

**681—9.1(262) Uniform rules of personal conduct.**

**9.1(1) Rules of personal conduct.** The acts of misconduct defined in this subrule apply at the universities governed by the state board of regents. The universities are authorized to adopt other definitions of misconduct in addition to those in this rule. Any person, student, member of the faculty or staff, or visitor who intentionally commits, attempts to commit, or incites or aids others in committing any of the following acts may be subject to disciplinary action:

- a. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university or university-authorized function or event.
- b. Unauthorized occupation or use of or unauthorized entry into any university facility.
- c. Physical abuse or the threat of physical abuse against any person on the campus or at or during any university-authorized function or event, or other conduct that threatens or endangers the health or safety of others.
- d. Theft of or damage to property of the university or of a person on the campus or at or during any university-authorized function or event.
- e. Interference with the right of access to university facilities or with any other lawful right of any person on the campus.
- f. Setting a fire on the campus or at or during any university-authorized function or event without proper authority.
- g. Use or possession of firearms, ammunition, or other dangerous weapons, substances, or materials, or of bombs, explosives, or explosive or incendiary devices except as expressly authorized by the university or applicable law on the property or during any university-affiliated function or event.
- h. Participation in a riot or unlawful assembly, or failure to disperse, as defined by state law, whether such acts occur on or off the campus.
- i. Violation of any rule of conduct promulgated by the university.

**9.1(2) Sanctions.**

- a. Any student or member of the faculty or staff who is found to have violated any of the rules of personal conduct set forth in rule 681—9.1(262) may be sanctioned up to and including suspension, expulsion, or termination of employment.
- b. A person who applies for reinstatement to or reemployment by the university following a sanction of expulsion or termination may be denied reinstatement or reemployment if it is found that such person has committed any acts of misconduct specified in rule 681—9.1(262). A person denied reinstatement or reemployment under this subrule may seek further review of the decision in accordance with established university procedures.
- c. Any sanction imposed under subrule 9.1(2) shall have operative effect at all universities.

**9.1(3) Emergency power.**

- a. The president is authorized to declare a state of emergency to exist at the institution upon a determination that violent actions or disruptive activities at the university are of such a nature as:
  - (1) To present a clear and present danger to the orderly processes of the university or to persons or property on the campus, and
  - (2) To require extraordinary measures to:
    1. Safeguard persons or property at such institution, or
    2. Maintain educational or other legitimate institutional functions.
- b. The state of emergency shall cease to exist automatically 48 hours after it is declared unless the president, after reviewing the situation, determines that the state of emergency should be extended, such determination to be made under the standards established in subparagraphs 9.1(3)“a”(1) and “a”(2). Each extension shall be for a maximum period of 48 hours with a new determination being made for each extension. The president may declare the state of emergency to be over before the 48-hour period has run.
- c. As soon as feasible after declaring a state of emergency, the president shall notify the state board of regents of actions taken.
- d. Upon a finding by the president as set forth in paragraph 9.1(3)“a,” the president is authorized to take such action as may be necessary to eliminate or alleviate a clear and present danger to the orderly

processes of the university and to safeguard persons or property at the university or to maintain educational or other legitimate university functions, including barring a particular person or persons from the campus.

**9.1(4)** *Sanctions under emergency power.* Any person who is found to have knowingly violated a presidential order issued as contemplated in subrule 9.1(3) may be disciplined, up to and including expulsion or termination from the university.

**9.1(5)** *Constitutional rights.* The foregoing rules shall be construed so as not to abridge any person's constitutional rights under the First Amendment of the Constitution of the United States.

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