, order the imposition of the recommended sanction, or order the Dean to reconsider the case. This recommendation will be communicated to the student and to the Dean as well as to the President;

10)in the event the Provost orders the Dean to reconsider the case, the Dean shall report back to the Provost within three (3) business days and either recommend an alternative sanction or confirm the initial recommendation. Upon receipt of the Dean's revised or reconfirmed recommendation, the Provost shall either recommend imposition of sanction to the President or, acting on authority delegated from the President, order the imposition of a sanction;

11)in the event the Provost acting on authority delegated from the President orders the imposition of a Category C sanction, the student shall have the right to appeal to the President. Within ten (10) days of the written notification of the Provost or his/her designee's recommendation, the charged student may submit a written appeal to the President of his/her designee;

12)if the student declines to appeal the decision of the Provost, the penalty shall become final upon approval of the President. In all cases, the decision of the President is final;

13)the President or his/her designee shall make the final determination of all cases appealed under these regulations. The action taken shall be communicated to the

Office of the Registrar;

14) pending the final decision of the President on appeal, the student will be permitted to enroll in classes, attend classes, and receive grades. In the event the appeal to the President is denied, work completed during the period of the appeal will not be recorded on the student's transcript;

15) the Office of the Registrar shall ensure the communication of the President's final decision to all relevant units of the University: Office of the Provost, Dean of the student's School, Department of Student Affairs, Department of Finance, Bursar's Office and to the student. The Office of the Registrar shall issue an order on students charge within five (5) days of the decision made.

30. Procedures for hearing – Category C cases. The following procedures shall be followed in the conduct of hearings in Category C disciplinary cases: The Hearing

1)the hearing to be conducted in cases involving the imposition of Category C sanctions shall be non-adversarial and informal;

2)the student shall have the right to be represented by a member of the University community (faculty, administrator, or staff) of their choice during the hearing. In the event the student does not designate a representative, the Provost shall designate a faculty member who will act as the student's representative;

3)the Provost shall act as the presiding officer for the hearing;

4)the presiding officer of the hearing may halt questioning or argumentation that is repetitive, hostile, or not pertinent;

5)the student shall have the right to be heard;

6)a full record of the hearing shall be kept, if possible in the form of a recording;

7) disciplinary hearings shall be closed to the public;

8) the student is advised to bring a copy of all relevant documentation to the hearing;

9) all members of the Hearing Committee are required to keep the matters confidential;

10) all members of the Hearing Committee will sign the summary of the Committee recommendations before they leave the hearing.

31. A list of recommended documents for academic disciplinary hearings. A list of recommended documents for academic disciplinary hearings is specified in the Annex to these rules. The list is advisory only.

32. Records of imposition of Category C sanctions.

The official procedural language of the Disciplinary hearings is the English language. All written materials and the record of any hearing shall be forwarded to the President for final decision and the Office of the Registrar to be made a part of the

student's file. This file note will be consulted by University authorities when the student applies for extra-curricular activities.

§6 Responsibility of Students to Maintain Academic Conduct

33. Recommendations for student conduct. The ultimate success of a code of academic conduct depends largely on the degree to which it is willingly supported by students themselves. The following recommendations are made for students:

- 1) be honest at all times;
- 2) act fairly toward others. Do not seek an unfair advantage over other students by cheating or otherwise;
- 3) take group as well as individual responsibility for honorable behavior. Collectively, as well as individually, make every effort to prevent and avoid academic misconduct, and report acts of misconduct that you witness;
- 4) unless permitted by the instructor, do not work with others on graded coursework, including in class and take-home tests, papers, or homework assignments. When an instructor specifically informs you that you may collaborate on work required for a course, the extent of the collaboration must not exceed the limits set by the instructor;
- 5) know what plagiarism is and take steps to avoid it. When using the words or ideas of another, even if paraphrased in your own words, you must cite your source. Students who are confused about whether a particular act constitutes plagiarism should consult the instructor who gave the assignment;
- 6) know the rules – ignorance is no defense. Those who violate campus rules regarding academic misconduct are subject to disciplinary sanctions, including dismissal.

Chapter 3

Nonacademic Misconduct

§1 Nonacademic Misconduct Resulting in Disciplinary Action

34. Examples of non-academic conduct subject to disciplinary action. Cases involving allegations of non-academic misconduct by students are among the most difficult cases a University is called upon to deal with. These can involve anything from criminal activity that is separately punishable by Kazakhstan law to offences that are specific to the context of a University. The University may discipline a student for engaging in, attempting to engage in, or assisting others in engaging in any of the

following types of nonacademic misconduct:

1) dangerous conduct. Conduct that endangers or threatens the health or safety of oneself or another person;

2) sexual assault;

3) stalking;

4) harassment;

5) bullying;

6) use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law and/or University policy;

7) gambling, consisting of the wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods;

8) unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of University property or the property of others;

8) conduct that obstructs or impairs University-run or University-authorized activities, or that interferes with or impedes the ability of a person to participate in University-run or University-authorized activities;

9) unauthorized possession of or fraudulent creation, alteration, or misuse of any University or other governmental documents, records, keys, electronic devices, or identifications;

10) misuse of computing resources, including any or all of the following:

failure to comply with laws, license agreements, and contracts governing University computer network, software, and hardware use;

use of University computing resources for unauthorized commercial purposes or personal gain;

failure to protect a personal password or University-authorized user's account;

breach of computer security, invasion of privacy, or unauthorized access to University computing resources.

11) knowingly making a false oral or written statement to any University employee or agent of the University regarding a University matter, or refusing to comply with a reasonable request on a University matter, including refusal to cooperate with a Hearing Committee as defined in this Chapter;

12) any conduct that constitutes a criminal offense as defined by law;

13) any conduct that violates any published University rules, regulations, or policies, including provisions contained in University contracts with students, and that rises to the level of a threat to the safety or well-being of members of the University

community or that interferes with the ability of other students to pursue educational activities;

14) any conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action brought under this Chapter.

35. Location of nonacademic misconduct. The provisions contained in this Chapter shall apply to the student conduct that occurs on University lands or at University-sponsored events. The provisions contained in this Chapter may apply to the student conduct described that occurs outside of University lands only when, in the judgment of the investigating officer, the conduct adversely affects a substantial University interest. In determining whether the conduct adversely affects a substantial University interest, the investigating officer shall consider whether the conduct meets one or more of the following conditions:

1)the conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings;

2)the conduct indicates that the student presented or may present a danger or threat to the health or safety of himself, herself or others;

3)the conduct demonstrates a pattern of behavior that seriously impairs the University's ability to fulfill its teaching, research, or public service missions;

4)the conduct demonstrates a pattern of behavior that seriously impairs the ability of another student or students to pursue studies at the University.

36. Sanctions for nonacademic misconduct. Acts of nonacademic misconduct may result in the imposition of any of Category 1 or Category 2 sanctions as described herein. Each particular instance of misconduct will be judged on its own merits, taking into account the severity of the incident, the existence or absence of a prior record of misconduct, and the extent to which the interests and mission of the University are affected.

§2. Category 1 and Category 2 Sanctions for Nonacademic Misconduct

37. Category 1 sanctions for nonacademic misconduct. Disciplinary sanctions that may be imposed for nonacademic misconduct that is of lesser gravity may include any of the following:

1)a written reprimand;

2)denial of specified University privileges, including but not limited to prohibition on participation in sports, prohibition on attendance at University-sponsored function, prohibition on attendance at parties or social activities, restricted access to specific areas of campus such as cafeterias or the library;

3)payment of restitution;

- 4) educational or service sanctions, including community service;
- 5) disciplinary probation;
- 6) removal from a class in progress.

38. Category 2 sanctions for nonacademic misconduct. Disciplinary sanctions that may be imposed for nonacademic misconduct of the gravest kind include any of the following:

- 1) enrollment restrictions on a class or program;
- 2) loss of University financial aid;
- 3) dismissal.

§3. Investigatory and Disciplinary Procedures for Cases of Nonacademic Misconduct

39. Complaint. An investigation of non-academic misconduct shall not commence except by the receipt of a written complaint by the Director of the Department of Student Affairs (hereinafter – Director). Any administrative officer, faculty member, or staff member receiving such a written complaint shall immediately forward it to the Director, except that no anonymous complaints shall be forwarded for further action under any circumstances.

40. Initial determination and referral by the Director or his/her designee. Upon receipt of the Complaint, the Director or his/her designee shall determine whether, accepting all allegations of fact as true, the Complaint describes a case of non-academic misconduct. In the event that the Director determines that this is the case, he or she shall initiate an investigation or contact the President to request referral of the case to appropriate law enforcement authorities.

41. Determination that no offense has occurred. In the event the Director determines that no allegation of academic misconduct warranting the imposition of any sanction under this Chapter has been made the Complaint shall be kept on file in the Office of the Registrar for future reference. No further action will be taken under this Chapter, but the Director may initiate additional proceedings under other internal regulations of the University as appropriate.

42. Referral of cases involving criminal misconduct. In the event the Director requests referral of a case to appropriate law enforcement authorities, the President shall consult with the Vice President for Student Affairs and the Provost by email, conversation memorialized in email, or meeting with written minutes. The President shall not be obliged to forward all allegations of criminal conduct to law enforcement authorities, but may do so if he or she concludes that there is a legal obligation to do

so, or that there is the possibility that a serious crime has been committed, or that delaying the referral decision until the completion of the procedures mandated herein would result in the endangerment of the University, its mission, or its students, faculty, or staff.

43. Conduct of investigation. In the event the Director or his/her designee determines that a complaint alleges nonacademic misconduct subject to sanction under this Chapter, he or she shall appoint an investigator to collect evidence in the case. There shall be a written record of such appointment.

1) the investigator shall meet with the party who authored the initial complaint and obtain a detailed statement of the basis for the complaint and the names of potential witnesses;

2) the investigator shall contact the student(s) accused of misconduct in person, by telephone, or by email to offer to discuss the matter. The purpose of this discussion is to permit the investigator to review with the student the basis for the claim that the student engaged in nonacademic misconduct, and to afford the student an opportunity to respond. If the student does not respond to the investigator's offer to discuss the matter, the investigation may proceed on the basis of available information;

3) if, at any time, the investigator determines that nonacademic misconduct subject to sanction under this Chapter, he or she will so inform the Director. At that point the matter will be considered resolved without the necessity for further action under this Chapter. Such a determination shall not preclude the Director from proceeding in accordance with procedures prescribed in other internal rules of the University.

44. Preparation of investigative report. If the investigator determines that nonacademic misconduct subject to sanction under this Chapter has occurred, the investigator shall prepare a written report within seven (7) days of the appointment by the Director, which shall contain all of the following:

1) a description of the alleged misconduct;

2) a description of all information available to the University regarding the alleged misconduct. Such information shall be available to the student upon request, except as may be precluded by law;

3) a recommendation for category of sanction (Category 1 or Category 2);

4) notice of the student's right to a hearing;

5) a copy of this Chapter and any additional procedures adopted to implement this clause.

45. The written investigative report. The written investigative report shall be

delivered to the Director for approval. The Director shall attach a written recommendation for the imposition of a Category 1 sanction (Category 1 case) or a Category 2 sanction (Category 2 case).

46. Procedures for Determination and Imposition of Sanction – Category 1 case.

1)in the event the Director recommends imposition of a Category 1 sanction, he or she shall forward the investigative report to the Vice President for Student Affairs (“VP Student Affairs”) and the Dean and the Vice Dean of the student’s School. The VP Student Affairs shall consult with the Dean and the Vice Dean by email, conversation memorialized in email, or meeting with written minutes. After such consultation, the VP Student Affairs shall determine whether a Category 1 sanctioned should be imposed, whether the file describes a Category 2 case, or whether no imposition of sanction under this Chapter is appropriate;

2)in the event that the VP Student Affairs, the Dean of the student’s School, and the Vice Dean of the student’s School determine that the imposition of a Category 1 sanction is appropriate, that determination shall be final. In the event of disagreement, the Provost may be asked to make a final determination;

3)in the event that the VP Student Affairs, the Dean of the student’s School, and the Vice Dean of the student’s School determine that the imposition of a Category 2 sanction is appropriate, the further procedures described herein for Category 2 cases shall be initiated. In the event of disagreement, the Provost may be asked to make a final determination;

4)in the event that the VP Student Affairs, the Dean of the student’s School, and the Vice Dean of the student’s School determine that no imposition of sanction under this Chapter is appropriate, the case shall be dismissed with no further action under this Chapter, although additional procedures under other internal regulations of the University may be initiated by the appropriate authority. In the event of disagreement, the Provost may be asked to make a final determination.

47. Procedures for Determination and Imposition of Sanction – Category 2 Case.

1)in the event the Director recommends imposition of a Category 2 sanction, he or she shall forward the file to the Provost;

2)upon receiving the file from the Director, the Provost shall consult with the Vice President for Student Affairs and the Dean and Vice Dean of the student’s School by email, conversation memorialized in email, or meeting with written minutes. If the Provost concludes that there are no grounds to consider the imposition of a Category 2 sanction under this Chapter, he or she shall refer the case back to the

Director to proceed as a Category 1 case as described herein;

3)in the event the Provost, after consultation with the Vice President for Student Affairs and the Dean and the Vice Dean of the student's School, determines that there are grounds to consider the imposition of a Category 2 sanction under this Chapter, he or she shall conduct a hearing in accordance with the procedures described herein.

48. Procedures for Hearing – Category 2 Cases. In the event the Provost determines that a case may result in the imposition of a Category 2 sanction under this Chapter, the student shall be entitled to a hearing conducted in accordance with the following rules and procedures:

1)the Provost shall notify the student of the case against him or her and of the student's right to a hearing. A hearing shall be conducted unless the student waives his or her right in writing;

2)a hearing shall be conducted within 30 days of the Provost's receipt of a file unless the student waives, in writing, the right to such a hearing;

3)the Provost shall assemble a hearing committee, consisting of the Provost, the Vice President for Student Affairs, the Dean of the student's School, the Vice Dean of the student's School, the Vice Provost for Academic Affairs, and one student representative. The student representative will be appointed by the President of the student body at the commencement of each academic year, to serve a one-year term. In the event that the student representative is the accused party, the accusing party, or a witness in a case, the student body President shall appoint a replacement for the duration of the proceedings directly involving the originally appointed student representative;

4)prior to the hearing, the members of the Hearing Committee will meet, either in person or electronically, to determine whether to summon witnesses, the details of how the hearing will be conducted, and related matters;

5)the student may be accompanied by one representative of his or her choice, who may be a lawyer or a non-lawyer. In the event an accused student does not select a representative, the Provost will assign a faculty member to serve in that role. The student's representative may counsel the student, directly question adverse witnesses, present information, call witnesses to testify, and speak on behalf of the student. Category 2 hearings are non-adversarial, and are not bound by rules of courtroom or other legal procedure, but presiding officers are encouraged to make every effort to ensure that the student is heard, both personally and through his or her representative;

6)all disciplinary hearings are closed to the public. Only the members of the hearing committee, representative of the Office of the Registrar, the student, the student's representative if any, and a witness who is currently offering testimony may

be in the hearing room while the hearing is in session;

7)the Provost shall serve as presiding officer over the hearing. The presiding officer may order witnesses to refrain from duplicative, disruptive, or hostile testimony. The presiding officer will also have the authority to order the student's representative, if any, or any member of the Hearing Committee to cease a line of argumentation or questioning of a witness that has become duplicative, disruptive, or hostile;

8)the presiding officer shall rule in all cases in which there is a question concerning the admissibility of evidence. The presiding officer shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony. In making rulings about admissibility the presiding officer shall observe recognized legal privileges including the attorney-client privilege, the spousal privilege, and the privacy of communications between any person and his or her doctor or religious minister. The presiding officer may take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, including provisions for the receipt of evidence from unavailable witnesses;

9)the Hearing Committee or the accused student's representative may call witnesses to testify. Witnesses who are students, faculty or staff of the University have a duty to cooperate fully with a Hearing Committee, including appearing to testify when called. Witnesses who are not students, faculty, or staff of the University may be invited to testify. Testimony will not be under oath, but witnesses who are subsequently found to have testified falsely will be subject to sanctions for non-academic misconduct according to the terms of this Chapter. The student and his or her representative, if any, shall have the right to question witnesses, subject to the authority of the presiding officer described herein;

10)student's rights of participation. The student shall have a right to speak on his or her own behalf. If the student is unable or unwilling to speak on his or her own behalf, and is accompanied by a representative, the presiding officer shall permit the representative to speak on behalf of the student at the end of the hearing;

11) The list of recommended documents for non-academic disciplinary hearings is specified in the Annex to these rules. The list is advisory only;

12)record of proceedings. The hearing Secretary or committee shall make a record of the hearing. The record shall include a record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. The student charged with misconduct may access the record upon request;

13) the student is advised to bring a copy of all relevant documentation to the

hearing;

14) all members of the Hearing Committee are required to keep the matters confidential.

49. Recommendation of sanction by the Hearing Committee. At the termination of the hearing, the Hearing Committee will meet privately and determine what sanction, if any, should be applied by majority vote. The Hearing Committee shall prepare a written statement explaining the grounds for the imposition of the sanction. A hearing committee's recommendation of a Category 2 sanction shall be based on clear and convincing evidence. A hearing committee's recommendation of a Category 1 sanction shall be based on a preponderance of the evidence. In cases of disagreement, the Hearing Committee shall reach a decision by majority vote. All members of the Hearing Committee will sign the summary of the Committee recommendations before they leave the hearing.

50. Determination of Category 1 sanction following hearing. In the event the Hearing Committee recommends imposition of a Category 1 sanction, the student shall have the right to appeal to the President. In the case of an appeal, the decision of the President shall be final. Within ten (10) days of the written notification of the Provost or his/her designee's recommendation, the charged student may submit a written appeal to the President or his/her designee. In the absence of an appeal, the decision of the Hearing Committee shall be final. The Office of the Registrar shall ensure the communication of the President's final decision to all relevant units of the University: the Office of the Provost, Dean of the student's School, Department of Student Affairs, Department of Finance, Bursar's Office and to the student. The Office of the Registrar shall issue an order on the student's charge within five (5) days of the decision.

51. Determination of Category 2 sanction following hearing. In the event that the Hearing Committee recommends imposition of a Category 2 sanction, its written recommendation along with the case file and the record of the hearing shall be forwarded to the President within 48 hours of the hearing. The President shall make the determination of whether a Category 2 sanction should be imposed. The student shall have a right to appeal to the President for reconsideration. Within ten (10) days of the written notification of the Hearing Committee's recommendation, the charged student may submit a written appeal to the President or his/her designee. Subsequent to or in the absence of reconsideration, the President's decision shall be final. The Office of the Registrar shall ensure the communication of the President's final decision to all relevant units of the University: Office of the Provost, Dean of the Student's School, Department of Student Affairs, Department of Finance, Bursar's

Office and to the student. The Office of the Registrar shall issue an order on the student's charge within five (5) days of the decision.

52. Failure to appear. If a student who is subject to disciplinary proceedings fails to appear at a scheduled hearing or to participate in the hearing process, the Hearing Committee may either dismiss the case or, based upon the information provided, find that the student committed the misconduct alleged and proceed to recommend and/or impose a sanction as provided herein.

§4. Settlement

53. Settlement of cases permitted. The procedures set forth in this Chapter shall not preclude the University and a student from entering into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the student and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the student.

§5. Effect of Discipline within University

54. Ineligibility for degree award. A student who, at the time of commencement, is subject to a continuing disciplinary sanction or is the subject of unresolved disciplinary charges shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.

Chapter 4 Emergency Exclusion and Dismissal

§1. Emergency Exclusion

55. Imposition of exclusion. The Provost may impose a sanction of immediate exclusion on a student, pending final institutional action on a report of nonacademic misconduct, in accordance with the procedures of this section.

56. Conditions for imposition of exclusions. The Provost may order that a student be subject exclusion when all of the following conditions are met:

- 1) the investigating officer has made a reasonable attempt to offer the student the opportunity for discussion, either in person or by telephone;
- 2) the Director has recommended imposition of a Category 2 sanction;
- 3) the Provost concludes, based on the available information, that the misconduct occurred and that the student's continued presence on campus meets one or more of

the following conditions:

- would constitute a potential for serious harm to the student;
- would constitute a potential for serious harm to others;
- would pose a threat of serious disruption of University-run or University-authorized activities;
- would constitute a potential for serious damage to University facilities or property.

57. Notification of exclusion. If the Provost determines that an immediate exclusion is warranted, he or she shall promptly have written notification of the order of immediate exclusion delivered to the student. The order of exclusion shall be effective when it is delivered to the student and is final. A student who has received notification of an emergency exclusion has until 5:00 p.m. of the subsequent day to leave University property unless the Provost specifies a lengthier time period.

58. Effect of exclusion on schedule of hearing. Where an emergency exclusion is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or outside of University lands, within ten business days of the imposition of the emergency exclusion, unless the student agrees to a later date.

59. Period of effectiveness of exclusion. An emergency exclusion imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges is rendered or the chief administrative officer rescinds the emergency exclusion. In no case shall an emergency exclusion remain in effect for longer than 30 days, unless the student agrees to a longer period.

§2. Effect of Emergency Exclusion, or Dismissal within University

60. Effects of exclusion, or dismissal. Exclusion, or dismissal shall be University-wide in effect and shall be noted on an individual's transcript.

61. Permission of Provost required for presence on University property. A person who is in a state of exclusion or dismissal from the University under this Chapter may not be present on any University-owned property without the written consent of the Provost.

§3. Reenrollment after Exclusion or Dismissal

62. Petition for reenrollment by order of President. A student who has been dismissed may petition the President once only for the right to apply for reenrollment. The petition shall be in writing and the President's decision shall be final.

§4. Disciplinary Probation

63. Students' rights under Disciplinary Probation. Students under Disciplinary Probation are not eligible for any study abroad programs or extra-curricular activities, including but not limited to representing the University in sports and academic competitions and other similar activities. Disciplinary Probation prohibits students from participation in formal bodies of the University, including but not limited to Academic Council.

64. Disciplinary Probation period. Disciplinary Probation may be imposed for a specified period (a minimum of one complete Fall or Spring semester) or until the student graduates from his or her current degree program.

65. Letter of apology. Students under Disciplinary Probation will write a letter of apology to appropriate faculty, staff or students.

66. Reason/ case to dismissal. If there is any additional infraction (i.e. a breach of the Students' Code of Conduct of any nature, degree or scope), the student under Disciplinary Probation may be subject to dismissal.

67. Case of file note withdrawal. In the case of Disciplinary Probation, if there are no additional infractions, the file note will be expunged when the student graduates.

Chapter 5

University Property

§1. Limitations and Permit Requirements for Activities on University Property

68. Picketing, rallies, parades, demonstrations, and other assemblies. In order to preserve the order which is necessary for the enjoyment of freedom by members of the University community, and in order to prevent activities which physically obstruct access to University lands or buildings and prevent the University from carrying on its instructional, research, public service, or administrative functions, any picketing, rally, parade, demonstration, other assembly, or congregation of spectators to such activity may be prohibited or declared unlawful if its participants engage in any of the following acts:

1) blocking an entrance. No group may intentionally gather or intentionally remain assembled outside any University building in such numbers, in such proximity to each other or in such fashion as to physically hinder entrance to, exit from, or normal use of the building;

2) obstruction. No group may intentionally congregate or assemble within any University building in such fashion as to obstruct or seriously impair University-

sponsored or University-authorized activities;

3) no group may be admitted into the private office of any faculty member or other University employee unless invited by the authorized occupant of that office, and then not in excess of the number designated or invited by that person;

4) no group may obstruct or seriously impair passage through corridors, stairways, doorways, building entrances, fire exits, and reception areas leading to offices;

5) no group, not authorized to do so by the person in immediate charge of the room, or by a person designated by the Provost to approve requests for the use of rooms for meetings, may enter or occupy any University building or part thereof;

6) no group may assemble immediately outside rooms at times when they are normally in use for classes, study, or research;

7) no signs supported by standards or sticks shall be permitted in any assembly in a University building.

69. Noise. No group may intentionally create a volume of noise that unreasonably interferes with University-sponsored or University-authorized activities.

70. Violence. No group may intentionally employ force or violence, or intentionally constitute an immediate threat of force or violence, against members of the University community or University property.

71. Permitting officer. The Provost shall designate a University official or officials who shall have primary authority to implement this section, to be known as the permitting officer.

72. Unlawful assembly. The permitting officer may prescribe limitations for any picketing, rally, parade, demonstration or other assembly in order that it will meet the requirements of this section. When informed of any picketing, rally, parade, demonstration, or other assembly which may not be in compliance with the terms of an issued permit, the permitting officer or his or her designee shall proceed immediately to the site and determine if there is compliance with permit requirements. If the permitting officer or designee finds a violation of this section, he or she may declare the assembly unlawful or he or she may prescribe those limitations on numbers, location or spacing of participants in the demonstration which are reasonably necessary to ensure compliance with this section. If the permitting officer prescribes limitations, and if those limitations are not observed by the assembly, the permitting officer may then declare the assembly unlawful. Any declaration of illegality or prescription of limitations shall be effective and binding upon the participants in the assembly unless and until modified or reversed.

73. Unlawful assembly – sanctions. Any participant or spectator within the

group constituting an unlawful assembly who intentionally fails or refuses to withdraw from the assembly after it has been declared unlawful under this section shall be subject to sanction for non-academic misconduct in accordance with the provisions of this Chapter.

74. Permits. Students have the right to assemble freely. However, if students or student-affiliated organizations plan to engage in a protest, rally, parade, demonstration, other assembly that they reasonably should know might result in a violation of this section, they are encouraged to first obtain a permit from the permitting officer. Lack of a permit shall not be considered a violation of this section; however compliance with the terms of a permit shall be an absolute defense to any charges of non-academic misconduct arising out of such a violation.

75. Use of sound-amplifying equipment. No person may use sound-amplifying equipment on any lands without the permission of the permitting officer, except in the case of University sound-amplifying equipment used with the permission of the University employee having control of the equipment for authorized University classes, research, or meetings in University buildings, or for University sponsored academic, recreational or athletic activities, or for crowd control by authorized University officials.

76. Criteria for permission. In granting or denying permission, the following principles shall govern:

1) except in extraordinary circumstances, permission may be granted to use the equipment only during a period when there are no scheduled classes or University-sponsored events that would be likely to be disrupted by the operation of the sound-amplification equipment in question. In no case will permission to use sound-amplifying equipment be granted for a location less than 20 meters from any classroom building, residence hall, library or building being used as a study hall during periods in which classes, examinations, or graded exercises are scheduled;

2) an applicant for permission shall establish the need for amplification to communicate with the anticipated audience. In particular, the applicant must show that the audience can reasonably be anticipated to include at least 50 people;

3) an applicant for permission shall have the burden of establishing that the volume and direction of the sound from the equipment will minimize interference with other activities.

77. Procedures for obtaining permission. Any request for the permission required by this section must be submitted in writing to the permitting officer at least 24 hours prior to the intended use of the sound-amplifying equipment and must be signed by a student or employee of the institution where the equipment is to be used.

The request shall contain:

- 1) the hours, date and location of the equipment's proposed use;
- 2) the size of the anticipated audience and the reasons why the equipment is needed;
- 3) a description of the proposed equipment which includes the manufacturer, model number, and wattage;
- 4) the names of the owner of the equipment and of any person or persons, in addition to the person signing the application, who will be responsible for seeing that the equipment is operated in compliance with the terms of the permit and the provisions of this paragraph. The permitting officer may require the presence of additional persons if said officer believes this is necessary to ensure compliance;
- 5) for the purpose of this section, "sound-amplifying equipment" means any device or machine which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker.

§2. Persons Prohibited from Entering University Property

78. University buildings. University buildings and the University-authorized activities that occur therein are primarily dedicated to the support of the University mission of teaching, research and service. No person may be present in any University building if his or her presence or behavior interferes with this purpose or with the University's administrative operations, is in violation of a University policy, rule, regulation or any other provision of this Chapter, or is without the consent of an authorized University official or faculty member.

79. Instructional, laboratory, and related spaces. Persons present in any class, lecture, laboratory, orientation, examination, or other instructional session shall be enrolled and in good standing or shall have the consent of an authorized University official or faculty member to be considered legally present.

§3. University Lands

80. Restrictions on access to University lands. The following restrictions on access apply to all University lands:

- 1) no person who is in a state of exclusion or dismissal from the University may enter any University-owned lands without the written consent of the Provost (see Paragraph 55);
- 2) no person who is convicted of any crime involving danger to property or persons as a result of conduct by him or her on University lands may enter any

University lands within 2 years of the effective date of his or her conviction without the written consent of the chief administrative officer;

3) in granting or denying consent to enter a campus the following shall be considered:

the probability that the offensive conduct will be continued or repeated by the applicant;

the need for the applicant to enter University lands, for example, to attend a University disciplinary hearing in which the applicant is being tried or is to be a witness, or to receive treatment in University hospitals.

81. Authority of President to order individual barred from access. In the exercise of his or her best judgment, the President may issue a written order barring any person from entering University lands in accordance with the President's responsibility for the health, safety, and welfare of the University.

82. Soliciting or selling. No person may sell, peddle or solicit for the sale of goods, services, or contributions on any University lands except in the case of:

1) specific permission in advance from a specific University office or the occupant of a University house, apartment, or residence hall for a person engaged in that activity to come to that particular office, house, apartment, or residence hall for that purpose;

2) sales by an individual of personal property owned or acquired by the seller primarily for his/her own use pursuant to an allocation of space for that purpose by an authorized University official;

3) sales of newspapers and similar printed matter outside University buildings;

4) subscription, membership, ticket sales solicitation, fundraising, selling, and soliciting activities by or under the sponsorship of a University or registered student organization pursuant to a contract with the University for the allocation or rental of space for that purpose;

5) admission events in a University building pursuant to contract with the University, and food, beverage or other concessions conducted pursuant to a contract with the University;

6) solicitation of political contributions.

APPROVAL SHEET

Student Code of Conduct and Disciplinary Procedures/ Студенттік Тәртіп Кодексі және Тәртіптің Рәсімдері/Студенческий Кодекс поведения и Дисциплинарные процедуры

Item/ Атауы/ Наименование	Structural subdivision/ Құрылымдық бөлімшенің атауы/ Наименование структурного подразделения	Name and signature of a responsible person, date of approval/ Т.А.Ж., жауапты тұлғаның қолы, визаның қойылған күні / Ф.И.О., подпись ответственного лица, дата визирования	Position, name and signature of a resp. person, date of approval/ Лауазымы, Т.А.Ж., нақты орындаушының қолы, визаның қойылған күні / Должность, Ф.И.О., подпись конкретного исполнителя, дата визирования
	Provost/ Провост/ Провост	Anne Lonsdale A. Lonsdale	
DEVELOPME NT/ӘЗІРЛЕУ/ РАЗРАБОТКА	Vice- ProvostforAcademicAffairs/ Академиялық істер жөніндегі Вице-провост / Вице- провост по Академическим делам	Loretta O' Donnell Л. О' Доннэл	Aida Ismailova А. Исмаилова
Review/ Келісу/ Согласование	Vice-President for Student Affairs and International Cooperation/ Студенттік істер мен халықаралық ынтымақтастық жөніндегі Вице- президент/ Вице-президент по студенческим делам и международному отношению	Kadisha Dairova К.Н. Даирова	
	DepartmentofStudentAffairs/ Департаментпостуденческимделам/ Студенттерісі жөніндегі департамент	A. Bekzhanov А. Бекжанов	
	Office of the Registrar/ ОфисРегистратора/ РегистраторОфисі	Rebecca Carter Р. Картер	
	LegalDepartment/ Заң департаменті/ Юридический департамент	Kuanysh Sarsenbayev К. Сарсенбаев	Bakyt Abisheva Б. Абишева
	Department of Documentational SupportҚұжаттама мен қамтамасыз ету департаменті Департамент документационного обеспечения	LeilaNurgaziyeva Л.С. Нургазиева	Aida Zhanybekova А. Жаныбекова

Annex to the
Student Code of Conduct and Disciplinary
Procedures of the autonomous organization
of education “Nazarbayev University”

**Materials and procedures for conducting the disciplinary hearings
(Category C, Category 2) ¹**

Academic		Non-academic
<i>The School/</i>		<i>Department of Student Affairs</i>
1	Written report by an instructor	Written Complaint
2	Investigation	Initial determination and referral by the Director.
3	Written Report by Vice Dean (to be submitted within 7 days)	Investigation. Signed and dated.
4	School disciplinary meeting	Written report. Signed and dated.
5	Recommendation to the Provost (within 48 hours)	Forwarding the file to the Provost (MEMO via Directum to the Provost from Director of Department of Student Affairs, signed);
6	Legal review and endorsement. Signed and dated.	Explanation letter from the students involved. Signed and dated.
7		Legal review and endorsement. Signed and dated.
<i>For the office of the Provost</i>		
8	Hearing (within 15-25 days)	Consultation: refer the case back/hearing (within 30 days)
9	Recommendation to the President/ order the Dean to reconsider the case (within 48 hours)	Recommendation to the President (within 48 hours)
<i>For the Office of the President</i>		
11	Final decision to the Office of	Final decision to the Office of the

¹The list of recommended documents for academic and non-academic disciplinary hearings is advisory only.

	the Registrar	Registrar
<i>Office of the Registrar</i>		
12	President's final decision to the Office of the Provost, Department of Student Affairs, Department of Finance, Bursar's Office, relevant School.	President's final decision to the Office of the Provost, Department of Student Affairs, Department of Finance, Bursar's Office, relevant School.
13	Issue order	Issue order