



# Code of Student Rights, Responsibilities, and Conduct

INDIANA UNIVERSITY

# **Indiana University**

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## **Code of Student Rights, Responsibilities, and Conduct**

By action of the University Faculty Council (April 24, 1990) and the Trustees of Indiana University (May 4, 1990). Amended by the University Faculty Council (April 13, 1993; May 12, 1993; October 8, 1996; and April 27, 2004) and the Trustees of Indiana University (December 4, 1992; June 5, 1993; December 13, 1996; and June 11, 2004).

Each student is given a copy of this booklet when he or she enrolls in the university. Additional copies may be purchased in the campus bookstore.

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## Part I: Student Rights and Responsibilities

### Preamble

The purpose of Indiana University is the physical, mental, and ethical growth of students and the development of the human spirit of all members of the IU community. We are a community of seekers for knowledge, truth, and excellence. The means of our search are free inquiry, creativity, and an open exchange of ideas. As a community, we have obligations to one another in this search. We are committed to oppose and constrain that which limits intellectual and creative freedom.

Individual rights are best protected by a collective commitment to mutual respect. We have a social contract with each other. Without this contract and without these obligations and responsibilities, personal rights are jeopardized. Our responsibilities and obligations to one another preserve our individual rights and freedoms and promote our collective values. For these reasons, this code was created with an expectation that each student will commit to carrying out the following responsibilities:

- To be ethical in his or her academic work
- To take responsibility for what he or she says and does
- To behave in a manner that is respectful of the dignity of others, treating others with civility and understanding
- To use university resources and facilities in appropriate ways that respect the rights of other users

To facilitate meeting these responsibilities, every student is expected to be familiar with the contents of this code.

### A. Individual Rights

1. Citizenship Rights.
  - a. A student has the right to exercise his or her rights as a citizen.
  - b. A student has the right to live and learn in a civil environment.
  - c. A student has the right to participate in an exchange of ideas, pursuant with his/her constitutional rights and the preamble of this code, free of conduct that impedes either an instructor’s ability to teach or the student’s ability to learn.
  - d. Indiana University believes a student should be free to exercise his/her constitutional freedoms and responsibilities without university interference or fear of university disciplinary action for such activity.
  - e. A student who files a complaint under the provisions of this code or who is charged under this code shall have the option of being present in all aspects of a proceeding in which witnesses provide evidence. A student who is participating in a hearing at which evidence may be submitted is entitled to request the university make a good faith attempt to compel the attendance of witnesses requested, compel the production of documents requested, and provide a reasonable time within which these requests can be submitted and acted upon. An individual

- is not entitled to be present during discussion of the merits of the case by the individuals who are adjudicating the case during the deliberation part of the proceeding.
- f. A student has the right not to be falsely accused of violating this code. If the accuser makes a false accusation that, after investigation, is deemed to have been filed with the intent to cause harm, the person filing the complaint may be held accountable for his or her acts.
  - g. A student has the right to have university classes conducted in accordance with the provisions of the Indiana University Code of Academic Ethics. Instructors will maintain clear connections between the advance description of a course and the conduct and content of the course. Students will receive clearly stated course goals, and testing and grading systems will be intellectually justifiable in the context of those goals. The class will meet regularly and the instructor will plan and regulate class time with an awareness of its value for every student.
2. **Discrimination.**
    - a. As stated in the preamble of this code, students at Indiana University are expected to enter into a social contract to respect the rights and dignity of other students. Under this policy, the university will not exclude any person from participation in its programs or activities on the basis of arbitrary considerations of such characteristics as age, color, disability, ethnicity, gender, marital status, national origin, race, religion, sexual orientation, or veteran status. [Appendix 1]
    - b. A student has the right to be free from such discrimination by other students, if the discriminatory conduct arises from the participation in programs or activities involving the university.
    - c. Indiana University administrators are responsible for publicizing and implementing the university's affirmative action policy in their respective areas of jurisdiction. Students who believe that they are victims of such discrimination may obtain information concerning the university's affirmative action policy and complaint procedures at the office of the campus affirmative action officer or the Office of the Dean of Students.
  3. **Harassment.**
    - a. Students, faculty, staff, and all members of the university community have the responsibility to respect each other's personal rights and dignity. A student has the right to be free from harassment:
      - (1) in any building or at any location on any university property;
      - (2) that occurs in a building or on property that is not university property if the harassment arises from university activities that are being conducted off the university campus or if the harassment compromises the security of the university community or the integrity of the educational process.
    - b. Sexual harassment is defined as unwelcome sexual advances, including requests for sexual favors and other unwelcome conduct of a sexual nature, when:
      - (1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's education or employment; or
      - (2) Submission to or rejection of such conduct by a student is used as the basis for academic or employment decisions affecting the student; or
      - (3) The conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.
    - c. Discriminatory harassment is defined as conduct that targets an individual based upon age, color, religion, disability, ethnicity, national origin, sex, sexual orientation, marital status, or veteran's status and that:

- (1) adversely affects a term or condition of an individual's education, employment, housing, or participation in a university activity; or
  - (2) is used as the basis of a decision that adversely affects an individual's education, employment, housing, or participation in a university activity; or
  - (3) has the purpose or effect of creating an intimidating, hostile, or offensive environment for academic pursuits, employment, housing, or participation in university activities.
- d. Indiana University does not tolerate harassment of students or employees, and university administrators are responsible for publicizing and implementing the university's harassment policies in their respective jurisdictions. The Indiana University policy to eliminate sexual harassment, as adopted by the Board of Trustees [Appendix 2], provides procedures for handling complaints concerning sexual harassment. Violations of discriminatory harassment policy are handled under existing procedures for handling complaints of discrimination.
  - e. Students who believe that they are victims of harassment may obtain information concerning the university's policies and complaint procedures at the office of the campus affirmative action officer, the Office of the Dean of Students, or the Office of the Dean of the Faculties.

## **B. Academic Affairs**

1. A student has the responsibility for selecting a major field of study, choosing an appropriate degree program within the discipline, planning class schedules, and meeting the requirements for his or her degree. The university will provide advisors to assist the student in academic planning. The student is responsible for obtaining a copy of the appropriate bulletin of the college, school, or division in which he or she is enrolled and being thoroughly familiar with all academic requirements that must be met, before a degree is granted. In order to receive necessary academic and financial information from the university, every student is required to monitor regularly his or her university e-mail account. A student has the responsibility to take appropriate advantage of the educational opportunities presented by the university, to participate in the learning process in a serious and conscientious manner, and to respect the rights of other members of the university community with regard to academic affairs.
2. A student has the right to have university classes conducted in accordance with the following provisions of the Indiana University Code of Academic Ethics (§§ A.II.1–A.II.7:1):
  - a. A teacher will maintain a clear connection between the advance description and the conduct and content of each course presented to ensure efficient subject selection by students.
  - b. A teacher will clearly state the course goals and will inform students of testing and grading systems; moreover, these systems should be intellectually justifiable and consistent with the rules and regulations of the academic division.
  - c. A teacher will plan and regulate class time with an awareness of its value for every student and will meet classes regularly.
  - d. A teacher will remain available to students and will announce and keep liberal office hours at hours convenient to students.
  - e. A teacher will strive to develop among students respect for others and their opinions by demonstrating his or her own respect for each student as an individual, regardless of age, disability, national origin, race, religion, sex, or veteran status.
  - f. A teacher will strive to generate a proper respect for an understanding of academic freedom by students. At the same time, a teacher will emphasize high standards and strive to protect students from irrelevant and trivial interruptions or diversions.

- g. Because letters of evaluation written by a teacher may be uniquely important documents in both the academic and post-university life of a student, each teacher will strive to make such letters both candid and fair.
3. In the classroom, a student has the freedom to raise relevant issues pertaining to classroom discussion, to offer reasonable doubts about data presented, and to express alternative opinions to those being discussed without concern for any academic penalty.
  4. A student has the right to expect that a faculty member will be sensitive to the student's personal or political beliefs expressed in a private manner in connection with course work. Furthermore, a student has the right to expect that the student's grades or rank in class will not be disclosed by a faculty member without the student's permission.
  5. A student has the right to expect a faculty member to be sensitive to the student's religious beliefs and observances. Instructors are required to make reasonable accommodations when a student must miss an exam or other academic exercise resulting from the observance of a religious holiday. [Appendix 3]
  6. The Indiana University Code of Academic Ethics (A.I.) governs faculty relations with students:
    - a. Relations with Students. With regard to relations with students, the term "faculty" or "faculty member" means all those who teach and/or do research at the university, including but not limited to tenure-track faculty, librarians, holders of research or clinical ranks, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel, including coaches, advisors, and counselors.
    - b. The university's educational mission is promoted by professionalism in faculty-student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and students that harm this atmosphere undermine professionalism and hinder fulfillment of the university's educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. Those who abuse their power in such context violate their duty to the university community.
    - c. Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. All amorous or sexual relationships between faculty members and students are unacceptable when the faculty member has any professional responsibility for the student. Such situations greatly increase the chances that the faculty member will abuse his or her power and sexually exploit the student. Voluntary consent by the student in such a relationship is suspect, given the fundamentally asymmetrical nature of the relationship. Moreover, other students and faculty may be affected by such unprofessional behavior because it places the faculty member in a position to favor or advance one student's interests at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the university will view it as a violation of this Code of Academic Ethics if faculty members engage in amorous or sexual relations with students for whom they have professional responsibility, as defined in number 1 or 2 below, even when both parties have consented or appear to have consented to the relationship. Such professional responsibility encompasses both instructional and noninstructional contexts.

- (1) Relationships in the Instructional Context. A faculty member shall not have an amorous or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose performance is being supervised or evaluated by the faculty member.
- (2) Relationships outside the Instructional Context. A faculty member should be careful to distance himself or herself from any decisions that may reward or penalize a student with whom he or she has or has had an amorous or sexual relationship, even outside the instructional context, especially when the faculty member and student are in the same academic unit or in units that are allied academically.

### C. Student Affairs

1. A student has the right to obtain a clear statement of basic rights, obligations, and responsibilities concerning both academic and personal conduct.
2. Students have the right to participate in the formulation of Indiana University policies that directly affect students by serving as members of appropriate committees appointed by the chief administrative officer of a campus and the president of the university. In exercising this right, students have the right to have access to appropriate information, to express their views, and to have their views considered.
3. A student has the right to be represented by a student government in the consideration of student affairs by Indiana University.

### D. Student Groups and Student Organizations

1. A student has the right to form, join, and participate in groups or organizations that promote the common interests of students, including but not limited to groups or organizations that are organized for intellectual, religious, social, economic, political, recreational, or cultural purposes. Indiana University considers the freedom of inquiry, assembly, and discussion to be essential to a student's educational development and believes that this broad principle is a cornerstone of education in a democracy. The university therefore recognizes the right of all students to engage in discussion; to express thoughts and opinions; and to assemble, speak, write, or publish on any subject in accordance with the state and federal constitutions.
2. Indiana University does not require a student group or organization to register and be approved by the university.
3. A student group or organization may be authorized to use university facilities for extracurricular activities, subject to the following rules and regulations.
  - a. The student group or organization must submit a written request to the appropriate university official. The request must contain the necessary information concerning the proposed use of the university facilities and a certification that the organization will use the facilities in accordance with the university's rules and regulations.
  - b. Except for a family student organization, a group or organization cannot qualify as a student group or organization for this purpose unless all of its officers and a majority of its members are currently enrolled at Indiana University.
  - c. Participation in the proposed activity must be without regard to arbitrary considerations of such characteristics as age, color, disability, ethnicity, gender, marital status, national origin, race, religion, sexual orientation, or veteran status.
  - d. A majority of the persons sponsoring the proposed activity must be currently enrolled students, faculty, and/or staff of Indiana University and their spouses and/or children.

- e. The written request must state as accurately as possible the number of persons expected to participate in the proposed activity.
  - f. The written request must contain a statement that the student group or organization will assume responsibility for the use and proper care of the university facilities during the proposed activity. The student group or organization and/or individual members may also be subjected to disciplinary action if the use of the facilities involves any violation of the provisions of this Code of Student Rights, Responsibilities, and Conduct.
  - g. Requests for the use of any university facility shall be accepted and approved on a first-come, first-served basis, within the established guidelines for use of that facility.
  - h. Approval for the use of university facilities will be granted subject to the condition that no facility may be used in violation of any university rules or regulations or state or federal laws.
4. Student organization fiscal accounts at Indiana University shall be established according to the following policies:
- a. A student organization that receives university funds in support of its budget shall deposit all funds generated by the university's general budget in an account, approved by the university and be subject to audit by the State Board of Accounts.
  - b. A student organization that receives funds collected by the university through the student activities fee is subject to the fiscal supervision of the university. All funds generated by the university's mandatory student activity fee shall be deposited in a general fund account or a student organization fiscal account and be subject to audit by the State Board of Accounts.
  - c. A student organization that was invited by the university to form a chapter or branch on the campus, or that was granted a charter by the university, *may* establish a student organization account with the university *provided* the university has assumed legal responsibility for the fiscal integrity of the organization.
  - d. A student organization that was established to promote scholarship within a particular academic discipline within the university may establish a student organization account with the university provided the university has assumed legal responsibility for the fiscal integrity of the organization.
  - e. Except for a family student organization, an organization cannot establish a student organization fiscal account unless all of its officers and a majority of its members are currently enrolled students at Indiana University.

## E. Campus Activities

1. Indiana University considers freedom of inquiry and discussion essential to a student's educational development. Thus, the university recognizes the right of all students to engage in discussion; to exchange thought and opinion; and to speak, write, or publish freely on any subject, in accordance with the guarantees of the federal and state constitutions. These rights are more fully realized when students accept and respect each other's rights to these same freedoms of expression. This broad principle is a cornerstone of education in a democracy.
2. For their programs, student groups on the campus may freely select persons they wish to invite as guest speakers or performers. There are no restrictions on the point of view expressed by speakers other than those imposed by federal or state law. The invitation to outside speakers does not imply approval or sponsorship of their views by the university nor by the groups inviting them.

3. The university will at all times seek to assure student and faculty groups the opportunity to meet and to hear and to exchange ideas and views, however controversial, but it does not license and will not tolerate what is illegal.
4. Students are free to engage in peaceful and orderly protests, demonstrations, and picketing that do not disrupt functions of the university, subject to appropriate regulations concerning time, place, and manner. If a student believes that the rights to peacefully protest, demonstrate, and picket are being restricted in an inappropriate manner by another student or an office under the control or auspices of the university, the student may file a complaint with the dean of students for investigation and mediation.
5. Students who publish student publications that are not sponsored or financially supported by the university may distribute the publications to students on university property subject to appropriate regulations concerning the time, place, and manner of distribution. If a student believes that the rights to publish and distribute are being restricted in an inappropriate manner by another student or an office under the control or auspices of the university, the student may file a complaint with the dean of students for investigation and mediation.
6. Students who publish student publications under university auspices have the right to be free of censorship. At the same time, students who publish must observe the recognized canons of responsible journalism. Editors and managers of student publications may not be arbitrarily suspended or removed from their positions because of student, faculty, administrative, or public disapproval of their editorial policies or publications. Student editors and managers may be suspended or removed from their positions only for proper cause and by appropriate proceedings conducted by the agency responsible for the appointment of such editors and managers.

## F. Off-Campus Activities

1. Indiana University is committed to the promotion of a civil community both on campus and off campus.
2. Indiana University regards off-campus activity as an integral part of a student's academic, personal, and professional growth. Thus, the university recognizes the right of all students to expect that the university will subject individuals to the same responsibilities and disciplinary procedures when conduct:
  - a. adversely affects the university's mission, or the tenets of this code; or
  - b. occurs at a university-sponsored event; or
  - c. presents a clear danger to the personal safety of any person or the protection of any person's property; or
  - d. violates policies of an academic program and related facilities, including but not limited to an off-campus clinical, field, internship, in-service experience, or an overseas study program.

## G. Student Educational Records

1. A student has the right to have access to education records maintained by the university concerning the student, subject to the rules and regulations stated in the Indiana University policy on student records. [Appendix 5]
2. A student has the right to review his or her education records and to obtain an interpretation of the records or to challenge the accuracy of the records, subject to the rules and regulations stated in the Indiana University policy on student records. [Appendix 5]

3. A student has the right to have his or her education records maintained on a confidential basis by the university, subject to the rules and regulations stated in the Indiana University policy on student records. [Appendix 5]

## H. Students as University Employees

A student's rights and responsibilities as an employee of the university are governed by the policies of the unit and by the personnel policies of Indiana University. Students should contact their immediate supervisor, the Office of Student Employment, or University Human Resources for information. All personnel policies, including the policies for student hourly employees, are also available on the Indiana University Web site.

## Part II: Student Complaint Procedures

### Preamble

Indiana University has established procedures for students to follow when they believe that any of their rights, as defined in Part I of this code, have been violated by a member of the university community. Part II establishes the procedures to be followed when a student complaint is filed against a member of the university faculty or administration. This part also specifies the procedures to be followed when student complaints are filed against other university employees, other university students, or student organizations. Finally, this part describes the supplementary procedures that may be followed when a student has a complaint against any member of the university community that involves discrimination or sexual or racial harassment. (Complaints against graduate students in their role as course instructors are considered in accordance with part II.A. Complaints against graduate students in their role as students are considered in accordance with part II.C.)

### A. Complaints against Members of the University Faculty and Administration

1. Grievance Counseling.
  - a. When a student believes that any of his or her rights, as defined in Part I of this Code of Student Rights, Responsibilities, and Conduct have been violated by a member of the university faculty or administration, the student should ordinarily attempt to resolve the matter by making an informal complaint to the person involved.
  - b. If the problem is not resolved to the complainant's satisfaction by contacting the person involved, personnel in the Office of the Dean of Students can be consulted about options for resolution of the problem.
2. Formal Complaints.
  - a. A student who believes that his or her rights have been violated by a member of the university faculty or administration may make a formal complaint to an appropriate administrative officer under the following circumstances:
    - (1) A student may make a formal complaint after making an informal complaint and receiving a response from the person involved that is not satisfactory to the student.
    - (2) A student may make a formal complaint without having made an informal complaint if the student has a justifiable basis for not going directly to the person involved.
  - b. A formal complaint should be made to the administrative officer who is the immediate supervisor of the person involved in the alleged violation. The appropriate administrative officer may be one of the following:
    - (1) A department head or similar academic officer, if one exists within the particular school or unit involved.
    - (2) The dean or director of a school or unit, if the school or unit does not have a department head or similar academic officer.
    - (3) Even if a school or unit has a department head or similar academic officer, the dean or director of the school or unit may adopt a rule that formal complaints are to be submitted directly to the dean or director.
  - c. A formal complaint must be made in writing, signed by the complainant, and submitted to the appropriate official. A copy of the signed, formal complaint will be given to the individual charged. This formal complaint must be filed within the following time limitations:
    - (1) After making an informal complaint and receiving an unsatisfactory response, a student must file a formal complaint within 21 calendar days after the termination of discussions with the person involved in the complaint.

- (2) If a formal complaint is made without the making of a prior informal complaint, the formal complaint must be filed within six months after the student should reasonably have learned about the event that is the basis of the complaint.
- d. A formal complaint must be considered within 21 calendar days by the appropriate administrative officer.
  - (1) The officer shall inquire into the facts of the complaint and discuss the matter individually with the student and the person involved in the complaint.
  - (2) If the officer considers it to be appropriate, the officer may ask the student and the person involved in the complaint to meet together with the officer in an effort to resolve the complaint.
  - (3) The officer shall have the opportunity to remove himself or herself from considering a complaint for reasons of bias or personal involvement.
  - (4) If the complaint is not resolved within 21 calendar days from the day it was filed, the officer must refer the complaint along with a written response concerning the incident to the dean of the faculties. The response shall include all documents pertaining to the complaint.
- e. The dean of the faculties shall inquire into the facts of the complaint and then discuss the matter individually with the student and the person who is the subject of the complaint.
  - (1) If the dean of the faculties considers it to be appropriate, the dean may ask the student and the person who is the subject of the complaint to meet together with the dean in an effort to resolve the complaint.
  - (2) If the complaint is not resolved within 21 calendar days of the date the complaint is received, the dean of the faculties must submit the complaint to a campus grievance commission for consideration.
- 3. Campus Grievance Commission.
  - a. The dean of the faculties has the authority to appoint the members of the campus grievance commission to consider a particular complaint.
  - b. The campus grievance commission must consist of five members, including three tenured members of the faculty or administration of the campus involved and two students from the campus. Clinical faculty are eligible to serve on the grievance commission, but no more than one member of the commission may come from a clinical rank.
  - c. The grievance commission shall be selected by the dean of the faculties from a grievance commission list containing names of students, faculty members, and members of the administration that are placed on the list as follows:
    - (1) Five or more students appointed by the student body president upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body;
    - (2) Five or more faculty members, to be representative of the various academic disciplines, to be appointed by the presiding officer of the campus faculty council upon recommendation of the faculty council or other appropriate representative body as determined by the faculty council; and
    - (3) Five or more members of the campus administration to be appointed by the chancellor of the campus.
  - d. Students, faculty members, and members of the administration are to be appointed to membership on the grievance committee list for one year, beginning with the first day of the fall semester each year. A person may be appointed at any time during the year to fill a vacancy on the list. A person may also be reappointed to the list from year to year.

- e. If a person is selected to serve on a particular grievance commission by the dean of the faculties, the person is authorized to serve on the commission until the commission completes the hearing of any case submitted to the commission even though this may require the person to serve beyond the one-year period of appointment.
- f. If a vacancy on the grievance commission list occurs and there is a failure or refusal of the appropriate authorities to make an appointment to fill the vacancy, the chief administrative officer of a campus may make appointments, fill vacancies, or take other action necessary to constitute the grievance commission.
- g. The dean of the faculties appoints the presiding officer of the grievance commission who must be a tenured member of the faculty not engaged in full-time administration.
- 4. Formal Hearing.
  - a. The campus grievance commission is required to conduct a formal hearing to consider the complaint.
    - (1) The presiding officer, in consultation with the other members of the grievance commission, must determine an appropriate time and place for the hearing.
    - (2) The presiding officer is required to make arrangements for a public hearing if requested to do so by the person who is the subject of the complaint by no later than seven calendar days before the date of the hearing. The presiding officer is required to conduct the hearing in a place that will accommodate a reasonable number of observers, but the officer is authorized to make a final decision concerning the place where the hearing is to be held and the number of observers to be accommodated.
    - (3) The presiding officer has a duty, to the greatest extent practical under the circumstances, to summon witnesses, compel the production of documents, and structure the hearing to afford all participating parties procedural due process.
  - b. When a hearing is to take place, the presiding officer is required to notify the person who is the subject of the complaint concerning the following:
    - (1) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice;
    - (2) The date, time, and place of the alleged act of misconduct and a summary of the information upon which the allegation is based;
    - (3) The names of the witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;
    - (4) That the subject of the complaint is required to provide to the presiding officer, no later than two calendar days before the hearing, all documents in his or her possession, pertinent to the complaint.
    - (5) That the subject of the complaint may submit to the presiding officer, no later than two calendar days before the hearing, a request for any documents related to the complaint that the subject wishes the complaining student to produce;
    - (6) That the subject of the complaint must submit to the presiding officer, no later than two calendar days before the hearing, a list of witnesses whom the subject may present at the hearing or whose statements may be offered as evidence;
    - (7) That the subject of the complaint is required to be present at the hearing and is entitled to present witnesses and to cross-examine witnesses who appear unless the grievance commission decides to proceed in the subject's absence because of extraordinary circumstances;

- (8) That the subject of the complaint is entitled to be represented at the hearing by counsel or an advisor of his or her choice at his or her own expense, but the subject is still required to be present even if represented by counsel or an advisor;
  - (9) That the complaining student is entitled to be present at the hearing and may be represented by an advisor of his or her own choosing, including an attorney at his or her own expense;
  - (10) That the subject of the complaint may testify but will not be required to testify at the hearing, and that a decision not to testify will not be considered as an admission of guilt;
  - (11) That the hearing will be closed to the public unless the subject of the complaint notifies the presiding officer in writing by no later than seven calendar days before the hearing that he or she desires the hearing to be open to the public;
  - (12) The disciplinary sanctions that may be imposed for the alleged act of misconduct enumerated are in II.A.5 (below);
  - (13) That a failure by the subject to appear at the hearing would be sufficient to justify the imposition of any disciplinary sanction without a right of further appeal if the grievance commission determines that the failure to attend was without good cause.
- c. When a hearing is to take place, the presiding officer is also required to notify the student who filed the complaint concerning the following:
- (1) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice.
  - (2) That the complaining student must submit to the presiding officer, no later than two days before the hearing, a list of witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;
  - (3) That the complaining student's failure to attend the hearing would be sufficient to justify the dismissal of the complaint without any further action if the grievance commission should thereafter find that the failure to attend was without good cause.
- d. The formal hearing is to be conducted by the presiding officer of the grievance commission.
- (1) The hearing may be held only if all members of the grievance commission are present or if a majority of the members, at least one of whom is a student, is present and both the student filing the grievance and subject of the grievance agree to proceed. A hearing may not be held without the presiding officer being present.
  - (2) The presiding officer, in consultation with the other members of the grievance commission, is responsible for conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the fair, orderly, and expeditious consideration of the complaint.
  - (3) The presiding officer shall call the complaining student as a witness to testify concerning the act of misconduct alleged in the student's complaint.
    - (a) The advisor for the student, if any, shall be given the opportunity to question the student.
    - (b) The presiding officer may question the student concerning the complaint. The other members of the commission may then be given the opportunity to question the student.
    - (c) The subject of the complaint or his or her advisor shall be given the opportunity to question the student concerning the complaint.

- (4) The presiding officer shall also call any other persons to testify as witnesses as requested by the student or otherwise considered appropriate by the officer. The student or his or her advisor shall be given the opportunity to question these witnesses. The person who is the subject of the complaint or an advisor shall also be given the opportunity to question these witnesses. The presiding officer and the other members of the commission may question any of these witnesses as they consider appropriate.
- (5) The presiding officer shall permit the student or his or her advisor to present any other information that is appropriate and relevant to the student's complaint.
- (6) After all of the testimony and information concerning the complaint has been submitted, the presiding officer must offer the subject of the complaint the opportunity to testify concerning the matter.
  - (a) If the subject of the complaint chooses to testify, he or she may be questioned by either advisor.
  - (b) The complaining student or his or her advisor shall also be entitled to question the subject of the complaint.
  - (c) The presiding officer and the other members of the commission may question the subject of the complaint as they consider appropriate.
  - (d) If the subject of the complaint chooses not to testify, the grievance commission may not consider the decision not to testify as an admission of guilt.
- (7) The presiding officer must also offer the subject of the complaint the opportunity to call other witnesses and to submit any information that is appropriate and relevant to the student's complaint.
  - (a) If any witnesses are called to testify, they may be questioned by the subject of the complaint or his or her advisor, if any.
  - (b) The complaining student or his or her advisor may also question the witnesses.
  - (c) The presiding officer and the other members of the commission may question the witnesses as they consider appropriate.
- (8) After the grievance commission has heard all of the witnesses and any other information submitted by the parties, the presiding officer must offer the complaining student or his or her advisor the opportunity to make an argument concerning the validity of the allegations in the complaint. The presiding officer must then offer the subject of the complaint or his or her advisor a similar opportunity to make an argument to the commission.
- (9) After hearing any concluding arguments, the grievance commission is required to reach a conclusion concerning the validity of the allegations in the complaint.
  - (a) The grievance commission is required to conduct its deliberations concerning the complaint in a private, executive session. Decisions shall be by majority vote. Dissenters may choose to issue a dissenting opinion. The presiding officer shall require all persons other than the members of the grievance commission to leave the hearing room during the deliberations.
  - (b) The grievance commission must reach its conclusion or conclusions solely upon the basis of the testimony and information introduced at the hearing.
  - (c) A conclusion that the subject of the complaint committed the alleged act must be based upon clear and convincing evidence.

- (10) If a majority of the members of the grievance commission conclude that the evidence is insufficient to sustain the allegations of the complaint, the grievance commission is required to recommend that the complaint be dismissed.
- (a) The presiding officer shall reconvene the hearing and advise the complaining student and the subject of the complaint concerning the conclusion and recommendation of the commission or issue a written opinion signed by a majority of the participating members within seven calendar days.
  - (b) The presiding officer shall also advise the parties that the dean of the faculties will be notified of the commission's conclusion and recommendation and that the dean of the faculties is required to dismiss the complaint unless the complaining student submits an appeal to the chancellor of the campus under the provisions of this code.
- (11) If a majority of the members of the grievance commission concludes that the evidence is sufficient to sustain the allegations of the complaint, the grievance commission is required to conduct a hearing concerning an appropriate sanction.
- (a) The presiding officer shall reconvene the hearing and advise the complaining student and the subject of the complaint concerning the conclusion of the commission.
  - (b) The presiding officer must then offer the person who is the subject of the complaint and/or his or her advisor the opportunity to submit information and present an argument concerning an appropriate disciplinary sanction.
  - (c) The presiding officer shall also offer the complaining student or his or her advisor a similar opportunity with reference to the appropriate sanction.
- (12) After hearing from the parties concerning an appropriate sanction, the grievance commission is required to make a recommendation concerning an appropriate sanction.
- (a) The grievance commission is required to conduct its deliberations concerning the sanction in a private, executive session. The presiding officer must require persons other than the members of the grievance commission to leave the hearing room during the deliberations.
  - (b) A recommendation of the grievance commission must be based upon a vote by a majority of the members of the commission.
- (13) After the grievance commission has concluded its deliberations concerning an appropriate sanction, the presiding officer shall reconvene the hearing and advise the complaining student and the subject of the complaint concerning the recommended sanction or issue a written opinion signed by a majority of the participating members within seven calendar days following the close of the hearing.
- (a) The parties must also be advised that the commission's conclusions concerning the validity of the complaint and the commission's recommendation concerning an appropriate sanction will be submitted to the dean of the faculties for final action.
  - (b) In addition, the parties must be advised as follows:
    - (i) If the dean of the faculties decides to reject the recommendations of the grievance commission and to dismiss the complaint, the complaint will be dismissed unless the complaining student submits an appeal to the chancellor of the campus under the provisions of this code.

- (ii) If the dean of the faculties decides to accept the grievance commission's conclusions and decides to impose the recommended sanction or any other appropriate sanction, the subject of the complaint may submit an appeal to the chancellor of the campus under the provisions of this code.
- (14) The presiding officer of the grievance commission is required to make a transcript of the hearing before the commission, which may be made by an electronic tape recorder or other appropriate means.
- (15) Within seven calendar days after the hearing, the presiding officer must prepare a written report concerning the grievance commission's conclusions and recommendations with a brief explanation of the findings of fact upon which the commission's conclusions are based. The report must be submitted to the dean of the faculties, the subject of the complaint, and the complaining student.
5. Disciplinary Sanctions.  
Disciplinary sanctions that may be imposed for acts of misconduct by members of the university faculty and administration include, but are not limited to, any one or a combination of the following:
- a. A written reprimand with a warning that additional sanctions will be imposed if there is a repetition of the misconduct.
  - b. A probationary period during which the person involved in the complaint must abide by certain specified conditions or be subject to the imposition of further sanctions.
  - c. A temporary suspension without pay.
  - d. Consideration of the misconduct in establishing the person's annual salary.
  - e. Consideration of the misconduct in any promotion decision concerning the person.
  - f. Consideration of the misconduct in any tenure decision concerning the person.
  - g. Termination of employment at a specified time in the future.
  - h. Immediate dismissal.
6. Action by the Dean of the Faculties.
- a. If the dean of the faculties receives a report that a student's complaint has not been sustained by the grievance commission, the dean is required to notify the complaining student and the subject of the complaint that the complaint will be dismissed unless the student submits an appeal to the chancellor of the campus within seven calendar days following the receipt of the decision.
  - b. If the dean of the faculties receives a report that a grievance commission has concluded that a student's complaint should be sustained, the dean is required to make a final decision concerning the validity of the complaint within seven calendar days following the receipt of the decision.
    - (1) The dean of the faculties shall review the written report and the transcript of the hearing but may consult with the presiding officer of the grievance commission to clarify an ambiguity in the record. The dean may not consult with other members of the commission, the complaining student, or any other person who has direct or indirect knowledge of the complaint.
    - (2) The dean of the faculties may take the following action concerning the complaint:
      - (a) Reject the commission's conclusion concerning the validity of the complaint and dismiss the complaint upon a finding that there is not clear and convincing evidence in the transcript to support the findings of the commission or that procedural error has been committed that deprives the subject of the complaint of due process.

- (b) Accept the commission's conclusion concerning the validity of the complaint and impose the sanction recommended by the commission.
  - (c) Accept the commission's conclusion concerning the validity of the complaint and impose an appropriate sanction that was not recommended by the commission.
- (3) After the dean of the faculties has made a final decision, the dean is required to notify the subject of the complaint and the complaining student within seven calendar days following the final decision.
  - (4) If the dean of the faculties decides to dismiss the complaint, the complaining student may take an appeal to the chancellor of the campus under the provisions of this code.
  - (5) If the dean of the faculties decides that the complaint should be sustained and decides to impose the sanction recommended by the commission or any other appropriate sanction, the subject of the complaint may take an appeal to the chancellor of the campus under the provisions of this code.
  - (6) The dean of the faculties is required to effectuate the decision in accordance with university procedures unless the subject of the complaint appeals the decision as authorized by university procedures.
7. Appeals to the Chancellor of the Campus.
- a. If the dean of the faculties notifies a student that the student's complaint is to be dismissed, the student may submit an appeal to the chancellor of the campus.
    - (1) The appeal must be submitted in writing.
    - (2) The appeal must be submitted within seven calendar days after the student receives notice from the dean of the faculties concerning dismissal of the complaint.
    - (3) A copy of the appeal must be sent to the dean of the faculties and to the subject of the complaint.
  - b. If the dean of the faculties notifies the subject of a complaint that the complaint has been sustained and that a sanction is to be imposed, the person may submit an appeal to the chancellor of the campus.
    - (1) The appeal must be submitted in writing.
    - (2) The appeal must be submitted within seven calendar days after the subject receives notice from the dean of the faculties concerning the decision.
    - (3) A copy of the appeal must be sent to the dean of the faculties and to the complaining student.
  - c. When the dean of the faculties receives a notice of an appeal to the chancellor of the campus, the dean is required to send the chancellor a copy of the grievance commission's written report, the transcript of the commission's hearing and any other written information pertinent to the student's complaint.
  - d. The chancellor should review the written report and the transcript of the commission's hearing and may consult with the dean of the faculties but not other members of the grievance commission, the complaining student, or any other person who has direct or indirect knowledge of the complaint.
  - e. The chancellor may take the following action concerning an appeal:
    - (1) Sustain the dismissal of a complaint.
    - (2) Reject the decision of the dean of the faculties concerning the validity of a complaint and dismiss the complaint.
    - (3) Accept the decision of the dean of the faculties concerning the validity of a complaint and the sanction to be imposed.
    - (4) Accept the decision of the dean of the faculties concerning the validity of the complaint and impose an appropriate sanction that differs from the sanction recommended by the dean of the faculties.

- f. After the chancellor has made a final decision, the chancellor is required to notify the subject of the complaint and the complaining student.
- g. The chancellor may dismiss the case or sustain the complaint and impose a sanction against the subject of the complaint. The chancellor will inform the subject of the complaint of the decision. (For further information, see Part VI. B.4)

## **B. Complaints against Other University Employees**

1. A student who believes that his or her rights have been violated by a university employee other than a member of the faculty or administration should ordinarily attempt to resolve the matter by making an informal complaint to the person involved.
  - a. An informal complaint should be made as soon as possible after the alleged violation.
  - b. A complaint must be initiated within seven calendar days after the student should reasonably have learned about the event that is the basis of the complaint.
2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint against the person involved in accordance with the grievance procedures established by the university. The student may consult with the dean of students or the assistant vice president for University Human Resource Services concerning these procedures.

## **C. Complaints against Other Students**

1. A student who believes that his or her rights have been violated by another student should ordinarily attempt to resolve the matter by making an informal complaint to the student involved.
2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint with the dean of students under the procedures of this code concerned with personal misconduct of students. The student may consult with the dean of students concerning these procedures.

## **D. Complaints against Student Organizations**

1. A student who believes that his or her rights have been violated by a student organization should ordinarily attempt to resolve the matter informally by discussing the matter with the person involved and the organization's advisor.
2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint with the dean of students in accordance with the grievance procedures established by the university for such organizations. The student may consult with the dean of students concerning these procedures.

## **E. Complaint by a Student Organization**

1. A student organization that believes its rights have been violated by a student, the university, a person working for the university, or another university-affiliated organization may file a formal complaint for mediation by the dean of students.
2. Before filing a formal complaint with the dean of students, the organization must pass a resolution authorizing its highest elected officer to file a formal complaint. The resolution should state the efforts that the organization has taken to resolve their grievance informally.

## F. Complaints Involving Discrimination or Sexual or Racial Harassment

1. Because of the sensitivity of allegations concerning discrimination and sexual or racial harassment, a student may consult with the office of the campus affirmative action officer or the dean of students concerning the advisability of making an informal complaint to the person involved in the complaint.
2. If the student decides to file a formal complaint, the student may follow the regular procedures that the university has established for handling allegations of misconduct. If the student decides to follow these procedures, the student may obtain assistance from the office of the campus affirmative action officer or the dean of students in preparing and filing the complaint.
3. If the student decides to file a formal complaint, the student may also follow the procedures that the university has established for handling allegations involving discrimination and sexual or racial harassment.
  - a. The student may consult with the campus affirmative action officer or the dean of students concerning these procedures.
  - b. Under these procedures, the office of the campus affirmative action officer is required to assist the student in an effort to mediate and resolve the complaint against the person involved.
  - c. If the efforts to mediate and resolve the complaint under the procedures are unsuccessful, the student may then follow the regular procedures that the university has established for handling such complaints.
4. When a formal complaint involving discrimination or sexual or racial harassment is filed with the dean of students, the dean is required to send a copy of the complaint to the office of the campus affirmative action officer. The affirmative action officer is required to maintain a list of all complaints in accordance with applicable federal regulations.
5. When a student decides to follow these procedures and files a written complaint with the office of the campus affirmative action officer, the affirmative action officer is required to notify the dean of students concerning the complaint.
6. After June 1, 1997, complaints against faculty may not be handled under the procedures mentioned in this section until these procedures have been approved by the appropriate faculty governance body.

## Part III: Student Misconduct

### Preamble

Indiana University exists for the advancement of knowledge, the pursuit of truth, the development of students, and the promotion of the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. Students are expected to exercise their freedom to learn with responsibility and to respect the general conditions that maintain such freedom. The university has developed the following general regulations concerning student conduct that safeguard the right of every individual student to exercise fully the freedom to learn without interference.

### A. Academic Misconduct

The university may discipline a student for academic misconduct that is defined as any activity that tends to undermine the academic integrity of the institution. Academic misconduct may involve human, hard copy, or electronic resources. Policies of academic misconduct apply to all course-, department-, school-, and university-related activities, including field trips, conferences, performances, and sports activities off campus, exams outside of a specific course structure (such as entrance exams or auditions, theses and master's exams, and doctoral qualifying exams and dissertations), and research work outside of a specific course structure (such as lab experiments, data collection, service learning, and collaborative research projects). Academic misconduct includes, but is not limited to, the following:

1. Cheating.
 

A student must not use or attempt to use unauthorized assistance, materials, information, or study aids in any academic exercise, including, but not limited to, the following:

  - a. A student must not use external assistance on any "in-class" or "take-home" examination, unless the instructor specifically has authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, calculators, computers, and wireless communication devices.
  - b. A student must not use another person as a substitute in the taking of an examination or quiz.
  - c. A student must not steal examinations or other course materials, including but not limited to, physical copies and photographic or electronic images.
  - d. A student must not allow others to conduct research or to prepare work for him or her without advance authorization from the instructor to whom the work is being submitted. Under this prohibition, a student must not make any unauthorized use of materials obtained from commercial term paper companies or from files of papers prepared by other persons.
  - e. A student must not collaborate with other persons on a particular project and submit a copy of a written report that is represented explicitly or implicitly as the student's individual work.
  - f. A student must not use any unauthorized assistance in a laboratory, at a computer terminal, or on fieldwork.
  - g. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor to whom the work is being submitted.
  - h. A student must not alter a grade or score in any way.
2. Fabrication.

A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citations to the sources of information.

3. Plagiarism.

A student must not submit work that reproduces ideas, words, or statements of another person without appropriate acknowledgment. A student must give credit to the originality of others and acknowledge indebtedness whenever he or she does any of the following:

- a. Quotes another person's actual words, either oral or written;
- b. Paraphrases another person's words, either oral or written;
- c. Uses another person's idea, opinion, or theory; or
- d. Borrows facts, statistics, or other illustrative material, unless the information is common knowledge.

4. Interference.

- a. A student must not steal, change, destroy, or impede another student's work. Impeding another student's work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.
- b. A student must not give or offer a bribe, promise favors, or make threats with the intention of affecting a grade or the evaluation of academic performance.

5. Violation of Course Rules.

A student must not violate course rules as established by a course syllabus, verbal or written instructions, or the course materials that are rationally related to the content of the course or to the enhancement of the learning process in the course.

6. Facilitating Academic Dishonesty.

A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct nor allow another student to use his or her work or resources to commit an act of misconduct.

## B. Personal Misconduct on University Property

The university may discipline a student for the following acts of personal misconduct that occur on university property, including, but not limited to, academic and administration buildings, residence halls, athletic and recreational facilities, and other university serviced property, such as sororities and fraternities.

1. Dishonest conduct including, but not limited to, false accusation of misconduct; forgery, alteration or misuse of any university document, record, or identification; and giving to a university official information known to be false.
2. Initiating or circulating a report or warning concerning an impending bombing, fire, or other emergency or catastrophe, knowing that the report is false; making a false report concerning a fire or that a bomb or other explosive has been placed in any university building or elsewhere on university property; or transmitting such a report to an official or an official agency.
3. Release of access codes for university computer and duplicating systems and other university equipment to unauthorized persons; use of an access code for unauthorized purposes.
4. Lewd, indecent, or obscene conduct.

5. Disorderly conduct that interferes with teaching, research, administration, or other university or university-authorized activity. [Appendix 6]
6. Actions that endanger one's self, others in the university community, or the academic process.
7. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction.
8. Unauthorized entry, use, or occupancy of university facilities; refusal to vacate a university facility when directed to do so by an authorized official of the university.
9. Unauthorized taking, possession, or use of university property or services; unauthorized taking, possession, or use of the property or services of others.
10. Damage to or destruction of university property or of property on university premises belonging to others.
11. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment.
12. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.
13. Possession of firearms or other weapons on university property contrary to law or university policy; possession or display of any firearm on university property frequented by the public, except in the course of an authorized activity, possession of weapons in residence halls on university property in violation of residence hall rules; and intentional possession on university property of a dangerous article or substance as a potential weapon.
14. Acting with violence; and aiding, encouraging, or participating in a riot.
15. Harassment, as defined in part I.A.3 (above) of this code.
16. Stalking, defined as repeated, unwanted contact in the forms of, including but not limited to, phone calls, e-mail, physical presence, and regular mail.
17. Hazing, defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.
18. Physical abuse of any person, including the following:
  - a. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person;
  - b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities and causes the person to have a reasonable apprehension that such harm is about to occur; or
  - c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities and causes the person to have a reasonable apprehension that such harm is about to occur.
  - d. Sexual assault, including while any party involved is in an impaired state;
  - e. Sexual contact with another person without consent, including while any party involved is in an impaired state.

19. Verbal abuse of another person, including the following:
- a. An express or implied threat to:
    - (1) interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities; or
    - (2) injure that person, or damage his or her property; and under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur; or
  - b. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.
20. Unauthorized possession or use of alcoholic beverages.
- a. The following actions are prohibited by Indiana University:
    - (1) Use or possession of alcoholic beverages on university property, or in the course of a university activity or student organization activity, contrary to law;
    - (2) Use or possession of alcoholic beverages in any undergraduate residence supervised by the university, including fraternity and sorority houses, except as otherwise noted in part III.B.20.b (below);
    - (3) Use or conspicuous possession of alcoholic beverages in or on any property of the university frequented by the public, except in areas specifically designated by the chief administrative officer of the campus.
    - (4) Providing alcohol contrary to law.
  - b. The possession or use of alcoholic beverages is not forbidden in the following areas of the university unless otherwise prohibited by law:
    - (1) In designated graduate housing and residence hall buildings designated as restricted to students who are 21 years of age or older, including residence rooms and certain common areas approved for such purpose by the dean of students. The dean of students may enact rules to regulate such use or possession.
    - (2) In designated undergraduate residences supervised by the university when temporary permission is granted by the dean of students for events at which persons 21 years of age or older may lawfully possess and use alcoholic beverages.
    - (3) In designated family housing, including residence rooms, apartments, and certain common areas approved for such purpose by the dean of students. The dean of students may enact rules to regulate such use or possession.
    - (4) In Union buildings, including guest rooms and certain other areas specifically approved by the chief administrative officer of the campus.
    - (5) In other areas, such as private offices and faculty lounges, not accessible to the public and specifically approved by the chief administrative officer of the campus.
  - c. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of university regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.
21. Unauthorized possession or use of illegal drugs.
- a. The following actions are prohibited by Indiana University:
    - (1) Use or possession of any drug or controlled substance, or of drug paraphernalia, on university property or in the course of a university activity or student organization activity, contrary to law. It is not a violation of university regulations for students to possess such drugs or controlled substances if they are possessed under the terms of a valid and legal prescription for such drugs or controlled substances.

- (2) Use of university facilities to manufacture, process, or distribute any drug or controlled substance contrary to law.
  - (3) Sale, gift, or transfer of drugs, controlled substances, or drug paraphernalia to Indiana University students, whether or not such sale, gift, or transfer occurs on university property or in the course of a university activity or student organization activity.
- b. The term "controlled substance" is defined in Indiana law, and includes, but is not limited to, substances such as marijuana, cocaine, narcotics, certain stimulants and depressants, and hallucinogens.
22. Violation of other published university regulations, policies, or rules. Examples of such regulations include, but are not limited to, university computing policies, residence hall policies, and recreational sports facility policies.
23. A violation of any Indiana or federal criminal law.
24. Engaging in or encouraging any behavior or activity that threatens or intimidates any potential participant in a judicial process.

### C. Personal Misconduct Not on University Property

The university may discipline a student for acts of personal misconduct that are not committed on university property if the acts arise from university activities that are being conducted off the university campus, or if the misconduct undermines the security of the university community or the integrity of the educational process, or poses a serious threat to self or others. Such acts include, but are not limited to, the following:

1. Alcohol and drug offenses that pose a serious threat to self or others.
2. Altering academic transcripts.
3. Arson.
4. Battery.
5. Domestic violence.
6. Forgery.
7. Fraud.
8. Harassment as defined in part I.A.3 in this code (above).
9. Hazing.
10. Participation in group violence
11. Rape.
12. Sexual assault.
13. Stalking, defined as repeated, unwanted contact in the forms of, including but not limited to, phone calls, e-mail, physical presence, and regular mail.
14. Trafficking in term papers.
15. Use of a computer or other electronic device off the campus to obtain unauthorized access to information on campus.

## Part IV: Student Disciplinary Procedures

### Preamble

The Indiana University procedures for imposing academic and disciplinary sanctions are designed to provide students with due process and procedural fairness, to ensure equal protection for all students, and to provide for the imposition of similar sanctions for similar acts of misconduct. At the same time, the procedures reflect the need to be concerned about the individual student involved in a particular case. The procedures therefore provide that the imposition of disciplinary sanctions must also be based upon a consideration of all circumstances in a particular case, including a student's prior record of misconduct, if any.

### A. Jurisdiction

1. Academic Misconduct.
  - a. Allegations of academic misconduct may consist of two basic types:
    - (1) Academic misconduct by a student who is enrolled in a particular course and commits an act of misconduct related to that course.
    - (2) Academic misconduct by a student that is not related to a particular course in which the student is enrolled.
  - b. When a student in a course commits an act of academic misconduct related to that particular course, the faculty member who is teaching the course has the authority to initiate academic misconduct proceedings against the student.
  - c. When a student commits an act of academic misconduct that is not related to a course in which the student is enrolled, the dean of students has the authority to initiate academic misconduct proceedings against the student after consulting with the dean or director of the school or unit in which the student is enrolled.
2. Personal Misconduct.
  - a. The dean of students has the authority to initiate disciplinary proceedings against individual students in all cases involving allegations of personal misconduct.
  - b. The dean of students also has the authority to initiate disciplinary proceedings against groups of students or student organizations in any case involving allegations of misconduct.
3. Simultaneous Acts of Academic and Personal Misconduct.
  - a. When a student commits an act of academic misconduct related to a course in which the student is enrolled and also commits a separate but simultaneous act of academic misconduct unrelated to that course or an act of personal misconduct, separate academic misconduct and disciplinary proceedings may be initiated by the faculty member involved and the dean of students in accordance with these procedures. The faculty member and dean of students have the discretion, however, to handle the matter jointly or to decide that the matter should be handled by only one of the officers.
  - b. When a student commits an act of academic misconduct related to a course in which the student is enrolled and the act may also be a simultaneous act of academic misconduct unrelated to that course or an act of personal misconduct, the faculty member conducting the course has the authority to initiate academic misconduct proceedings against the student after consulting with the dean of students. In such cases, the dean of students also has discretion to initiate separate disciplinary proceedings. The faculty member and the dean of students have the discretion to handle the matter jointly or to decide that the matter should be handled by only one of the officers.

### B. Academic Misconduct Procedures for Academic Misconduct Related to a Course

1. Action by a Faculty Member.
  - a. A faculty member who has information that a student enrolled in a course being conducted by the faculty member has committed an act of academic misconduct related to that course is required to hold an informal conference with the student concerning the matter.
    - (1) The faculty member must advise the student of the alleged act of misconduct and the information upon which the allegation is based.
    - (2) The student must be given an opportunity to respond to the allegation of misconduct.
  - b. If the faculty member concludes that the student did commit the act of misconduct as alleged, the faculty member is authorized to impose an appropriate academic sanction related to the particular course involved.
    - (1) An appropriate academic sanction for such misconduct may include, but is not limited to, any one or a combination of the following:
      - (a) The student may be given a lower grade than the student would otherwise have received for any assignment, course work, examination, or paper involved in the act of misconduct.
      - (b) The student may be given a failing grade for any assignment, course work, examination, or paper involved in the act of misconduct.
      - (c) The student may be required to repeat or resubmit any assignment, course work, examination, or paper involved in the act of misconduct.
      - (d) The student may be required to complete some additional assignment, course work, examination, or paper as a substitute for any assignment, course work, examination, or paper involved in the act of misconduct.
      - (e) The student may be required to withdraw from the course with an appropriate grade of W or F, at the faculty member's discretion.
      - (f) The student may be given a lower grade than the student would otherwise have received for the course, including a failing grade.
    - (2) The penalty for a serious act of academic misconduct should ordinarily involve the recording of a failing grade for the course.
    - (3) An incomplete may be given in the course in the event that the matter cannot be resolved before final grades are due in the Office of the Registrar.
    - (4) If the penalty includes a failing grade for the course, the registrar will be notified that the grade was given because of academic misconduct. The registrar will record the grade of F on the student's permanent academic transcript without any notation concerning the reason for the grade. The registrar must, however, follow procedures to ensure that the grade of F will not thereafter be removed from the transcript in accordance with other academic policies or procedures such as the FX policy. A grade of F given because of academic misconduct must be calculated in a determination of the student's grade point average, but the grade will not prevent the student from repeating the same course for credit.
  - c. At the conclusion of the informal conference, if the student is found responsible for the academic misconduct, the faculty member is required to report the matter within seven calendar days in writing to the dean of students, who will send the report to the student, the dean or director of the school or unit in which the offense occurred, and the student's dean or director (if the student is not a major in the unit in which the offense occurred).
  - d. The written report to the student must include the following:
    - (1) A statement concerning the nature of the offense;
    - (2) The terms of the sanction being imposed;

- (3) A statement that the student may submit an appeal in writing to the dean or director of the school or unit within which the offense occurred within seven calendar days after receiving the faculty member's written report;
  - (4) A statement that the matter is being reported to the dean of students who has the authority to impose an additional sanction if the dean of students believes that such a sanction is justified because of the nature of the student's misconduct or because of any prior acts of misconduct that the student may have committed;
  - (5) A statement that the additional sanction may be any of the following:
    - (a) Disciplinary probation for a specified period of time;
    - (b) Suspension from the university for a specified period of time; or
    - (c) Expulsion from the university.
  - (6) A statement that the dean of students will notify the student within 14 calendar days of receipt of the faculty member's report if the dean has decided not to impose an additional sanction or is still considering the propriety of imposing an additional sanction.
2. Action by the Dean of Students.
- a. A student may not be placed on disciplinary probation or suspended or expelled from the university or a school or unit within the university because of an act of academic misconduct unless the dean of students concludes, in consultation with the dean of the school in which the student is enrolled, that such a sanction is justified by the nature of the act or because the student has committed previous acts of misconduct.
  - b. The dean of students is required to review a faculty member's report concerning a student's act of academic misconduct to determine if probation, suspension, or expulsion should be imposed upon the student because of the nature of the act of academic misconduct.
  - c. In addition, the dean of students is required to determine if the student has a record of any previous acts of academic or personal misconduct and to decide whether probation, suspension, or expulsion should be imposed on the student because of any previous acts of misconduct. In this regard, the dean of students is required to maintain a confidential record of all academic sanctions imposed by faculty members and all sanctions imposed by the dean of students in order to determine if a particular student is developing a record of repeated acts of misconduct.
  - d. If the dean of students considers that no additional sanctions are warranted, the dean shall, within 14 calendar days following receipt of the faculty member's report, notify the student of the decision not to impose additional sanctions.
  - e. If the dean of students considers that additional sanctions may be warranted, the dean shall, within 14 calendar days following the receipt of the faculty member's report, set a date for an informal hearing conference and inform the student personally or by certified mail of the purpose and date of the conference.
  - f. The notice shall inform the student of the following:
    - (1) That the dean of students is considering the propriety of imposing an additional sanction upon the student;
    - (2) That the additional sanction may consist of probation, suspension, or expulsion from the university;
    - (3) That the student is required to appear in the Office of the Dean of Students at a specified date and time for an informal conference to discuss the propriety of the additional sanction;
    - (4) That the student may have an advisor or other counsel present during the conference; that an advisor or counsel is limited to the role of advising the student; and that an advisor or counsel may not participate in the informal conference or make any statements during the conference;

- (5) That the informal conference will be limited to a consideration of the seriousness of the academic misconduct involved, the validity of any record of the student's previous acts of misconduct as maintained by the dean of students, and the propriety of any additional sanction to be imposed;
  - (6) That the dean of students has no authority to reconsider the validity or propriety of the decision of the faculty member concerning the act of academic misconduct;
  - (7) That the dean of students will impose any of the authorized additional sanctions if the student fails to appear for the informal conference and the dean reasonably concludes that the failure to appear is without good cause; and
  - (8) That the student has the right to appeal a decision of the dean of students to impose an additional sanction.
- g. When the student appears for the informal conference as required, the dean of students shall inform the student concerning the purposes of the conference and the student's record of previous acts of misconduct, if any. The student shall be given an opportunity to discuss the nature of the act of academic misconduct, the accuracy of the record of the student's previous acts of misconduct, and the propriety of any additional sanction that the dean proposes to impose on the student. In discussing the student's record of previous acts of misconduct, the student may not discuss the propriety of the decisions concerning such misconduct. After the informal conference, the dean of students has the authority to decide that an additional sanction should be imposed, including any of the following:
  - (1) Disciplinary probation for a specified period of time;
  - (2) Suspension from the university for a specified period of time; or
  - (3) Expulsion from the university.
- h. Upon conclusion of the informal conference, the dean of students must inform the dean of the academic unit(s) involved of the dean of students' dispensation of the case.
- i. If a sanction of suspension or expulsion from the university is imposed, the dean of students is required to notify the Office of the Registrar to indicate the suspension or expulsion on all copies of the student's academic transcript. In cases of suspension, the notation will be removed from the transcript by the registrar when the term of suspension has ended.
3. Right to Appeal.
- A student has the right to appeal any of the following decisions concerning an alleged act of academic misconduct:
- a. The faculty member's decision that the student committed the act of misconduct.
  - b. The faculty member's decision to impose a particular academic sanction.
  - c. The decision of the dean of students to impose an additional sanction.
4. Appeals to the Dean or Director of a School or Degree Granting Unit.
- a. A student must initiate an appeal concerning a faculty member's decision by submitting a written notice to the dean or director of the school or unit within which the alleged offense occurred, within seven calendar days after receiving a written report from the faculty member concerning the decision.
  - b. After receiving a written appeal from a student concerning a faculty member's decision or sanction, the dean or director of the school or unit should discuss the matter individually with the student and the faculty member in an effort to resolve the matter.
  - c. If the matter is not resolved, the dean or director should initiate one of the following procedures, within seven calendar days of having concluded individual meetings with the student and faculty member.

- (1) For units that do not have a mechanism for holding their own board hearings, the dean or director is required to hold a formal conference.
  - (a) The student and the faculty member must be given the opportunity to be present at the conference and to make whatever presentation and argument that they consider appropriate.
  - (b) The dean or director of the school has the authority to sustain or reverse any decision of the faculty member concerning the student's alleged act of academic misconduct.
    - (i) If the dean or director concludes that the student did not commit the alleged act of misconduct, the dean or director is required to set aside the sanction or sanctions imposed. The decision of the dean or director to take this action is final.
    - (ii) The dean or director may conclude that the student did commit the alleged act of misconduct but may decide to impose a lesser sanction than the sanction or sanctions imposed by the faculty member.
  - (c) The dean or director is required to act within seven calendar days in making a decision concerning an appeal. The decision must be in writing.
  - (d) The dean or director has the authority to authorize the head of the appropriate department or similar academic officer to consider and decide the appeal.
  - (e) The dean or director is required to notify the dean of students that an appeal has been filed upon receipt of the appeal. The dean or director is required to notify the dean of students of the decision concurrently with notice to the student.
  - (f) If the decision of the faculty member concerning the student's alleged act of misconduct is reversed in an appeal by the student to the dean or director of the unit in which the offense occurred, the decision of the dean of students to impose an additional sanction is automatically reversed without the necessity of any further appeal by the student.
- (2) Academic units may establish their own mechanism for holding formal board hearings of appeals concerning charges of academic misconduct within the unit. The hearing board may be appointed to hear a specific appeal, or it may be a standing committee charged with hearing appeals.
  - (a) A unit hearing board must consist of five members, including three members of the faculty of the unit involved and two students from that unit.
  - (b) The dean or director appoints the presiding officer of the unit hearing board, who must be a member of the faculty.
  - (c) Units will establish their own procedures for board hearings, which must be in general conformity with the guidelines provided for campus review boards in part IV.B.5.a.(3).
  - (d) The presiding officer is required to make a transcript of the hearing by tape recorder or other appropriate means.
  - (e) The presiding officer is required to inform, in writing, the dean or director of the unit, the student, the faculty member involved, and the dean of students concerning any decision of the unit hearing board.
    - (i) The board has the authority to sustain or reverse any decision of the faculty member concerning the student's alleged act of academic misconduct.

- (ii) If the board determines there is not clear and convincing evidence to support the conclusion the student committed the alleged act of academic misconduct, the dean or director of the unit is required to set aside the sanction or sanctions imposed. The decision of the board to take this action is final.
      - (iii) The board may conclude that the student did commit the alleged act of misconduct, but that the sanction should be reduced. Under the circumstances, the board will be authorized to direct the dean or director of the school or unit to impose a lesser sanction than that imposed by the faculty member.
    - (f) Within 14 calendar days after the hearing, the presiding officer must prepare a written decision that includes an explanation of the unit hearing board's action and the findings of fact upon which the action is based. The decision must be submitted to the dean or director, with copies to the dean of students, the student, and the faculty member involved, as well as to the dean of the school in which the student is majoring.
  - d. A student shall have the right to appeal the decision. The student has the burden of proving that the decision is not supported by clear and convincing evidence contained in the record or that a procedural irregularity deprived the student of due process.
5. Appeals to the Dean of the Faculties.
  - a. Appeals of decisions of the dean or director of a school or unit may be made to the dean of the faculties in cases where there has been no board hearing at the unit level.
    - (1) Notification of Appeal.
      - (a) A student may initiate an appeal of a decision of the dean or director of the school or unit by submitting a written notice to the dean of the faculties within seven calendar days after receiving notice of the decision of the dean or director of the school or unit.
      - (b) When an appeal concerning a decision of a faculty member has been submitted to the dean of the faculties, the dean of the faculties must notify within seven calendar days the unit in which the offense occurred and the dean of students that a written appeal from a student has been received. The dean of the faculties shall inquire into the facts of the appeal and shall discuss the matter individually with the student, the faculty member, the dean of the academic unit in which the offense occurred, and the dean of students.
        - (i) If the dean of the faculties considers it to be appropriate, the dean of the faculties may ask the student, the faculty member, and/or the dean of students to meet together with the dean of the faculties in an effort to resolve the appeal.
        - (ii) If the appeal is not resolved within 14 calendar days, the dean of the faculties must submit the appeal to a campus review board for consideration.
    - (2) Campus Review Board.
      - (a) The dean of the faculties has the authority to appoint the members of the campus review board to consider a particular appeal.
      - (b) The campus review board must consist of five members, including three members of the faculty or administration of the campus involved and two students from the campus.
        - (i) Faculty members must be appointed from a list submitted by the campus faculty council.

- (ii) Students must be appointed from a list submitted by the campus student body president.
- (c) The dean of the faculties appoints the presiding officer of the review board, who must be a member of the faculty or administration.
- (3) Formal Hearing.
  - (a) The campus review board is required to conduct a formal hearing to consider the appeal.
    - (i) The presiding officer, in consultation with the other members of the review board, must determine within seven calendar days from the date the appeal is received, an appropriate time and place for the hearing.
    - (ii) The presiding officer is required to make arrangements for a closed hearing, unless the student requests an open hearing. If the student requests an open hearing, the presiding officer is required to conduct the hearing in a place that will accommodate a reasonable number of observers, but the officer is authorized to make a final decision concerning the place where the hearing is to be held and the number of observers to be accommodated.
  - (b) When a hearing is to take place, the presiding officer is required to notify the student concerning the following:
    - (i) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice.
    - (ii) The date, time, and place of the alleged act of misconduct and a summary of the information upon which the allegation is based;
    - (iii) The names of any witnesses who may appear at the hearing and/or whose statements may be offered as evidence;
    - (iv) That the student must prepare a list of the witnesses that he or she may present at the hearing and/or whose statements may be offered as evidence at the hearing; that the list must be submitted to the presiding officer and the faculty member involved by no later than two calendar days before the hearing, excluding Saturdays and Sundays, and that the student may be precluded from calling a person as a witness at the hearing if the person's name is not submitted on a list as required by this code and the presiding officer finds that the failure to submit the name is without good cause.
    - (v) That the student is required to be present at the hearing and may be represented by an advisor of his or her choice, including an attorney at his or her own expense. That the faculty member involved will be present and that the dean of students will also be present if the appeal is concerned with any additional sanctions imposed by the dean of students.
    - (vi) That the student may testify but will not be required to testify at the hearing, and that a decision not to testify will not be considered as an admission of guilt;
    - (vii) That the hearing will be closed to the public unless the student notifies the presiding officer in writing by no later than five calendar days before the hearing that he or she desires the hearing to be open to the public;
    - (ix) That a failure to appear at the hearing shall be sufficient to justify the dismissal of the appeal if the review board determines that the failure to attend was without good cause.
  - (c) When a hearing is to take place, the presiding officer is required to notify the faculty member involved concerning the following:

- (i) The date, time, and place of the hearing;
- (ii) That the student's appeal relates to the faculty member's decision that the student committed the alleged act of misconduct and/or the faculty member's decision to impose a particular academic sanction;
- (iii) That the faculty member is required to be present at the hearing to testify concerning the matter;
- (iv) That the faculty member must prepare a list of any witnesses that he or she may present at the hearing and/or whose statements may be offered as evidence at the hearing; that the list must be submitted to the presiding officer and the student involved by no later than seven calendar days before the hearing, and that the faculty member may be precluded from presenting a person as a witness at the hearing if the person's name is not submitted on a list as required by this code and the presiding officer finds that the failure to submit the name is without good cause.
- (d) When a hearing is to take place, the presiding officer is required to notify the dean of students concerning the date, time, and place of the hearing if the appeal relates to a decision of the dean of students to impose an additional sanction against the student.
- (e) The formal hearing is to be conducted by the presiding officer of the review board.
  - (i) No hearing may be held unless a majority of the members of the review board are present. If any member of the review board is unable to be present or should request to be excused from serving for any good cause, the member should be replaced by the dean of the faculties in accordance with the regular procedures for appointing members of the board.
  - (ii) The presiding officer, in consultation with the other members of the review board, is responsible for conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the fair, orderly, and expeditious consideration of the complaint.
- (f) If the student is appealing the faculty member's decision that the student committed the alleged act of academic misconduct, the review board is required to follow the following procedures:
  - (i) The presiding officer shall call the faculty member as a witness to testify concerning the act of misconduct that the student is alleged to have committed.
    - a) The presiding officer and other members of the review board may question the faculty member concerning the alleged act of misconduct.
    - b) The student or his or her advisor shall be given the opportunity to question the faculty member concerning the allegations.
  - (ii) The presiding officer shall also call any other persons to testify as witnesses as requested by the faculty member or otherwise considered appropriate by the officer. The faculty member shall be given the opportunity to question these witnesses. The student or his or her advisor shall also be given the opportunity to question witnesses. The presiding officer may question any of these witnesses as the officer considers appropriate.

- (iii) The presiding officer shall permit the faculty member to present any other information that is appropriate and relevant to the allegations against the student.
- (iv) After all of the testimony and information concerning the alleged act of misconduct have been submitted, the presiding officer must offer the student the opportunity to testify concerning the matter.
  - a) If the student chooses to testify, he or she may be questioned by his or her advisor, if any, by the faculty member involved, and by the presiding officer and members of the review board.
  - b) If the student chooses not to testify, the review board may not consider the decision not to testify as an admission of guilt.
- (v) The presiding officer may allow the student or the faculty member the opportunity to call other witnesses and to submit any information that is appropriate and relevant to the student's appeal upon satisfactory explanation as to why it was not included in the prehearing documentation.
  - a) If any witnesses are called to testify, they may be questioned by the student or his or her advisor, if any.
  - b) The witnesses may also be questioned by the faculty member involved and by the presiding officer and members of the review board.
- (vi) The presiding officer must permit the student and/or his or her advisor to make a concluding statement or argument in support of the appeal. The presiding officer must likewise offer the faculty member involved the opportunity to make a statement or argument in reply to the statement or argument of the student and/or his or her advisor.
- (vii) The review board must make a decision concerning the merits of the appeal.
  - a) The decision must be based solely upon the testimony and information presented at the hearing, contained in the record.
  - b) A decision that the student committed the alleged act of misconduct must be based upon clear and convincing evidence.
  - c) A decision that the student committed the alleged act of misconduct must be based upon a vote of a majority of the members of the review board.
- (viii) The review board may make any of the following decisions concerning the appeal:
  - a) The evidence is sufficient to sustain the faculty member's decision that the student committed the alleged act of misconduct.
  - b) The evidence is not sufficient to sustain the faculty member's decision that the student committed the alleged act of misconduct.
- (ix) If a majority of the members of the review board conclude that the evidence is insufficient to sustain the allegations against the student, the decision is final and the allegations must be dismissed.

- (g) If a majority of the members of the review board conclude that the evidence is sufficient to sustain the faculty member's decision that the student committed the alleged act of misconduct and/or if the student is appealing the faculty member's decision concerning the academic sanction to be imposed, the review board is required to follow the following procedures:
  - (i) The presiding officer is required to offer the student or his or her advisor the opportunity to present testimony, present other witnesses, submit information, and make a statement or an argument concerning the propriety of the academic sanction imposed by the faculty member involved.
  - (ii) The presiding officer shall also offer the faculty member the opportunity to testify, present other witnesses, submit information, and make a statement or an argument concerning the propriety of the academic sanction to be imposed.
  - (iii) The review board must make a decision concerning the propriety of the academic sanction imposed by the faculty member.
    - a) The decision must be based solely upon the evidence and information presented at the hearing, contained in the record.
    - b) The decision of the faculty member must be sustained unless the review board finds that the decision is not supported by clear and convincing evidence, or is arbitrary, and unreasonable, or disproportionate to the nature of the student's act of misconduct.
    - c) A decision to sustain the faculty member's decision must be based upon a vote of a majority of the members of the review board.
  - (iv) If a majority of the members of the review board conclude that the faculty member's decision concerning the sanction to be imposed was not supported by clear and convincing evidence or was arbitrary, and unreasonable, or disproportionate to the nature of the student's act of misconduct, the review board must decide what sanction should be imposed. The board may impose only a lesser sanction than the sanction or sanctions imposed by the faculty member. This decision must be made by a vote of a majority of the members of the review board, and the decision is not subject to an appeal. This decision must be reported to the dean of the faculties who is required to initiate the necessary procedures to effectuate the decision.
- b. Appeals of decisions of a unit hearing board.
  - (1) A student may initiate an appeal of the decision of a unit hearing board by submitting a written notice to the dean of the faculties within seven calendar days after receiving notice of the decision of the unit hearing board. The appeal must explain the grounds for the appeal and the student has the burden of showing that the decision of the unit hearing board is not supported by clear and convincing evidence contained in the record, or that a procedural error was committed that deprived the student of due process.

- (2) When an appeal concerning a decision of a unit hearing board has been submitted to the dean of the faculties, the dean of the faculties must notify within seven calendar days the unit in which the offense occurred and the dean of students that a written appeal from a student has been received. The dean of the faculties shall inquire into the basis of the appeal and shall discuss the matter individually with the student and the presiding officer of the unit hearing board.
  - (a) If the dean of the faculties considers it appropriate, the dean of the faculties may ask the student and the presiding officer of the unit hearing board to meet together in an effort to resolve the appeal.
  - (b) If the appeal is not resolved, the dean of the faculties will appoint two or more student affairs professionals who work with academic matters to review the transcript of the hearing by the unit hearing board and make a recommendation as to the validity of the grounds of the appeal.
- (3) If, as a result of the formal review, the dean of the faculties decides there is reason to question the decision of the unit hearing board, the dean of the faculties shall appoint a campus review board to review the student's appeal of the faculty member's decision, as prescribed in sections 5.a.(1), (2), and (3) above.
- c. Appeal of a decision by the dean of students.
  - (1) Notification of Appeal.
    - (a) If the student decides to appeal only the sanction imposed by the dean of students, the student must submit the appeal in writing to the dean of the faculties within seven calendar days after receiving notice of the sanction imposed by the dean of students.
    - (b) When an appeal concerning a decision of the dean of students has been submitted to the dean of the faculties, the dean of the faculties must notify within seven calendar days the unit and the dean of students that a written appeal from a student has been received. The dean of the faculties shall inquire into the facts of the appeal and shall discuss the matter individually with the student and the dean of students.
      - (i) If the dean of the faculties considers it to be appropriate, the dean of the faculties may ask the student and the dean of students to meet together with the dean of the faculties in an effort to resolve the appeal.
      - (ii) If the appeal is not resolved within 14 calendar days, the dean of the faculties must submit the appeal to a campus review board.
  - (2) Campus Review Board.
    - (a) The Campus Review Board shall follow the procedures prescribed in sections 5.a.(1), (2), and (3)(a) as well as the following procedures:
      - (i) The dean of students shall be called as a witness to state the reasons or justification for the additional sanction imposed. If the additional sanction was imposed because of any prior act or acts of misconduct by the student, the dean of students should inform the review board concerning the misconduct.
      - (ii) The student or his or her advisor shall be given the opportunity to question the dean of students, concerning the reason or reasons for the additional sanction.
      - (iii) The student or his or her advisor must be given the opportunity to present testimony, submit information, and make a statement or argument concerning the propriety of the additional sanction.

- (iv) If the additional sanction was imposed even in part because of any prior acts of misconduct by the student, the accuracy of the records maintained or relied upon by the dean of students may be questioned but the propriety of the decisions made by the university or university officials concerning any prior acts of misconduct may not be questioned as part of the appeal.
  - (v) The review board must make a decision concerning the propriety of the additional sanction imposed by the dean of students.
    - a) The decision must be based solely upon the evidence and information presented at the hearing.
    - b) A decision of the dean of students to impose an additional sanction must be sustained unless the review board finds that the decision is not supported by clear and convincing evidence or is arbitrary, and unreasonable, or disproportionate to the nature of the student's act of misconduct and/or the student's record of previous misconduct.
    - c) A decision to sustain the decision of the dean of students to impose an additional sanction must be based upon a vote of a majority of the members of the review board.
  - (vi) If a majority of the members of the review board conclude that the decision of the dean of students to impose an additional sanction was not supported by clear and convincing evidence or is arbitrary, and unreasonable, or disproportionate, the review board must decide what, if any, additional sanction should be imposed.
    - a) If the dean of students decided to impose expulsion from the university, the review board may decide to impose either disciplinary probation or suspension from the university or may decide not to impose any additional sanction at all.
    - b) If the dean of students decided to impose a period of suspension from the university, the review board may decide to impose disciplinary probation or may decide not to impose any additional sanction.
    - c) If the dean of students decided to impose disciplinary probation, the review board may decide not to impose any additional sanction.
    - d) A decision must be made by a vote of a majority of the members of the review board.
    - e) The decision of the review board is final and not subject to an appeal.
    - f) The decision must be reported to the dean of the faculties who is required to notify the appropriate university officer to effectuate the decision in accordance with university procedures.
  - (vii) If a majority of the members of the review board conclude that the decision of the dean of students to impose an additional sanction was proper, the decision is not subject to an appeal. The decision must be reported to the dean of the faculties who is required to notify the appropriate university officer to effectuate the decision in accordance with university procedures.
- (b) The presiding office is required to advise the student, the faculty member involved, and the dean of students if the dean is involved in the hearing, concerning any decision of the review board.

- (c) The presiding officer of the review board is required to make a transcript of the hearing before the board that may be made by a tape recorder or other appropriate means.
- (d) Within 14 calendar days after the hearing, the presiding officer must prepare a written decision that includes a brief explanation of the review board's action and the findings of fact upon which the action is based. The decision must be submitted to the dean of the faculties with copies to the dean of students, the student, and the faculty member involved.

### C. Academic Misconduct Procedures for Academic Misconduct Unrelated to a Particular Course

1. Disciplinary proceedings for an act of academic misconduct that is unrelated to a particular course in which the student is enrolled are governed by the same procedures that apply to acts of personal misconduct.
2. When the dean of students initiates separate disciplinary proceedings in cases involving simultaneous acts of academic misconduct unrelated to a particular course or simultaneous acts of personal misconduct, as provided in part IV.A.3.a or part IV.A.3.b, the proceedings are governed by the same procedures that apply to acts of personal misconduct.

### D. Disciplinary Procedures for Personal Misconduct

1. Applicability of Procedures.
  - a. Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.
  - b. Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic misconduct are governed by the following procedures unless the dean of students and the faculty member involved agree otherwise.
  - c. The disciplinary procedures in this section do not govern proceedings involving the alleged violation of campus motor vehicle and halls of residence contractual provisions. The procedures likewise do not govern proceedings involving the university's use of a checklist to collect money from students.
2. Initiation of Proceedings.
  - a. A report that a student has committed an act of personal misconduct may be filed by any person.
  - b. A report that a student has committed an act of personal misconduct must be submitted in writing to the dean of students.
  - c. After reviewing a complaint, the dean of students has the discretion to decide whether disciplinary proceedings should be instituted.
3. Notice.
  - a. A disciplinary proceeding is initiated by the dean of students by sending a notice to the student who is the subject of the complaint. If disciplinary proceedings are initiated against a dependent student under the age of 18, the dean is required to make reasonable efforts to ensure that the parent(s) or, when appropriate, the legal guardian of the student is notified concerning the proceedings and the nature of the complaint.
  - b. The notice shall be sent by certified mail to the student's address as it appears in the official records of the university or shall be delivered personally to the student. Notice must be delivered in a manner university officials believe is most likely to inform the student that charges are pending and that a hearing has been

scheduled. The notice shall quote the rule claimed to have been violated and shall fairly inform the student of the reported circumstances of the allegedly wrongful conduct. The notice shall require the student to appear in the Office of the Dean of Students at a time and on a date specified (which ordinarily will not be earlier than seven calendar days after the mailing of the notice) to discuss the alleged violations.

- c. The notice shall inform the student of the following:
  - (1) The offense the student is alleged to have committed by citing the relevant section of these regulations;
  - (2) The date, time, and place of the alleged offense and other relevant circumstances;
  - (3) The date, time, and place of the informal conference to discuss the alleged violation;
  - (4) That the student may have an advisor or other counsel present during the conference; that an advisor or counsel is limited to the role of advising the student; and that an advisor or counsel may not participate in presenting the case, questioning the witnesses, or making statements during the conference;
  - (5) That the student need not answer questions and that a choice to remain silent will not be taken as an admission that the student committed the alleged offense;
  - (6) That, if the student fails to appear for the conference, the dean of students may:
    - (a) reschedule the conference;
    - (b) dismiss the charges; or
    - (c) if the dean of students reasonably believes the failure to be without good cause, impose any of the disciplinary penalties described under part IV.D.4.e of this code.
  - (7) That any disciplinary penalties imposed under the circumstances noted in paragraph (6) above shall be subject to further hearing or appeal, but the fact of the student's failure to appear at the conference, if unjustified, may be weighed as a factor in future hearings.
4. Informal Disposition.
  - a. When the student appears as required, the dean of students shall inform the student as fully as possible of the facts alleged. The student may, but need not, make responses and explanations.
  - b. If, after discussion and such further investigation as may be necessary, the dean of students determines that the violation alleged is not supported by clear and convincing evidence, the dean of students shall dismiss the accusation and notify the student.
  - c. If, after discussion, or if the student fails to appear, and if the dean of students believes that the violation occurred as alleged, the dean of students shall so notify the student and shall propose a penalty by means of a written notice. The student, by such notice, shall be offered the choice of either consenting to the determination and proposed penalty or of requesting a hearing before a hearing commission. Should a student desire a hearing before a hearing commission, the request shall be made in writing and delivered to the Office of the Dean of Students by no later than seven calendar days after the mailing of the notice.
  - d. If no written choice is received by the dean of students within the time specified, no hearing shall be held, the sanction(s) proposed by the dean of students shall be imposed, and the action shall be final.
  - e. The dean of students is authorized to impose any one or a combination of the following sanctions for acts of personal misconduct.

- (1) Reprimand and Warning. A student may be given a reprimand accompanied by a written warning that the student may receive additional sanctions if the student engages in the same misconduct again or commits any other violation of this code.
  - (2) Disciplinary Probation. A student may be placed on disciplinary probation for a specified period of time under conditions specified in writing by the dean of students, with a warning that any violation of the conditions or any further acts of misconduct may result in additional disciplinary sanctions, including suspension or expulsion from the university. As a condition of probation, the student may be required to participate in a specific program, such as a counseling program or an alcohol education program, or to provide a specific service, such as the repair or restoration of any property damaged or taken by the student.
  - (3) Restitution. A student may be required to pay the cost for the replacement or repair of any property damaged by the student. If the student fails to pay the cost or make the repairs, the student may be subjected to additional sanctions, including suspension or expulsion.
  - (4) Participation in a specific program. A student may be required to participate in a specific program, such as a counseling program, a program designed to stimulate good citizenship within the university community, an alcohol education program, or any other activity that would foster civic participation. If the student fails to participate in the program as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
  - (5) Provision of a Specific Service. A student may be required to provide a specific service, such as, but not limited to, the repair or restoration of any property damaged or taken by the student. If the student fails to provide the service as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
  - (6) Expulsion from University Housing. A student may be expelled from university housing, and the student's contract for such housing may be rescinded.
  - (7) Transfer to a Different Residence Hall or Housing Unit. A student may be required to transfer to a different residence hall or housing unit. If the student fails to transfer to a different residence hall or housing unit as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
  - (8) Suspension. A student may be prohibited from participating in all aspects of university life for a specified period of time. When a student is suspended from the university, the suspension applies to all campuses of the university. The dean of students is required to notify the Office of the Registrar to indicate the suspension on all copies of the student's academic transcript. When the term of the suspension has ended, the registrar will remove the notation from the student's transcript.
  - (9) Expulsion. A student may be dismissed from the university permanently. When a student is expelled from the university, the expulsion applies to all campuses of the university. The dean of students is required to notify the Office of the Registrar to indicate the expulsion on all copies of the student's academic transcript. Furthermore, the student may not thereafter petition for readmission to the university.
5. Formal Hearing.
- a. If a student requests a hearing, the dean of students shall make arrangements for the hearing; but thereafter, with notice to the student, the dean may request the hearing commission to dismiss the case. If a hearing is to take place, notice

from the dean of students shall be sent by certified mail to the student's address as it then appears in the official records of the university or shall be delivered personally to the student or delivered in a manner most likely to inform the student that a hearing date has been set and charges are pending. The notice shall inform the student of the following:

- (1) The offense alleged to have been committed, by citing the relevant section of this code;
  - (2) The date, time, and place of the alleged offense, and other relevant circumstances, including a summary of the evidence upon which the charges are based, the names of those who may be presented as witnesses and/or whose statements would be offered as evidence at the hearing;
  - (3) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice;
  - (4) That the student must prepare a list of the persons that the student may present as witnesses and/or whose statements may be offered as evidence at the hearing and submit the list to the dean of students by no later than seven calendar days before the hearing.
  - (5) That the student is required to be present at the hearing and is entitled to present witnesses and to cross-examine witnesses who appear unless the hearing commission decides to proceed in the absence of the student because of extraordinary circumstances.
  - (6) That the student is entitled to be represented at the hearing by counsel or an advisor of his or her choice at his or her own expense, but that the student is still required to be present even if represented by counsel or an advisor;
  - (7) That the university may be represented by legal counsel if it so elects;
  - (8) That the student need not answer questions, and that a choice to remain silent will not be taken as an admission of guilt;
  - (9) The sanctions that may be imposed by the hearing commission;
  - (10) That the hearing will be closed to the public, unless the student(s) indicates in writing to the dean of students, at least seven calendar days in advance of the hearing, a desire to open the hearing to the public. The dean of students and the presiding officer of the hearing commission shall make arrangements satisfactory to the hearing commission to accommodate observers if a hearing is to be public, and the hearing commission's choice of the place and determination of the number of observers that can be conveniently accommodated are final;
  - (11) That the failure to appear at the hearing will be action for which the hearing commission may impose the disciplinary sanction initially proposed by the dean of students without right of further appeal if the hearing commission, upon diligent inquiry, finds such failure to be without good cause.
- b. A hearing shall be conducted before a hearing commission that shall consist of three members, including one student and two faculty members, one of the faculty members to serve also as the presiding officer of the commission.
- (1) The hearing commission shall be selected by the dean of students from a hearing commission list containing names of students and faculty members placed on the list as follows:
    - (a) Five or more students appointed by the student body president upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body;
    - (b) Five or more faculty members (to be representative of the various academic disciplines) to be appointed by the presiding officer of the campus faculty council upon recommendation of the faculty council or other appropriate representative body as determined by the faculty council.

- (2) Students and faculty members are to be appointed to membership on the hearing commission list for a one year period of time, beginning with the first day of the fall semester each year. The student body president and the presiding officer of the faculty council may appoint a person at any time during the year to fill a vacancy on the list. A person may be reappointed to the list from year to year.
- (3) If a person is selected to serve on a particular hearing commission by the dean of students, the person is authorized to serve on the commission until the commission completes the hearing of any case submitted to the commission even though this may require the person to serve beyond his or her one year period of appointment to the hearing commission list.
- c. If a vacancy on the hearing commission list occurs and there is a failure or refusal of the appropriate authorities to make an appointment to fill the vacancy, the chief administrative officer of a campus may make appointments, fill vacancies, or take such other action as is necessary to constitute the hearing commission list or any hearing commission.
- d. No hearing shall be held unless all three members of the hearing commission are present. If any member of a hearing commission is unable to be present or should request to be excused from serving for any good cause, another commission member shall be selected from the hearing commission list.
- e. The members of the hearing commission shall select a presiding officer who must be one of the faculty members serving on the commission. The presiding officer, in consultation with other members, shall maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the hearing. The hearing commission may examine all witnesses. When it appears necessary to avoid undue hardship or to avoid injustice, the hearing commission may, in its discretion, grant a reasonable continuance of the hearing. The hearing commission shall provide a taped transcript of all proceedings, which transcript shall be maintained for a period of one year.
- f. At the hearing, the dean of students, the student, or the student's advisor or other counsel, may present and examine witnesses, present other evidence, and cross-examine witnesses. The student charged with an offense may testify, but shall not be ordered to testify by the hearing commission, nor shall failure to testify be considered an admission of guilt. The burden of proving that the student has committed the offense or offenses as charged shall be upon the university.
- g. The decision of the hearing commission shall be based solely upon matters introduced at the hearing and must be based upon clear and convincing evidence. A decision shall be made by majority vote.
- h. The hearing commission shall make a finding whether the student has committed the offense(s) as charged. If the hearing commission finds that the student has committed the offense(s), it shall, after a review of any disciplinary record the student may have, impose one, or a combination of the disciplinary sanctions enumerated under part IV.D.4.e (above) of this code.
- i. Within 10 calendar days after the conclusion of the hearing, the presiding officer of the hearing commission shall render a written decision and include a brief explanation of the decision and set forth the findings of fact upon which the decision is made. The presiding officer shall furnish copies of the decision to the student and the dean of students.
- j. If a student is notified to appear before a hearing commission and fails to appear, the hearing commission is required to impose the disciplinary sanction initially proposed by the dean of students, if the hearing commission, after diligent inquiry, finds that the failure to appear is without good cause and that there is clear and convincing evidence to believe that the violation occurred as alleged. The hearing commission is required to notify the student by means of a written

notice that the sanction is imposed and that the student has no further right of appeal. When an extension of time appears necessary to avoid undue hardship or injustice, the hearing commission may extend the time to enable a student to respond to an accusation or prepare a defense.

6. Appeal.
  - a. The student may appeal the decision of the hearing commission to the review board based on the standard established by paragraph b.(6) below. An appeal may be initiated by filing a notice of appeal with the dean of students, including a memorandum stating the reason(s) for believing the decision to be improper.
    - (1) The notice of appeal must be filed not later than seven calendar days after the date of the written decision of the hearing commission.
    - (2) The dean of students shall immediately forward the notice to the presiding officer of the review board.
  - b. The student shall be notified by the Office of the Dean of Students of the following:
    - (1) The date, time, and place of the appeal hearing;
    - (2) That either the student or the dean of students may submit a written statement to the review board before the appeal hearing, but that any such statement must also be submitted to the opposing party before the hearing;
    - (3) That, at the hearing, both the student and the dean of students may make oral arguments based on the record to the review board, and that their respective advisors or counsel may also do so;
    - (4) That the appeal hearing will be closed to the public, unless otherwise requested by the student in writing at least three calendar days before the hearing;
    - (5) That the review board will not accept additional evidence, but will consider only the record of the hearing by the hearing commission.
    - (6) That the student requesting the appeal shall have the burden of proving that the decision of the hearing commission was not based on clear and convincing evidence or was substantially deficient in providing the student due process.
  - c. The review board shall be composed of three persons who are appointed as follows:
    - (1) A student appointed by the president of the student body upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body;
    - (2) A faculty member appointed by the presiding officer of the faculty council upon recommendation of the faculty council or other appropriate representative body as determined by the faculty council; and
    - (3) An administrative officer appointed by the chief administrative officer of a campus. The administrative member shall serve as the presiding officer.
  - d. The members of the review board shall hold office from the first day of the fall semester for a term of one year, but they shall complete the review of any case that they have begun to consider.
    - (1) A member of the review board may be reappointed to the board, but no member may serve more than two consecutive terms.
    - (2) A member of the review board may be appointed at any time during the year to fill a vacancy on the board.
    - (3) If a vacancy on the review board occurs and there is a failure or refusal of the appropriate authority to make an appointment to fill the vacancy, the chief administrative officer of a campus may make an appointment to fill the vacancy or take such other action as may be necessary to constitute the review board.

- e. No hearing shall be held unless all three of the members of the review board are present. If any member of the review board is unable to be present or should request to be excused from serving for any good cause, another review board member shall be appointed in accordance with the provisions of sections c and d above.
- f. The presiding officer of the review board, in consultation with other members, shall maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the appeal hearing. Decisions by the review board shall be by majority vote only.
- g. The review board is required to listen to the recorded tape of the hearing commission, consider any written statements submitted by the student and the dean of students, and hear any oral arguments by the parties or their representatives. The student requesting the appeal shall have the burden of proving that the decision of the hearing commission was not based on clear and convincing evidence or was substantially deficient in providing the student due process.
- h. The review board must render a decision within 10 calendar days of the hearing and may take any of the following actions:
  - (1) Affirm the original decision that the student did commit the alleged act of misconduct.
  - (2) Affirm the original decision concerning the disciplinary sanction to be imposed.
  - (3) Reverse the original decision that the student did commit the alleged act of misconduct and direct that the complaint be dismissed.
  - (4) Set aside the original decision that the student did commit the alleged act of misconduct and order that a new hearing be held before a new hearing commission.
  - (5) Set aside the original decision concerning the disciplinary sanction to be imposed and impose a different sanction, subject to the following limitations:
    - (a) If the hearing commission decided to impose expulsion from the university, the review board may decide to impose either disciplinary probation or suspension from the university.
    - (b) If the hearing commission decided to impose a period of suspension from the university, the review board may decide to impose disciplinary probation but may not decide to impose expulsion from the university.
    - (c) If the hearing commission decided to impose disciplinary probation, the review board may not decide to impose suspension or expulsion from the university.
- i. The presiding officer of the review board is required to notify the dean of students concerning the board's decision.
  - (1) The dean of students is required to notify the student and to initiate the necessary procedures to effectuate the decision.
  - (2) The student who filed the complaint may not take any further appeal from the decision of the review board.

#### 7. Summary Action.

A student may be summarily suspended from the university and summarily excluded from university property by the chief administrative officer of a university campus.

- a. The chief administrative officer may act summarily without following the hearing procedures established by this section if the officer is satisfied that the student's continued presence on the campus constitutes a serious threat of harm to the student or to any other person on the campus or to the property of the university or property of other persons on the university campus.

- b. A student who is summarily suspended and excluded from the university shall be required to leave the property of the university immediately and shall be notified that he or she will thereafter be treated as a trespasser if he or she returns to university property. Within 24 hours after the student is excluded, a written notice must be sent to the student by certified mail informing the student of the following:
  - (1) That the student has been suspended from the university;
  - (2) That the student has been excluded from being on university property;
  - (3) That the student will be considered a trespasser if he or she returns to university property;
  - (4) The reasons for the suspension from the university and the exclusion from university property;
  - (5) That the student, within fourteen calendar days after being excluded, may request a hearing before a hearing commission to review the information upon which the summary action was based and to determine whether the information was sufficient and reliable enough to justify the summary action; and
  - (6) That the dean of students will be initiating disciplinary action against the student within seven calendar days after the summary action was taken.
- c. The dean of students must initiate disciplinary proceedings against a student who is summarily suspended and excluded from the university within seven calendar days after the summary action is taken.
  - (1) The student shall thereafter be permitted to enter the university campus only for the limited purpose of participating in the disciplinary proceedings conducted under this section.
  - (2) The dean of students may require that the student be escorted to and from the disciplinary proceedings by members of the university police department.
- d. Within 14 calendar days after being summarily suspended and excluded from university property, a student may request a hearing before a hearing commission to determine whether the summary action was justified and whether the student should be reinstated and allowed to return to university property.
  - (1) The request must be submitted in writing to the dean of students.
  - (2) The dean of students shall select a hearing commission as provided in part IV.D.5.b (above).
  - (3) The hearing commission shall hold a hearing within seven calendar days after being selected by the dean of students.
  - (4) The hearing commission is required to review the information upon which the summary action was based and to decide whether the information was sufficient and reliable enough to justify the summary action.
  - (5) The student is required to be present at the hearing and is entitled to be represented by an advisor or counsel of choice and at the student's expense.
  - (6) The student shall be permitted to enter the university campus for the limited purpose of this hearing in accordance with part IV.D.7.c, above.
  - (7) The hearing commission is required to make a decision by the end of the hearing and to notify the student, the dean of students, and the chief administrative officer of the campus concerning the decision.
  - (8) The hearing commission may affirm the decision and advise the student that the temporary suspension and temporary exclusion will continue until the student is notified otherwise in the course of subsequent disciplinary proceedings.
  - (9) If the hearing commission concludes that the summary action was not justified, the presiding officer is required to notify the chief administrative officer of the campus.

- (10) The chief administrative officer is required to consider the decision of the hearing commission but is not bound by the decision. The chief administrative officer shall thereafter notify the student that the student is reinstated or that the temporary suspension and temporary exclusion are to be continued pending the outcome of the disciplinary proceedings.

## E. Time Limitations

1. Time limitations that are specified in the preceding sections of this code may be extended for a reasonable period of time if an extension is justified by good cause under the totality of the circumstances.
  - a. An interested party to a proceeding may make a request for an extension of a specific time limitation.
  - b. A request for an extension must be submitted in writing to the person conducting the proceeding or the presiding officer of the commission hearing the matter.
2. If a time limitation is not specified for a particular action or proceeding under this code, the action or proceeding must be taken or conducted promptly or within a reasonable period of time as determined from a consideration of the totality of the circumstances.
  - a. An interested party to a proceeding may make an appropriate objection concerning the promptness or reasonableness of the time within which an action is taken or a proceeding is conducted.
  - b. An objection must be made to the person conducting the proceeding or the presiding officer of the commission hearing the matter.
3. Any interested party to a proceeding may appeal a decision concerning an objection or request concerning a time limitation.
  - a. The appeal must be taken to the person or body that is authorized under this code to consider any other appeal from the person or body making the decision concerning the time limitation.
  - b. The decision concerning the appeal is a final decision and is not subject to a further appeal.

## F. Misconduct by Student Organizations

1. A complaint that a student organization has committed an act of academic or personal misconduct may be filed against the student organization, against individual members of the organization, or against the organization and individual members of the organization. The complaint may be filed by any person.
2. A complaint against a student organization and/or individual members of the organization must be submitted in writing to the dean of students.
  - a. If the complaint is against a student organization, the dean of students has the authority to initiate disciplinary proceedings against the organization.
  - b. If the complaint involves an allegation of academic misconduct by an individual student member of the organization that is related to a particular course in which the student is enrolled, the dean of students must refer the complaint against the student to the faculty member who is teaching the course. The faculty member has the authority to initiate academic misconduct proceedings against the student as provided in this code.
  - c. If the complaint involves an allegation of academic misconduct by an individual student member of the organization that is not related to a course in which the student is enrolled, the dean of students has the authority to initiate academic misconduct proceedings against the student after consulting with the dean or director of the appropriate school or unit in which the student is enrolled.

- d. If the complaint involves an allegation of personal misconduct by an individual student member of the organization, the dean of students has the authority to initiate disciplinary proceedings against the student.
  - e. If the complaint involves an allegation that an individual student member of the organization has committed simultaneous acts of academic and personal misconduct, proceedings against the student may be initiated as provided in this code (see part IV.A.3 above).
3. Disciplinary proceedings against a student organization are governed by the procedures established by the individual campus for such proceedings.
  4. Academic misconduct proceedings against individual members of a student organization are governed by the procedures otherwise applicable to students alleged to have committed acts of academic misconduct.
  5. Disciplinary proceedings against individual members of a student organization are governed by the procedures otherwise applicable to students alleged to have committed acts of personal misconduct.

## Part V: General Provisions

### A. Definition of “Student”

For purposes of this code, the term “student” includes the following:

1. A person who is admitted and enrolled in any credit-bearing course or program in any school or division of Indiana University.
2. A person who is admitted to Indiana University and is present on a campus for the purpose of being enrolled in any credit-bearing course or program in any school or division of Indiana University.
3. A person who has been admitted and enrolled in any credit-bearing course or program in any school or division of Indiana University and continues to be associated with Indiana University because of failure to complete the course or the program in which the person was enrolled.

### B. Definition of “Calendar Days”

For purposes of the code, the term “calendar days” is defined as all days, excluding those when the university officially is not in session. Non-session days are identified as those that occur between the last day of final examinations of one semester and the first day of classes the following semester, plus official closing days for Thanksgiving, Martin Luther King Jr. Day, spring break, Memorial Day, and the Fourth of July.

### C. Persons Authorized to Exercise Specified Responsibilities

1. Under this code, the authority that is given to a specified Indiana University official or employee may be exercised by any person who occupies the specified position or has a comparable position on a campus that does not have the specified position. This code refers to the following specified positions but each position includes any equivalent position on a campus that does not use these specific titles:
  - a. Dean of students
  - b. Dean of the faculties
  - c. Affirmative action officer
  - d. Assistant vice president for human resources
  - e. Faculty council president
  - f. Chancellor
2. Under this code, the authority that is given to a particular Indiana University official or employee may be exercised by that particular person or by that person’s designee.

### D. Advisors for Witnesses

1. A person who appears as a witness in any proceeding conducted under this code is entitled to have an advisor or other counsel present while the witness is testifying during the proceeding, provided it is at the witness’ expense.
2. An advisor or counsel for a witness is limited to the role of advising the witness. The advisor or counsel may not participate in the proceeding, may not question the witness, and may not make any statements during the proceeding.

### E. Notification of a Victim

1. A person who is a victim of any misconduct for which disciplinary proceedings are conducted under this code is entitled to participate in all proceedings, except for the final deliberative process in which the hearing officer or panel weigh the evidence presented and arrive at a decision.
2. If the subject matter of the disciplinary proceeding involves crimes of violence or a sex offense and the accused is determined to have committed the act, the dean of students is required to notify the victim of the outcome of the disciplinary proceedings within seven school calendar days after the proceedings have been concluded. If the victim of the misconduct is a student or a student organization and the accused is a fraternity, sorority, or other similar student organization, the dean of students is required to notify the victim of the sanction imposed within seven calendar days after the proceedings have been concluded.
3. If the student(s) against whom a sanction(s) is rendered discuss the judicial process, or the outcome of the judicial process, in a public forum, any claim to confidentiality is waived. The dean of students, at the dean’s discretion, will be free to discuss any or all aspects of the case publicly.

### F. Importance of Free and Open Discussion

Nothing in this code shall be construed as limiting free and open discussion of all matters, including matters of morality and public policy.

## Part VI: Adoption Provisions

### A. Resolution of Adoption

1. The foregoing code is hereby adopted by the Trustees of Indiana University under the authority conferred by the General Assembly of the State of Indiana in chapter 273 of the Acts of the General Assembly in 1969 [Ind. Code § 20-12-1 (1988)] and in compliance with House Concurrent Resolution No. 22 as enacted in chapter 444 of the Acts of the General Assembly in 1969.
2. This code, as hereby adopted, supersedes the Statement of Student Rights and Responsibilities that was effective on August 15, 1975, The Code of Student Ethics previously adopted by the Board of Trustees and effective on August 15, 1990, and the Code of Student Rights, Responsibilities, and Conduct previously adopted by the Board of Trustees and effective on August 15, 1997.
3. This code, as hereby adopted, shall be effective on August 15, 1997.

### B. Effect of Adoption

1. The adoption of this code shall not affect any rights or liabilities that were accrued, any sanctions that were incurred, or any proceedings that were begun before August 15, 2004. Any rights, liabilities, and sanctions that accrued or were incurred before August 15, 2004, shall continue to be enforced as if the new code had not been adopted. Any proceedings that were begun before August 15, 1990, shall likewise continue as if the new code had not been adopted.
2. Acts of misconduct that were committed before August 15, 2004, shall be governed by the rules and procedures in effect at the time of such acts.
3. Acts of misconduct that are committed after August 15, 2004, shall be governed by the rules and procedures included in this new code.
4. The provisions of this code do not alter existing faculty grievance policies and procedures.

### C. Amendments to the Code by Academic Units

1. The Code of Student Ethics was adopted by the University Faculty Council on April 16, 1990, by the following resolution:
 

“The Code of Student Ethics shall apply to all students at Indiana University. Any unit of the university may adopt additional or alternative substantive or procedural standards to this code, provided the alternative or additional standards:

  - a. are necessary to meet academic concerns or to comply with the professional or accreditation standards; and
  - b. guarantee students in the unit a fair opportunity to be heard consistent with the standards of evidence and due process found in this code.”
2. In establishing additional or alternative processes, a unit must use the following procedure:
  - a. Proposed revisions to the code must be submitted to the agenda committee of the appropriate faculty council (campus or university) for review and to the full faculty council for approval, to ensure the revisions are comprehensive and consistent, and that they meet the criteria outlined above.

- b. Upon approval by a campus faculty council, the revisions must be reported to the campus dean of students and the University Faculty Council Agenda Committee. The University Faculty Council will review and consider final approval of the revisions.
- c. Upon final approval of an alternative process, the fact that this code does not apply to the unit, with regard to academic matters, must be publicized in a fashion calculated to inform all students taking courses in the unit, that they will be judged by the alternative process. The notice must also explain where copies of the alternative process are available.
- d. Upon a student being found responsible for violation of a provision set forth in an alternative process, the dean of students must be informed in writing of the student's name and identification number, a description of the offense, the date and location of the offense, and a description of any sanction or action taken by the university official, or hearing commission, who considered the reported violation.

## Appendix 1

### 1. Resolution on the Elimination of Discrimination

(adopted by the Board of Trustees, July 3, 1967)

WHEREAS, it is and has been the policy of Indiana University over a period of years to adopt and support measures designed to prevent discrimination against any individual student, faculty member, or employee of Indiana University on the sole basis of his race, creed, or national origin,

AND, WHEREAS, it is also the policy of our country and of our state to eliminate such discrimination in our society;

NOW, THEREFORE, BE IT RESOLVED by the Trustees of Indiana University, that the university administration be directed to take such steps as may be necessary and desirable to accelerate the final elimination of such vestiges of discrimination as may still exist, based on race, creed, or national origin, from all phases of university life including official employment and other personnel policies and participation in campus activities and organizations.

BE IT FURTHER RESOLVED that the administration is directed to report from time to time to the Board of Trustees on progress achieved and any problems remaining in this area.

[Minutes, Board of Trustees, July 3, 1967, p. 7]

### 2. Resolution on the Elimination of Discrimination

(adopted by the Board of Trustees, November 21, 1969)

WHEREAS, it is and has been the policy of Indiana University over a period of years to adopt and support measures designed to prevent discrimination against any individual student, faculty member, or employee of Indiana University on the sole basis of his race, color, religion, sex, or national origin,

AND, WHEREAS, it is also the policy of our country and of our state to eliminate such discrimination in our society;

NOW, THEREFORE, BE IT RESOLVED by the Trustees of Indiana University, that the university administration be directed to take such steps as may be necessary and desirable to accelerate the final elimination of such vestiges of discrimination as may still exist, based on race, color, religion, sex, or national origin, from all phases of university life including official employment and other personnel policies and participation in campus activities and organizations.

[Minutes, Board of Trustees, November 21, 1969, p.2]

### 3. Student Affirmative Action Policy Statement

(adopted by the Board of Trustees on June 29, 1974)

Indiana University, pursuant to its obligations under Title VI and Title IX, will not exclude any person on the basis of race, color, national origin, or sex from participation in its programs or activities or deny any of these persons the benefits of any program or activity.

Indiana University is committed to correcting the effects of any past discrimination. The university is involved in efforts to increase the number of minority group (American Black, Latino, American Indian, and American Asian) students and to balance the male/female

ratio at both the undergraduate and graduate levels. This effort began with a complete review of existing admissions and recruitment procedures to identify and eliminate all discriminatory practices. Affirmative Action Task Forces are examining:

- (a) adjusted admissions requirements to permit the matriculation of so-called "high risk" students;
- (b) pre- and postmatriculation academic support programs;
- (c) recruitment programs to encourage application for admission among those groups that have traditionally not attended institutions of higher education;
- (d) new curricula to meet the needs and desires of minority group and women students;
- (e) ethnic centers and residential programs for minority students;
- (f) a more responsive counseling program for both graduates and undergraduates;
- (g) concomitant affirmative action programs in the area of faculty and staff hiring;
- (h) grievance procedures for students who feel they have suffered discrimination; and
- (i) the examination of any other programs, activities, and policies of the university in order to make them more responsive to needs of women and minority group students.

Each campus will develop its own programs to deal with the needs of its students.

[Minutes, Board of Trustees, June 29, 1974, pp. 59, 61]

[Affirmative Action Proposal, p. STD-1.]

### 4. Statement concerning Disabled Veterans, Veterans of the Vietnam Era, and Handicapped Individuals

(adopted by the Board of Trustees, March 3, 1979)

Indiana University is committed to providing educational and employment accessibility to all qualified individuals. Committed to the goal of equal opportunity, Indiana University recognizes the need to insure that no qualified individual will be denied participation in the university's programs because of artificial and discriminatory barriers. The university, therefore, guarantees that qualified disabled veterans, veterans of the Vietnam era, and handicapped individuals shall not be refused educational opportunity, employment, or advancement for reasons unrelated to specific job performances.

[Minutes, Board of Trustees, March 3, 1979, p. 5]

### 5. Equal Opportunity/Affirmative Action Policy of Indiana University

(adopted by the Board of Trustees, December 4, 1992)

Indiana University pledges itself to continue its commitment to the achievement of equal opportunity within the university and throughout American society as a whole. In this regard, Indiana University will recruit, hire, promote, educate, and provide services to persons based upon their individual qualifications. Indiana University prohibits discrimination based on arbitrary considerations of such characteristics as age, color, disability, ethnicity, gender, marital status, national origin, race, religion, sexual orientation, or veteran status.

Indiana University shall take affirmative action, positive and extraordinary, to overcome the discriminatory effects of traditional policies and procedures with regard to the disabled, minorities, women, and Vietnam-era veterans.

## Appendix 2

### Policy against Sexual Harassment

(By action of the Trustees of Indiana University, approved June 15, 1998)

Harassment on the basis of sex is a violation of federal and state law. Indiana University does not tolerate sexual harassment of its faculty, staff, or students. Individuals who believe they are victims of sexual harassment, as well as those who believe they have observed sexual harassment, are strongly urged to report such incidents promptly. Indiana University will investigate every sexual harassment complaint in a timely manner and, when there is a finding of sexual harassment, take corrective action to stop the harassment and prevent the misconduct from recurring. The severity of the corrective action, up to and including discharge or expulsion of the offender, will depend on the circumstances of the particular case.

Once a person in a position of authority at Indiana University has knowledge, or should have had knowledge, of conduct constituting sexual harassment, the university could be exposed to liability.

Therefore, any administrator, supervisor, manager or faculty member who is aware of sexual harassment and condones it, by action or inaction, is subject to disciplinary action.

#### A. Definitions

Following federal guidelines, Indiana University defines sexual harassment as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of asexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

#### B. Application

This university policy is designed to protect all members of the university community. It applies to relationships among peers as well as to superior/subordinate relationships. It also applies to all individuals, regardless of their gender or sexual orientation.

#### C. Provisions

1. Faculty, staff, and students have the right to raise the issue of sexual harassment. Further harassment against complainants or retaliation against complainants or others who participate in the investigation of a complaint will not be tolerated. Appropriate and prompt disciplinary or remedial action will be taken against persons found to be engaging in such further harassment.
2. The university will deal with reports of sexual harassment in a fair and thorough

manner, which includes protecting, to the extent possible and to the extent permitted by law, the privacy and reputational interests of the accusing and accused parties.

3. Education is the best tool for the prevention and elimination of sexual harassment. Each dean, director, department chair, and/or administrative officer is responsible within his/her area of jurisdiction for the implementation of this policy, including its dissemination and explanation.
4. It is the obligation and shared responsibility of all members of the university community to adhere to this policy.

#### D. Enforcement Principles

Enforcement and implementation of this sexual harassment policy will observe the following principles:

1. Each campus must have procedures, consistent with notions of due process, for implementing this policy including where complaints are made, who investigates complaints, how complaints are resolved, what procedures are available for appeals, and how records are kept.
2. The Campus Affirmative Action Officer shall serve as a resource with regard to interpretation of sexual harassment guidelines.
3. Confidentiality of information relating to investigations of complaints of sexual harassment shall be maintained to the extent practical and appropriate under the circumstances and to the extent permitted by law. Individuals charged with implementing this policy shall share information with regard to given incidents of sexual harassment only with those who have a "need to know" in order to implement this policy.
4. Investigations must be conducted promptly and thoroughly.
5. Whether particular actions constitute sexual harassment will be determined from the facts, on a case-by-case basis. The university will look at the record as a whole, as well as the context in which the alleged misconduct occurred.
6. Both the charging party and the respondent will be notified of the outcome of the investigation.
7. In the event it is found that sexual harassment has occurred, corrective action, up to and including discharge or expulsion of the offender, will be taken through the appropriate channels of the university. The corrective action will reflect the severity and persistence of the harassment, as well as the effectiveness of any previous

remedial action. In addition, the university will make follow-up inquiries to ensure the harassment has not resumed and the complainant has not suffered retaliation.

## Appendix 3

### Accommodations for Religious Observances

(adopted by the Bloomington Faculty Council, February 15, 2000)

#### Introduction

It is the policy of Indiana University, as it is also federal law, that instructors must reasonably accommodate students who want to observe their religious holidays at times when academic requirements conflict with those observances. Past practice has been to circulate a memo to faculty and instructors at the beginning of the fall semester, in order to alert them to the need to schedule exams and other requirements around the holidays or to make an accommodation for those students who request alternate arrangements because of their religious observances. This practice has not been effective; each year, especially during the fall semester, Indiana University receives many complaints of noncompliance. Therefore, the Bloomington Faculty Council Affirmative Action Committee and the Bloomington Campus Calendar Committee recommend adoption of the following policy and procedures.

#### Policy

Indiana University respects the right of all students to observe their religious holidays and will make reasonable accommodation, upon request, for such observances.

#### Procedures

1. The Office of the Dean of the Faculties will prepare a list of dates for the major religious holidays (as specified by leaders of the local religious communities). This list will be included each semester in the Schedule of Classes along with this policy and with a note to the effect that students wanting accommodations for observance of other religious holidays should contact their instructors. The Office of the Dean of the Faculties will send out, well in advance of any given semester, the dates of those same holidays, with the added information that detailed descriptions of the major holidays and of what is or may be involved in the observance of them is available on the IU Web site. The Office of the Dean of the Faculties will write regularly to the various deans and chairs, indicating that they, in turn, are to inform the faculty (including associate instructors) under their supervision concerning this policy and of the importance of observing it. The Office of the Dean of the Faculties will alert department chairs and scheduling officers to religious holidays at least one year in advance so that they can avoid scheduling examinations for multisection classes on religious holidays.
2. If a conflict with a religious observance exists, a student must make a request for a reasonable accommodation for that observance by the end of the second week of the course. The request is to be in writing. The Office of the Dean of the Faculties will develop a standardized form to be used for this purpose and copies of that form will be made widely available.
3. The instructor and the student should discuss what a reasonable accommodation should include in a given case. Generally, it is insufficient to require a student to forego taking an exam or doing some other major assignment even if the instructor agrees to average the remaining exams or other assignments. The student must be given the opportunity to do appropriate make-up work that is intrinsically no more difficult than the original exam or assignment.
4. If the instructor and student agree on the accommodation, the plan should be carried out.

5. If after discussion there is no consensus on the accommodation, either party or both should seek the advice of the Office of the Dean of the Faculties.
6. If after seeking such advice the student and the instructor are still not in agreement, the student has the right to appeal the decision to the dean of the faculties. The dean of the faculties will confer with both the instructor and the student and may seek advice from anyone else that could provide helpful information. The dean of the faculties will then make a determination concerning the appropriate accommodation.
7. Either the instructor or the student may appeal the decision to the Office of Affirmative Action within 10 business days of the determination by the dean of the faculties.
8. This policy is to be fully implemented in time for it to go into effect in the fall of 2001. Partial implementation of it will begin as soon as possible.

## Appendix 4

### Resolution concerning Nonregistration of Student Groups and the Use of University Facilities

(adopted by the Board of Trustees, July 3, 1967)

WHEREAS, Indiana University considers freedom of inquiry, assembly, and discussion essential to a student's educational development and believes that this broad principle is a cornerstone of education in a democracy, and thus the university recognizes the right of all students to engage in discussion; to exchange thought and opinion; and to assemble, speak, write, or print on all subjects in accordance with the guarantees of our state and national constitutions;

AND, WHEREAS, on May 16, 1967, the Faculty Council of Indiana University approved in principle a nonregistration policy for the extracurricular use of university facilities by students;

AND, WHEREAS, the Trustees of Indiana University grant neither approval nor disapproval of any student group but recognize their duty and responsibility to assure that university facilities are properly protected and maintained and used only for lawful purposes;

NOW, THEREFORE, BE IT RESOLVED by the Trustees of Indiana University that the resolution and recommendation of the Faculty Council concerning nonregistration of student groups and its further recommendation concerning the use of university facilities contained in Faculty Council Document #38 are approved in principle for the period of the 1967-1968 academic year.

BE IT FURTHER RESOLVED that extracurricular use of university rooms by students shall be allocated on a basis of first-come, first-served, subject to the following rules and regulations, compliance with which applicants shall certify in writing at the time of applying for the use of rooms:

1. Participation in the meeting must be without regard to race, religion, or national origin except that religious groups and geographical or national groups may limit participation accordingly.
2. The majority of participants must be currently enrolled students, faculty, and/or staff of Indiana University and their spouses.
3. The applicant or applicants must assume personal responsibility for the use and proper care of such room during the meeting.
4. The applicant must certify the number of those to be in attendance at such meeting to the best of his ability.

5. No room may be used for an unlawful purpose or in violation of any university rules or regulations.

BE IT FURTHER RESOLVED that rooms open to general use or open to study use shall be so allocated in accordance with this resolution by the appropriate body or official having authority to allocate such space.

BE IT FURTHER RESOLVED THAT,

1. If a student or group of students feels that facilities have been or will be allocated unfairly, appeal may be made to the Student Activities Committee either for redress of grievance or for clarification of allocation policy on future occasions.
2. A student or group of students who is denied use of campus facilities by any allocating body or officer may appeal the action to the Student Activities Committee.

BE IT FURTHER RESOLVED that only organizations for the fiscal integrity of which the university has assumed legal responsibility shall continue to use the Student Organizations Accounts Office.

BE IT FURTHER RESOLVED that all resolutions in conflict herewith are suspended for the period of the 1967-1968 academic year.

[Minutes, Board of Trustees, July 3, 1967, pp. 5-6]

## Appendix 5

### Indiana University Policy on Student Records

(adopted by the University Faculty Council, March 29, 1977; amended, October 2, 2001)

In compliance with Section 438 of the "General Education Provisions Act" (as amended), entitled "Family Educational Rights and Privacy Act," the following constitutes the institution's policy that instructs students in the procedures available to provide appropriate access to personal records, while protecting their confidentiality.

- A. Certain definitions and principles contained in the law and proposed guidelines are specifically adopted in the policy:
  1. "Student" is defined as one who has attended or is attending Indiana University and whose records are in the files of the university.
  2. "Educational records" do not include records retained by individuals that are not accessible to any other person except a substitute faculty/staff member.
  3. "Public information" is limited to name; address; e-mail address; phone; major field of study; dates of attendance; admission or enrollment status; campus; school, college, or division; class standing; degrees and awards; activities; sports; and athletic information. Records of arrests and/or convictions and traffic accident information are public information and may be released to anyone making inquiry.
  4. "Record" means any information or data recorded in any medium, including, but not limited to, handwriting, print, tapes, film, microfilm, microfiche, and electronic media.
- B. Public information shall be released freely unless the student files the appropriate form requesting that certain public information not be released. This form is available at a specified location on each campus.

- C. All students have records in one or more of the following offices and maintained by the administrative officers: the registrar, the unit(s) in which the students are pursuing their degrees.
- D. Some departments maintain records separate from the school or college. A list of departments that have separate records, their location, and person responsible for the record may be obtained from the Office of the Dean of the school or college in which the department is located.
- E. Students may also have records in the following places: dean of students, bursar, financial aid, and other campus administrative offices.
- F. The university has established the following procedures enabling the student to have access to his record and has provided for interpretation and challenge:
  1. The student may see his or her record by filling out a request form at the office where the record of interest is maintained.
  2. Access is to be granted promptly and no later than 30 days from the date of request.
  3. The student may make the request in person or by mail.
  4. The student may obtain copies upon request (for which the university may charge).
  5. The student may request and receive interpretation of his or her record from the person (or designee) responsible for the maintenance of the record.
  6. If the student considers the record faulty, he or she can request and receive an informal and/or formal hearing of the case to the end that the record will be corrected if judged faulty or in violation or privacy:
    - a. The informal hearing will be in conference with the person (or his or her designee) responsible for the maintenance of the record and, where appropriate, the party or parties authoring the record segment in question.
    - b. The student may request a formal hearing by obtaining from the office of the dean for student services a request form on which he or she must designate the location of the record in question and a brief explanation of the reason for faulting the record. A panel of not fewer than 10 hearing officers will be appointed by the chief administrative officer for each campus. The dean for student services will forward a copy of the request to the person responsible for the record and will provide the student and the keeper of the record with three names of hearing officers. The parties (student and keeper of the record in challenge) shall each strike one name; the remaining hearing officer shall conduct an administrative hearing with both parties present.
    - c. The hearing shall be held within a reasonable period of time; notice of the date, place, and time must be given reasonably in advance. The student shall be afforded a full and fair opportunity to present relevant evidence and may be assisted or represented by any person of his or her choosing (including an attorney at his or her own expense). A written decision based solely upon the evidence presented shall be prepared within a reasonable amount of time and shall include a summary of the evidence and the reasons for the decision. The judgment of the hearing officer shall be final, and the record shall be changed or retained as recommended.
    - d. If the institution decides the information is accurate, it shall inform the student of his or her right to place in his or her educational record a statement commenting upon the information, and/or noting any reasons for disagreeing with the decision. Any statement of this sort shall be maintained as long as the

student's educational record or contested portion is maintained; if the student's educational record or contested portion is disclosed to any party, the student's statement shall also be disclosed.

[Minutes, University Faculty Council, March 29, 1977, pp. 14-16; amended October 2, 2001, in Circular U3-2002]

## Appendix 6

### Guidelines for Dealing with Disruptive Students in Academic Settings

Indiana University Bloomington

#### Introduction

All students are expected to be in compliance with Indiana University's Code of Student Rights, Responsibilities, and Conduct both within and outside the classroom. Disturbances that occur in a teaching/learning context are particularly troublesome, as they disrupt the primary function of the university. Part III.B.5 of the code indicates that "(d)isorderly conduct that interferes with teaching, research, administration, other university or university-authorized activity" may result in disciplinary sanctions against students who commit such acts. When this behavior occurs in a learning environment, however, faculty and staff members must be prepared to cope with the immediacy of the problem as well as be involved in the procedures to be followed to hold the student accountable for his or her behavior. The following guidelines are designed to help faculty and staff deal with disruptive students in academic settings (as opposed to residential settings).

#### Definitions

For purposes of these guidelines, the following definition should be noted:

"Disruption" is defined as any behavior that seriously interferes with other students' ability to engage in learning and/or the faculty or staff member's ability to provide instruction or service. These behaviors are considered personal misconduct as defined in the Code of Student Rights, Responsibilities and Conduct and should be appropriately addressed via these guidelines. These behaviors are not subject to penalties that can be imposed due to academic misconduct. Thus, disruption requires alternate methods of resolution. Note: any violation of the weapons policy of Indiana University is considered disruptive behavior.

"Academic setting" is defined to be a classroom, office, laboratory, library, or field experience site where instruction, advising, or service occurs.

"Instructor" is defined to be any person in charge of instruction (e.g., faculty member, associate instructor, etc.).

It should be noted that ongoing behaviors or single behaviors that might be considered to be distracting are not the focus of these guidelines. Behaviors such as these (e.g., coming late to class, performing a repetitive act that is annoying—tapping fingers, chewing gum, or making a comment in a rude or crude manner, sleeping, reading a newspaper) can be addressed generally through conventional classroom management techniques and/or by speaking with a student privately after class. Cases in which such annoying behavior becomes excessive and the student refuses to respond to general classroom management techniques can be referred to the dean of students and handled according to personal misconduct procedures in the code.

#### I. Guidelines for In-Class Settings

##### A. Prevention.

Each instructor should prepare his/her students, either via the course syllabus or verbally during the first class period or both, regarding the expectations he/she has

regarding the standards for the course. This includes parameters on class decorum, how discussions will be conducted, etc. Furthermore, a statement should be made indicating that the code's procedures will be followed if misconduct, both academic and personal, occurs within the class. Each academic unit should supplement these guidelines with specific preventive measures appropriate to the unit.

##### B. Disruption within Class Period.

If a student becomes disruptive (e.g., refuses to quit talking; blocks an entry way; throws things; uses profane, intimidating, or abusive language; repeatedly interrupts others' speech; moves within the classroom without authorization) an instructor should first request compliance from the student, and, if it is not received, he/she may dismiss the student for the remainder of the class period. The student is expected to accede to this request and may subsequently contest this action using procedures established within each unit. If the student fails to leave after being directed to do so, the instructor should enlist the support of other university personnel (faculty members, academic administrators, campus police) to help resolve the situation. Physical force, including touching, must be avoided, and the instructor must judge, based on the nature of the disruption, whether the class period can continue once the offending student departs.

##### C. Unit Response to the Disturbance

1. Subsequent to the class period, the instructor should consult with his/her unit head regarding the circumstances of the removal of the student.
2. Written notification of the incident should be submitted to the dean of students immediately.
3. The unit head (or designee) should contact the student to arrange a meeting to determine whether or not the student, in the judgment of the unit head (or designee), is capable of returning to the classroom and conducting himself/herself within acceptable standards of behavior. This meeting may involve the instructor, if all parties agree. This meeting should occur, if possible, before the next class session.
4. If the unit head (or designee), perhaps in conjunction with other campus resources, can settle any dispute that exists between the instructor and the student as a result of the student's removal, this also should be done before the next class period, if possible.
5. If such meetings cannot take place before the next scheduled meeting of the class and the unit head believes the offense committed by the student warrants the student's removal from one or more future meetings of the class, the unit head shall notify the student that he or she is restricted from attending class until further notification.
6. If a decision to remove a student from a course due to disruptive behavior is made for any length of time, the unit head endorsing the decision is to notify the dean of students of such action. (See Appendix 6, part III, below.)

#### II. Guidelines for Other Academic Settings

##### A. Prevention.

Just as each instructor should prepare his or her students regarding expectations for student behavior, so, too, should personnel in other academic settings. Work areas such as libraries and offices, unlike classrooms, are frequented by the public. Hence, personnel in these areas may not have as much control over who enters their space as does an instructor teaching a class. Preventive measures rely, in part, on the protocol established within offices or other university facilities. These measures can include signage, literature regarding how a student may file a complaint, training

on communication techniques for staff who initially come into contact with people entering the area, and procedures for office personnel to follow should a disruption occur. These procedures should include a referral to the appropriate unit head so that a potentially disruptive student has a resource to which he or she can be directed to address a concern.

- B. **Disruption.**  
If a student becomes disruptive (e.g., refuses to quit talking; blocks an entry way; throws things; uses profane, intimidating, or abusive language) in a noninstructional academic setting, the person dealing with the student should first request compliance from the student. If it is not received, he or she should ask the student to leave and return only when he or she can comport himself or herself. The student is expected to accede to this request. If the student fails to leave after being directed to do so, the individual should enlist the support of other university personnel (supervisor, academic administrator, campus police) to help resolve the situation. Physical force, including touching, must be avoided, and the individual must decide, based on the nature of the disruption, whether to stop service to others for a short period of time before resuming normal operations.
- C. **Unit Response to the Disturbance.**
1. Subsequent to the disruption, the individual should consult with his or her unit head (or designee) regarding the incident.
  2. Written notification of the incident should be submitted to the dean of students immediately.
  3. If possible, the unit head (or designee) should contact the student to arrange a meeting to determine whether or not the student, in the judgment of the unit head (or designee), is capable of returning to the academic setting and conducting himself or herself within acceptable standards of behavior. This meeting should occur as soon as possible.
  4. If such a meeting cannot take place immediately and the unit head (or designee) believes the offense committed by the student warrants that the student be restricted from access to the services provided by the unit, the unit head shall notify the student that he or she is restricted from receiving services until further notification.
  5. If a decision to restrict a student from service due to disruptive behavior is made for any length of time, the unit head endorsing the decision is to notify the dean of students of such action.

### III. Dean of Students Response to Disruption in In-Class or in Other Academic Setting

In cases in which a student has had services or instruction restricted, the dean of students will do the following:

- A. The dean of students will convene a meeting of the unit head, any instructors or staff involved, the student's academic advisor (if appropriate), a staff member of the registrar's office (if appropriate), a staff member of Counseling and Psychological Services (if appropriate), and a staff member from the campus police (if appropriate). Other personnel, as determined by circumstance (e.g., personnel in charge of facilities if the academic course is taught in a facility of a different academic unit) may be included in this meeting.

- B. This group will coordinate a plan to deal with the student's immediate needs (e.g., registration, possibility of moving to another section of a course) and/or long term needs (e.g., counseling, what to do if further disturbances occur, referral for disciplinary action) and will discuss any ramifications of possible actions, as well as any grade recommendation.
- C. If it is determined that the student must withdraw from a course, the unit will be asked to issue the grade of W or F just as in other course withdrawal situations.
- D. If it is determined that the student should be suspended from the university or that the services to the student should be suspended or restricted, the dean of students will notify the student that such action is being taken.
- E. The dean of students will be responsible for communicating relevant information to the student involved.
- F. If disciplinary action is recommended, the dean of students will administer this process according to procedures in the Code of Student Rights, Responsibilities, and Conduct.

### IV. Tips for Responding to Disruptive Students

- A. Remain calm and request compliance from the student in concrete terms (e.g., "please lower your voice" or "please sit in your chair").
- B. Ask the student to speak with you to discuss the concerns both may have. Acknowledge the emotions of the student ("I understand you are upset"). Do not engage the student in a debate. It is recommended that an observer be present when this meeting occurs.
- C. Try to reach an agreement that is mutually satisfying; that is, you still have control of the academic setting and the student is not disgraced in front of his/her peers.
- D. If the student refuses to comply, indicate that you will enlist the aid of others to stop the behavior and that the behavior is subject to disciplinary proceedings of the university.
- E. If the student continues to refuse to comply, leave the academic setting to call for assistance or ask someone else in the vicinity to enlist the help of others. Be specific regarding whom you want called/contacted.
- F. If a student is violent or threatening, remove yourself and instruct others to remove themselves from the situation and summon campus police as quickly as possible.

### V. Campus Resources

Indiana University Police Department, 801 N. Jordan Avenue, 5-4111 [Emergencies: 9-911]

Counseling and Psychological Services, Health Center, Fourth Floor, 5-5711

Student Ethics and Antiharassment Programs, 705 E. Seventh Street, 5-5419

Office of the Dean of Students, Franklin Hall 108, 5-8187

Student Advocates Office, Franklin Hall 206, 5-0761

Office of the Dean of the Faculties, Bryan Hall 109, 5-2809

Office of Disabled Student Services and Veterans Affairs, Franklin Hall 096, 5-7578

Other appropriate advocacy offices

These guidelines were developed by the Council on Student Affairs and provided by the vice chancellor for student affairs, the dean of students, the vice chancellor for academic affairs, and the dean of the faculties. For additional copies, call (812) 855-5419.

May 28, 1997