

**Code of Student Rights,
Responsibilities, and Conduct
Indiana University**

PROCEDURES FOR BLOOMINGTON CAMPUS

Effective August 2008



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

**Code of Student Rights,
Responsibilities, and Conduct
Indiana University**

**PROCEDURES FOR
BLOOMINGTON CAMPUS**

The Procedures for Bloomington Campus were approved by the Bloomington Faculty Council on April 15, 2008, for implementation in August 2008. This document is available online at <http://dsa.indiana.edu/Code/index1.html>.

Contents

I. Student Complaint Procedures

A. Complaints Against Members of the University Faculty and Administration.....	4
1. Informal Resolution.....	4
2. Formal Complaints.....	4
3. Campus Grievance Commission.....	5
4. Formal Hearing.....	6
5. Disciplinary Sanctions.....	10
6. Action by the Dean of Faculties.....	10
7. Appeals to the President or designee.....	11
B. Complaints Against Other University Employees.....	11
C. Complaints Against Members of the University Faculty, Administration, or other University Employees Involving Discrimination, Including Harassment.....	12
D. Complaint by a Student Organization.....	12
E. Complaints Against Other Students.....	12
F. Complaints Against Student Organizations.....	13

II. Student Disciplinary Procedures

Preamble.....	13
General Principles.....	13
A. Academic Misconduct.....	16
Step One: The Initial Finding of Misconduct.....	17
Step Two: Appealing the Finding of Misconduct and/or the Academic Sanction.....	18
Step Three: Limited Procedural Appeal to the Dean of Faculties.....	19
Step Four: Dean of Students Decision on Additional, University-wide Sanctions.....	20
Step Five: Appeal to the Office of the Dean of Faculties of Additional University-wide Sanction.....	21
Composition and Procedures of Unit Hearing Boards.....	21
Composition and Procedures of Campus Review Boards.....	21
B. Personal Misconduct.....	22
1. Judicial Conference.....	23
2. Formal Hearing.....	26
3. Appeal.....	28
4. Summary Action.....	28
5. Time Limitations.....	30
6. Misconduct by Student Organizations.....	31
Appendix A.....	32
Student Appeals of Unit Hearing Board Procedures.....	32
Faculty Appeals of Unit Hearing Board Procedures.....	33
Student Appeals of Dean of Students Imposition of Additional Sanctions.....	34
Appendix B.....	36
Appendix C.....	37

PROCEDURES FOR BLOOMINGTON CAMPUS

I. STUDENT COMPLAINT PROCEDURES

Preamble

Indiana University has established procedures for students to follow when they believe that any of their rights, as defined in the Code of Student Rights, Responsibilities, and Conduct, have been violated by a member of the university community. The procedures to be followed when a student complaint is filed against a member of the university faculty or administration, other university employees, other university students, or student organizations are documented here. This section also describes the supplementary procedures that may be followed when a student has a complaint against any member of the university community which involves discrimination or sexual or racial harassment. (Complaints against graduate students in their role as course instructors are considered in accordance with Section A. Complaints against graduate students in their role as students are considered in accordance with Section E.) Students employed by the university who wish to file complaints arising from their employment should consult the student employment office or personnel overseeing employment issues about the appropriate procedures.

A. Complaints Against Members of the University Faculty and Administration.

1. Informal Resolution

- a. When a student believes that any of his or her rights, as defined in the 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 contacting the person involved does not resolve the problem to the complainant's satisfaction, the student may contact the Dean of Students Office for help.

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 (i.e., if informal resolution fails at that level).
 - (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 in writing, signed by the complainant, and must be 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 charged 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 which 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 charged in the complaint.
 - (2) If the officer considers it to be appropriate, the officer may ask the student and the person charged 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 Faculties. The response shall include all documents pertaining to the complaint.
- e. The Dean of Faculties shall inquire into the facts of the complaint and then discuss the matter individually with the student and the person who is charged in the complaint.
 - (1) If the Dean of Faculties considers it to be appropriate, the Dean may ask the student and the person who is charged in 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 Faculties must submit the complaint to a campus grievance commission for consideration.

3. Campus Grievance Commission.

- a. The Dean of 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 members of the administration or tenured faculty of the campus involved and two students from the campus. Nontenure-track faculty are eligible to serve on the grievance commission, but no more than one member may come from such an appointment category.
- c. The grievance commission shall be selected by the Dean of 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) Four 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; one or more students appointed by the graduate and professional student moderator upon recommendation of the representative assembly or other appropriate representative body as determined by the representative assembly;
 - (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 bodies as determined by the faculty council; and
- (3) Five or more members of the campus administration to be appointed by the President or designee.
- d. Students, faculty members, and members of the administration are to be appointed to membership on the grievance committee list for a one year period of time, 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 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 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 charged in 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 charged in 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 person charged in the complaint is required to provide to the presiding officer, no later than two calendar days prior to the hearing, all documents in his or her possession, pertinent to the complaint;
 - (5) That the person charged in the complaint may submit to the presiding officer, no later than two calendar days prior to the hearing, a request for any documents related to the complaint which the subject wishes the complaining student to produce;
 - (6) That the person charged in the complaint must submit to the presiding officer, no later than two calendar days prior to 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 person charged in 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 person charged in the complaint is entitled to be accompanied at the hearing by counsel or an advisor of his or her choice at his or her own expense, but the person charged is still required to be present;
 - (9) That the complaining student is entitled to be present at the hearing and may be accompanied by an advisor of his or her own choosing, including an attorney at his or her own expense;
 - (10) That the person charged in 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 person charged in the complaint notifies the presiding officer in writing by not 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 are enumerated in A.5 Disciplinary Sanctions (below);
 - (13) That a failure by the person charged 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 prior to 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 a majority of the members, at least one of whom is a student, are 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 person charged in the complaint 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 shall be given the opportunity to question these witnesses. The person who is the person charged in the complaint 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 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 person charged in the complaint the opportunity to testify concerning the matter.
 - (a) If the person charged in the complaint chooses to testify, he or she may be questioned by the complaining student and/or the presiding officer and the other members of the commission.
 - (b) If the person charged in 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 person charged in 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 person charged in the complaint.
 - (b) The complaining student 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 the opportunity to make an argument concerning the validity of the allegations in the complaint. The presiding officer must then offer the person charged in the complaint 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 person charged in 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 person charged in 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 Faculties will be notified of the commission's conclusion and recommendation and that the Dean of Faculties is required to dismiss the complaint unless the complaining student submits an appeal to the President or designee 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 person charged in the complaint concerning the conclusion of the commission.
 - (b) The presiding officer must then offer the person who is charged in the complaint the opportunity to submit information and present an argument concerning an appropriate disciplinary sanction.
 - (c) The presiding officer shall also offer the complaining student 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 person charged in 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 Faculties for final action.
 - (b) In addition, the parties must be advised as follows:
 - (i) If the Dean of 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 President or designee under the provisions of this code.
 - (ii) If the Dean of Faculties decides to accept the grievance commission's conclusions and decides to impose the recommended sanction or any other appropriate sanction, the person charged in the complaint may submit an appeal to the President or designee under the provisions of this code.
- (14) The presiding officer of the grievance commission is required to make record 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 Faculties, the person charged in 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 Faculties.

- a. If the Dean of 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 person charged that the complaint will be dismissed unless the student submits an appeal to the President or designee within seven calendar days following the receipt of the decision.
- b. If the Dean of 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 Faculties shall review the written report and the record of the hearing, may consult with the presiding officer of the grievance commission to clarify an ambiguity in the record, but 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 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 record to support the findings of the commission, or that procedural error has been committed which 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 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 Faculties decides to dismiss the complaint, the complaining student may take an appeal to the President or designee under the provisions of this code.
 - (5) If the Dean of Faculties decides that the complaint should be sustained and decides to impose the sanction recommended by the commission or any other appropriate sanction, the person charged in the complaint may take an appeal to the President or designee under the provisions of this code.
 - (6) The Dean of Faculties is required to effectuate the decision in accordance with university procedures unless the person charged in the complaint appeals the decision as authorized by university procedures.

7. Appeals to the President or designee.

- a. If the Dean of Faculties notifies a student that the student's complaint is to be dismissed, the student may submit an appeal to the President or designee.
 - (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 Faculties concerning dismissal of the complaint.
 - (3) A copy of the appeal must be sent to the Dean of Faculties and to the person charged in the complaint.
- b. If the Dean of Faculties notifies the person charged in a complaint that the complaint has been sustained and that a sanction is to be imposed, the person may submit an appeal to the President or designee.
 - (1) The appeal must be submitted in writing.
 - (2) The appeal must be submitted within seven calendar days after the person charged receives notice from the Dean of Faculties concerning the decision.
 - (3) A copy of the appeal must be sent to the Dean of Faculties and to the complaining student.
- c. When the Dean of Faculties receives a notice of an appeal to the President or designee, the Dean is required to send the President or designee 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 President or designee should review the written report and the transcript of the commission's hearing and may consult with the Dean of 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 President or designee may take the following action concerning an appeal:
 - (1) Sustain the dismissal of a complaint;
 - (2) Reject the decision of the Dean of Faculties concerning the validity of a complaint and dismiss the complaint;
 - (3) Accept the decision of the Dean of Faculties concerning the validity of a complaint and the sanction to be imposed;
 - (4) Accept the decision of the Dean of Faculties concerning the validity of the complaint and impose an appropriate sanction that differs from the sanction recommended by the Dean of Faculties.
- f. After the President or designee has made a final decision, the President or designee is required to notify the person charged in the complaint and the complaining student.
- g. The President or designee may dismiss the case or sustain the complaint and impose a sanction against the person charged in the complaint. The President or designee will inform the person charged in the complaint of the decision.

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 30 calendar days after the student should reasonably have learned about the event which 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 should consult with the Dean of Students or the Assistant Vice President for University Human Resource Services concerning these procedures.

C. Complaints Against Members of the University Faculty, Administration, or Other University Employees Involving Discrimination, Including Harassment.

1. Indiana University prohibits discrimination, including harassment, based on arbitrary considerations of such characteristics as age, race, color, religion, sex, marital status, national origin, disability, veteran status, or sexual orientation. Because of the sensitivity in raising allegations of discrimination, a student may wish to consult first with an academic advisor, department chairperson, or dean. Complaints should be directed to the campus Affirmative Action Officer, Dean of Students, or Dean of Faculties for appropriate resolution.
2. The University has established procedures for handling allegations of discrimination and harassment. Under these procedures university administrators are responsible for publicizing and implementing the university's discrimination and harassment policies in their respective jurisdictions. Students may obtain information concerning the university's policies and complaint procedures from the campus Affirmative Action Officer, the Dean of Students, or the Dean of Faculties.
3. Complaints of discrimination, including harassment, based upon age, race, color, religion, sex, marital status, national origin, disability, veteran status, or sexual orientation, by a student against a university faculty member, administrator, or other university employee should be processed under the campus complaint procedures for allegations of discrimination. These procedures also apply in a complaint against a student acting in her or his capacity as a teaching or research assistant or as an hourly or appointed employee. Complaints by a student against another student should be referred to the Dean of Students for resolution under the student disciplinary system.

D. 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. Prior to 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 its grievance informally.

E. 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 should consult with the Dean of Students concerning these procedures.

F. 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 should consult with the Dean of Students concerning these procedures.

II. STUDENT DISCIPLINARY PROCEDURES

Preamble

Indiana University disciplinary procedures determine responsibility for violations of the Code of Student Rights, Responsibilities, and Conduct and determine the appropriate consequences for violations of policy. The purpose is to safeguard the university community and provide a developmental experience for the student. The university disciplinary procedures are separate and distinct from any legal proceedings, and they are not conducted in a manner intended to hold in a court of law.

The 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.

The University's ability to proceed with substantive determinations and actions in a particular case shall not be impaired by minor deviations from these procedures that do not have the effect of preventing a student from responding fully to a charge of misconduct.

General Principles

1. The University intends that proceedings under the Student Code not only resolve charges of misconduct, but also have educational benefit for the students involved. Accordingly, every effort will be made to ensure that students are encouraged to speak for themselves throughout the process of addressing alleged Code violations. Students may have advisors, including attorneys at their own expense, who accompany them at any or all stages of the process. Except for Campus Review Board proceedings, however, advisors are limited to an advisory role and may not speak for students. During Campus Review Board proceedings (final appeal process for academic or personal misconduct cases), advisors are allowed to participate directly in the proceedings with the clear understanding that the hearing will always remain under the control of the presiding officer. In addition, a student with a disability substantially affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the Office of the Dean of Students to allow an advisor or interpreter to present or translate

the proceedings. The role of an advisor in the disciplinary system is primarily to assist the student in understanding his/her rights and responsibilities in the system, to assist the student, as requested, in preparing for any hearings, and to support the student as the student proceeds through the campus judicial system. With the student's permission, an advisor may also help prepare any witnesses the student wishes to call, view any documents in the student's disciplinary file, and confer with the student on issues that arise during a hearing.

2. Except as provided in Section B.4. Summary Action and General Principle 3, no sanctions shall become effective until after opportunities for appeal under the Code have been exhausted. Coursework performed while misconduct proceedings are underway, however, shall be considered conditional. Conditional work may be affected or eliminated based on a final finding of misconduct or sanction imposed. This may result in loss of course credit, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the misconduct proceedings. If either academic or personal misconduct is discovered that may impact degree conferral or graduation, the Dean of Students may notify the student's academic dean, who may withhold conferral of the degree pending completion of misconduct proceedings.

If, after a degree has been conferred, the University determines that the student committed academic misconduct prior to the conferral, the University may revoke the degree. When an allegation of academic misconduct prior to degree conferral is made, the unit that awarded the degree shall conduct an investigation to determine whether misconduct occurred, and if so, whether to recommend revocation of the degree to the Board of Trustees. The unit, in consultation with the Dean of Faculties and the Dean of Students, shall determine the procedures to be followed in conducting its investigation. The unit shall make every reasonable effort to notify the person regarding the misconduct allegation and permit the person to respond to the allegation.

3. Students have the right to appeal findings of misconduct and the imposition of sanctions. The purpose of giving students a right of appeal is to allow them to bring to the attention of another authority on campus significant factual and procedural errors that reasonably may bear on the finding of misconduct or the sanction imposed. Students should NOT appeal misconduct findings for the purpose of delaying the process or the imposition of academic sanctions, or avoiding further sanctions that may be imposed by the Dean of Students.
4. All notices specified in the procedures for addressing academic and personal misconduct shall be made in writing, which may include electronic mail.
5. All formal hearings for both academic and personal misconduct (unit hearing boards, hearing commissions, and campus review boards) shall incorporate the following procedural requirements:
 - a. The presiding officer of the hearing body shall maintain order and make all rulings necessary for the fair, orderly, and expeditious conduct of the hearing.
 - b. Members of a hearing body shall be free from conflicts of interest that reasonably would appear to impair their ability to evaluate a misconduct matter in a fair and impartial manner.
 - c. Normally, all parties must be present in person. The hearing body may allow for presence in formal hearings by electronic means, when warranted by special circumstances.
 - d. Both sides shall have the opportunity to make opening and closing remarks regarding the charge of misconduct.
 - e. Both sides may present witnesses and submit other information regarding the charge of misconduct, subject to the presiding officer's determination of relevance.

At all times, the hearing body may question witnesses and ask for the submission of additional information.

- f. A student's failure or refusal to speak on his or her own behalf at a hearing shall not be considered an admission of responsibility.
 - g. In unit hearing board proceedings and personal misconduct proceedings, the university bears the burden of proving, with clear and convincing evidence, that the student engaged in misconduct. In a Campus Review Board proceeding, the burden of proof or error lies with the student.
 - h. The hearing body's decision shall be based solely on information obtained prior to and during the hearing, except that, if the hearing body asks for additional information to be provided after the hearing, the hearing body may include that information in its decision making, as long as both sides have had a chance to review and respond to the additional information either in a resumption of the hearing or in writing.
 - i. Proceedings before unit hearing boards will be audio recorded. Deliberations will be private and not audio recorded.
 - j. Decisions of a hearing body shall be made by majority vote.
6. In instances when the student poses serious and substantial risk of harm to self, to others, to property, or to the continuing function of a program or the University, the faculty member in charge may summarily remove a student from an on-campus or off-campus activity or program. Off-campus activities and programs include but are not limited to: clinical, field, internship, in-service experience, or overseas study programs. In addition, a student may be removed summarily based on the terms of any agreement between the university and a third party regarding student placement or academic experience.

A summary removal becomes part of the student's disciplinary record only after a final determination under these procedures that the student engaged in academic or personal misconduct. If no academic or personal misconduct charge is filed, and the student wants the matter dismissed, the student should follow the Campus Grievance Commission procedures. (See "Student Complaint Procedures," A.3.). When a student is dismissed from a clinical program or other third party placement based on the terms of an agreement with that third party, the student may not grieve the dismissal under the Student Code.
 7. As used in "Student Disciplinary Procedures," 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, or counselors.
 8. The term "calendar days" is defined as all days except those when the university is not in official session. Non-session days are identified as those which occur between the last day of final examinations of one term and the first day of classes of the following term, plus official closing days for Thanksgiving, Martin Luther King Jr.'s birthday, Spring Break, Memorial Day, the Fourth of July, and other officially recognized university holidays.
 9. Any deadline set out in these procedures may be extended by the relevant authority only for good reason shown.

A. Academic Misconduct

Summary of Academic Misconduct Procedures

Alleged Violation Occurs

Informal Conference Initiated by Faculty Member:

- A. Faculty member advises student of alleged misconduct
- B. Student given opportunity to respond
- C. Decision: Responsible/Not Responsible based on clear and convincing evidence
- D. Academic sanction assigned
- E. Faculty member submits written report form within 14 days to Dean of Students, who sends report to student, dean of school in which student is enrolled, and dean of school where course is offered

If Student Wishes to Appeal Faculty Decision/s:

- A. Student submits written appeal to dean of school or unit within which offense occurred within 14 days after receiving faculty member's written report sent by Dean of Students
- B. Dean notifies Dean of Students that appeal received
- C. Dean discusses matter with student and faculty member
- D. If no resolution within 10 days of concluding individual meetings with student and faculty member, case is considered by unit hearing board

Dean of Students Action:

- A. Dean decides whether or not to consider additional university-wide sanction
- B. Dean provides written notification to student within 21 days
- C. If additional sanction likely, student has conference with dean
- D. Dean consults with dean of student's school
- E. Decision: Disciplinary probation, suspension or deferred suspension, expulsion, or no additional sanction

Unit Hearing Board (audio recorded):

- A. Formal hearing with unit hearing board (three faculty and two students)
- B. Decision: dismiss/sustain/sustain with lesser sanction
- C. Within 14 days after hearing, presiding officer sends decision in writing to dean of unit in which offense occurred, Dean of Students, student, faculty and dean of school in which the student is majoring
- D. If student or faculty believes substantive procedural error, may appeal to Dean of Faculties in writing within 7 days from receipt of decision

Appeal to Dean of Faculties:

- A. Dean talks with student, faculty, and presiding officer of unit hearing board
- B. If not resolved, Campus Review Board considers the record of unit hearing
- C. If serious procedural error found to have occurred, case returned to unit board to correct error
- D. Dean of Faculties may appoint advisor to assist unit hearing board
- E. If no finding of serious procedural error, appeal dismissed; decision is final

If Student Wishes to Appeal Dean of Students Sanction:

- A. Student submits written request for appeal within 7 days of receipt of Dean of Students decision to Dean of Faculties
- B. Campus Review Board considers whether sanction is warranted—may uphold or impose lesser sanction
- C. Decision is final

The academic misconduct procedures address two key issues: (1) whether misconduct has occurred, and (2) if so, what sanctions are appropriate.

As set out more fully below, various people and offices play specific roles in resolving these two issues. Whether misconduct has occurred in a particular course, and if so, whether a particular academic sanction (failing grade, repeating an assignment, etc.) is an appropriate response to a finding of misconduct in the course, is handled by the faculty member involved and, if a student appeals the faculty member's determinations, by a hearing board within the school in which the misconduct allegedly occurred (College of Arts and Sciences, School of Business, etc.).

The Office of the Dean of Students serves two roles with respect to academic misconduct. First, that office serves as the centralized record keeper throughout the process. Second, after a final determination within a school that a student has committed academic misconduct, the Dean of Students determines whether an additional, university-wide sanction (disciplinary probation, suspension, or expulsion) is appropriate based on the nature and severity of the misconduct and/or prior violations by the student.

The Office of the Dean of Faculties convenes Campus Review Boards to hear two types of appeals: first, a limited appeal by the student that a serious procedural error deprived the student of a full and fair opportunity to present his/her response to the misconduct charge; and second, an appeal by the student asserting that a university-wide sanction imposed by the Dean of Students is arbitrary or disproportionate.

1. Step One: The Initial Finding of Misconduct

- a. A faculty member who suspects a student has committed misconduct in connection with that faculty member's course meets with the student face-to-face in a location closed to the public to discuss the matter with the student and hear the student's response. If, despite the faculty member's good faith effort to schedule such a discussion, the student fails to meet, the faculty member should complete the investigation.
- b. After meeting with the student and conducting any additional investigation needed, the faculty member makes a decision as to whether misconduct occurred.
- c. If the faculty member concludes that no misconduct has occurred, the matter ends there. There is no academic sanction imposed, and there will be no record in the student's file of a misconduct charge.
- d. If the faculty member concludes that misconduct occurred, s/he may impose an academic sanction for the course. Sanctions that may be imposed by the faculty member include but are not limited to one or more of the following:
 - A lower or failing grade for any assignment(s) in which misconduct occurred
 - A lower or failing grade for the course; the penalty for a serious act of academic misconduct ordinarily should involve the recording of a failing grade for the course
 - Repeating the assignment(s) in which misconduct occurred
 - Completing additional assignment(s)
 - Required withdrawal from the course, with a grade of either F or W at the faculty member's discretion, regardless of when during the semester the student withdraws from the course

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.

If the sanction 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 will ensure that the grade of “F” will not be removed from the transcript for any reason. A grade of “F” given because of academic misconduct, like any other “F” grade, 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.

- e. Within fourteen (14) days of determining that misconduct has occurred, the faculty member completes a misconduct report form provided by the Office of the Dean of Students. S/he sends the report to the Office of the Dean of Students, which notifies the student, the dean of the unit in which misconduct occurred, and the dean of the unit in which the student is enrolled (if different). Notice to the student from the Office of the Dean of Students includes:
 - The faculty member’s report concerning the finding of misconduct;
 - The terms of the academic sanction being imposed;
 - 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 fourteen (14) calendar days after receiving the faculty member’s written report;
 - 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;
 - A statement that the Dean of Students has four options:
 - o No additional sanction;
 - o Disciplinary probation for a specified period of time;
 - o Suspension or deferred suspension from the university for a specified period of time; or
 - o Expulsion from the university.
- f. When a misconduct charge does not involve a particular course in which the student is enrolled (for example, the student is charged with taking a test for a friend or giving the friend a paper to submit in a course under the friend’s name, or a student uses unauthorized materials during a doctoral qualifying exam), the Office of the Dean of Students substitutes for the faculty member in steps (a) – (d) above. The Dean of Students uses the procedures for personal misconduct to address the matter, and may impose any of the sanctions that may be imposed for personal misconduct.
- g. 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 and/or an act of personal misconduct, the faculty member involved and the Dean of Students may handle the matters jointly or separately.

2. Step Two—Appealing the Finding of Misconduct and/or the Academic Sanction

- a. Within fourteen (14) calendar days of receiving the Dean of Students notice concerning misconduct, the student may appeal the finding of misconduct, the particular sanction imposed, or both.
- b. The appeal must be submitted in writing to the dean of the school in which the alleged offense occurred. The dean notifies the Office of the Dean of Students of the appeal.

- c. If an appeal is filed, the dean talks with the student and faculty member, either separately or together, at the dean’s discretion. If the matter is not resolved within 10 days of talking with the student and faculty member, the dean convenes a hearing board composed of three (3) faculty and two (2) students.
- d. The board holds a hearing on the issue(s) raised by the student. If the student appealed the finding that misconduct occurred, the board determines whether clear and convincing evidence supports the finding of misconduct. If the board concludes that the evidence does not support a finding of misconduct, the matter ends there. If the board finds that misconduct occurred, and the student has appealed the academic sanction imposed, the board may uphold or reduce that sanction. If the student has only appealed the sanction, the board decides only whether to uphold or reduce the sanction.
- e. The board issues a written decision within fourteen (14) calendar days after the hearing ends. The decision sets out the board’s conclusions and the findings of fact and reasoning supporting those conclusions. The presiding officer of the board sends the decision to the dean of the unit, with copies to the student, the faculty member, the Dean of Students, and the dean of the unit in which the student is enrolled (if different from the unit in which the misconduct occurred).
- f. Units may, at their discretion, develop procedures (including timeframes) for addressing a student’s claim that after the conclusion of the unit board hearing s/he has identified new evidence that reasonably would affect a misconduct finding and/or academic sanction.

3. Step Three: Limited Procedural Appeal to the Dean of Faculties

- a. A student may not appeal the unit hearing board’s factual conclusion as to whether misconduct occurred, or the propriety of the academic sanction imposed. If, however, either the student or the faculty member believes that a procedural error occurred at the unit hearing board that was serious enough to prevent the board’s full and fair consideration of a misconduct finding or academic sanction, then s/he may file a written appeal with the Office of the Dean of Faculties. The student or faculty member has ten (10) calendar days from the date s/he receives the decision of a unit hearing board to file the appeal.
- b. The Dean of Faculties talks with the student or faculty member and the presiding officer of the unit hearing board, separately or together, at the Dean of Faculties’ discretion. If this does not resolve the matter, a Campus Review Board appointed by the Dean of Faculties reviews the record. If the record indicates that a serious procedural error occurred earlier in the proceedings that prevented the board’s full and fair consideration of a misconduct finding or academic sanction, the Board will inform the Dean of Faculties, who will send the matter back to the unit hearing board for further proceedings to correct the error. The Dean of Faculties may appoint an advisor to assist the unit hearing board.
- c. If the Campus Review Board concludes that no serious procedural error occurred within the unit that prevented the board’s full and fair consideration of the misconduct finding and/or academic sanction, the Dean of Faculties denies the appeal. The finding of misconduct and academic sanction imposed then take effect. The Office of the Dean of Faculties reports this outcome to the Office of the Dean of Students and to the dean of the unit in which misconduct occurred.

4. Step Four: Dean of Students Decision on Additional, University-wide Sanctions

- a. If, after concluding any appeals, a student is found to have committed academic misconduct, the Dean of Students considers whether to impose an additional, university-wide sanction, based on the nature of the misconduct, any prior acts of misconduct (academic or personal), or both. The Dean of Students may impose (i) no university-wide sanction; (ii) disciplinary probation; (iii) suspension or deferred suspension; or (iv) expulsion.
- b. Within twenty-one (21) calendar days after receiving notice of the final decision on misconduct and academic sanctions, the Dean of Students will review the faculty member's report and any action by the unit hearing board, and will consult with the dean of the unit in which the student is enrolled. The Dean of Students then notifies the student either:
 - (i) that s/he has decided that additional, university-wide sanctions are not warranted; or
 - (ii) that s/he is considering imposing an additional, university-wide sanction, which may consist of disciplinary probation, suspension or deferred suspension, or expulsion, and has set a date for an informal conference with the student to discuss whether such a sanction should be imposed. The Dean of Students notice to the student will indicate the following:
 - that the student is required to appear at the conference;
 - that if s/he fails to appear at the conference without good cause, the Dean of Students will go ahead and make a decision on additional sanctions;
 - that the student may be accompanied by an advisor, who may advise the student but not speak or participate directly in the conference;
 - that the Dean of Students is bound by the finding within the unit that the misconduct occurred, and therefore the only issues to be discussed with the student are the seriousness of the academic misconduct involved, the validity of any records maintained by the Dean of Students on prior acts of misconduct by the student, and the propriety of imposing an additional sanction;
 - that the Dean of Students has no authority to reconsider the merits of the finding of misconduct or academic sanction;
 - that the student may appeal any additional sanction to the Campus Review Board.
- c. When the Dean of Students is considering additional sanctions, s/he will also consult with the dean of the unit in which the student is enrolled. Ordinarily the Dean of Students will not impose an additional university-wide sanction without the concurrence of the dean.
- d. The Dean of Students notifies the student and the unit(s) involved of his/her decision on additional, university-wide sanctions. If no additional sanction is imposed, the matter ends there. If an additional sanction is imposed and the student feels that the sanction is arbitrary or disproportionate, the student has ten (10) calendar days to appeal in writing to the Dean of Faculties.
- e. If a sanction of suspension or expulsion is imposed, the Dean of Students notifies the Registrar, and the sanction is noted on the student's academic transcript. A notation of suspension is removed by the Registrar when the term of suspension has ended; a notation of expulsion remains permanently on the transcript.

5. Step Five: Appeal to the Office of the Dean of Faculties of Additional University-wide Sanction

- a. If a student appeals a university-wide sanction, the Office of the Dean of Faculties will convene a Campus Review Board to hear the appeal.
- b. The only issue before the Board shall be whether the university-wide sanction is warranted by the nature of the present misconduct and/or any prior violations by the student. The student must show that the additional sanction is arbitrary or disproportionate.
- c. The Board may uphold the sanction or impose a lesser university-wide sanction. Campus Review Board decisions are final and any university-wide sanction becomes effective when the Board issues its decision.

Composition and Procedures of Unit Hearing Boards

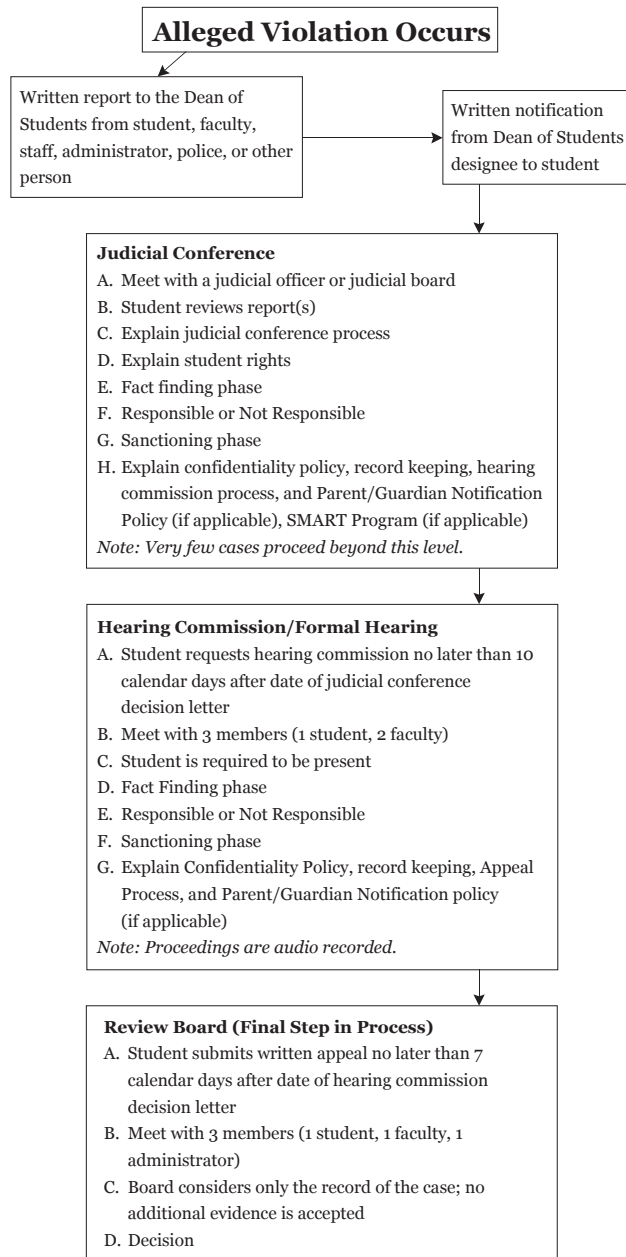
1. A unit may maintain a standing unit hearing board or appoint a new board to hear each particular appeal.
2. A unit hearing board must consist of five members, including three members of the faculty of the unit involved and two students from that unit. The board should include no more than one faculty member and one student from the department in which the misconduct allegedly occurred.
3. The presiding officer of the unit hearing board is appointed by the dean or director and must be a member of the faculty.
4. Units will establish their own procedures for board hearings, which must be consistent with the General Principles in these Procedures.

Composition and Procedures of Campus Review Boards

1. The Office of the Dean of Faculties may maintain a standing Campus Review Board or appoint a new board to hear each particular appeal. In either case, the members of the Board shall be chosen from a list of faculty provided by the Bloomington Faculty Council and a list of students provided by the Bloomington campus student body president and graduate and professional student moderator. Any members who are initially appointed and become unable to serve on the Board should be replaced by the Dean of Faculties by others from these lists.
2. A Campus Review Board must consist of five members, including three members of the faculty and two students. The board must not include any faculty or students from the department in which the misconduct allegedly occurred.
3. The presiding officer of the board is appointed by the Dean of Faculties and must be a member of the faculty.
4. The Dean of Faculties will establish the procedures for Campus Review Board hearings, which must be consistent with the General Principles in these Procedures. **(See Appendix A.)**

B. Personal Misconduct

Summary of Personal Misconduct Procedures



Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.

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.

The disciplinary procedures in this section do not govern proceedings involving the alleged violation of campus motor vehicle and residence hall or on-campus apartment housing contractual provisions. The procedures likewise do not govern proceedings involving the university's collection of fees from students.

The campus judicial process is not the only method to resolve student behavior issues. Alternatives to the campus judicial process may also exist as resources allow and conditions are appropriate. There are several requirements and considerations where alternatives are concerned:

- The Dean of Students or designees shall decide when alternatives (mediation, conduct coaching, alternative dispute resolution, etc.) may be appropriate.
- The offending behavior(s) must cease and not be repeated.
- Outcomes of any alternatives must be agreeable to the university's sense of academic excellence and personal development.
- Alternatives should not constitute in or of themselves subsequent violations of the Code of Student Rights, Responsibilities, and Conduct and/or Bloomington procedures.

Any person may make a report that a student has committed an act of personal misconduct. The report must be submitted in writing to the Dean of Students. The Dean of Students may designate representatives to conduct fact-finding investigations, to serve as judicial hearing officers, and to recommend disciplinary action. After reviewing a report, the Dean of Students has the discretion to decide whether disciplinary proceedings should be instituted.

Disciplinary proceedings are initiated by the Dean of Students by sending the student who is the subject of the report a written notice by mail. The written notice requires the student to meet with the Dean of Students in a judicial conference on a specified date and time to discuss the alleged violation/s. The notice includes information about:

- The section(s) of the Code of Student Rights, Responsibilities, and Conduct claimed to have been violated;
- Specific information about the behaviors that allegedly caused the violation(s) including date(s) of the incident(s) and names of any witnesses;
- The judicial process and resources for assistance in preparing for the proceedings.

A student has the right to view his or her disciplinary file with proper notice to the Dean of Students. Students may seek advice from the IU Student Advocates Office, the IU Student Association Department of Student Rights, or others when preparing for judicial proceedings.

1. Judicial Conference

If the Dean of Students initiates disciplinary proceedings after receiving documentation that alleges student misconduct, the student is required to attend a judicial conference. The disciplinary process is finalized in most cases at the conclusion of the judicial conference.

- When the student attends the judicial conference, as required, the Dean of Students or a designee shall inform the student as fully as possible of the facts alleged. The student may, but need not respond to allegations.

- b. If, after discussion and any necessary investigation, 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, the Dean of Students believes that the violation occurred as alleged, the Dean of Students shall so notify the student and shall propose a sanction by means of a written notice. The student, by such notice, may either consent to the determination and imposed sanction or request a formal hearing before a hearing commission (see 2. Formal Hearing).
- d. A victim who has participated in the judicial conference may request a delay in approval of decisions regarding responsibility and sanctions until after a reconvening of the conference if any of the following criteria are met:
- A substantive procedural error
 - New evidence is presented that was not available at the time of the judicial conference and is relevant to establish that the accused student may be responsible for misconduct as charged
 - Substantial bias on the part of the hearing officer/s
- The request for delay must be submitted to the Dean of Students within two (2) days of the initial judicial conference.
- e. If no written request for a formal hearing is received by the Dean of Students within the time specified (see 2. Formal Hearing), no hearing shall be held. The sanction(s) proposed by the Dean of Students shall be imposed, and the action shall be final.
- f. If a student fails to appear at the judicial conference, the student may explain the failure to appear in writing to the Dean of Students within 10 days of the scheduled conference. Written documentation supporting the cause of absence must be included. Within 10 days after receiving the student's letter, the Dean of Students will notify the student whether the judicial conference may be rescheduled.
- g. If a student fails to appear and that absence is not excused for good cause, the Dean of Students may decide, in the student's absence, whether the violation occurred as alleged. The student will be notified in writing of the decision by the Dean of Students within 10 days of approval. Unless the sanction imposed is any one or a combination of expulsion from university housing, suspension from the university, or expulsion from the university, the student's right to any further hearings automatically will be forfeited, and the sanctions imposed in absentia will go into effect.
- h. Sanctions: The Dean of Students is authorized to impose any one or a combination of the following sanctions after finding a student responsible for acts of personal misconduct. Records will remain in a student's file as indicated (below). If a student has more than one incident in the file, the incident to be kept on file the longest will determine the length of time all records are kept.
- (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. A Reprimand and Warning will remain a part of a student's disciplinary record at least until he or she graduates.
 - (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. A record of any disciplinary probation will remain a part of a student's disciplinary record for five years after a student graduates.
- (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. A record of any restitution that a student is required to pay will remain a part of a student's disciplinary record until he or she graduates.
 - (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 which 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. A record of participation in any specific program that a student is required to complete will remain a part of a student's disciplinary record until he or she graduates.
 - (5) **Provision of a specific service.** A student may be required to provide a specific service, such as 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. Completion of a specific service that a student is required to complete will remain a part of a student's disciplinary record until he or she graduates.
 - (6) **Expulsion from University Housing.** A student may be expelled from university housing, and the student's contract for such housing may be rescinded. Expulsion from university housing will remain a part of a student's disciplinary record for five years after a student graduates.
 - (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. A transfer to a different residence hall or housing unit will remain a part of a student's disciplinary record until he or she graduates.
 - (8) **Suspension.** A student may be prohibited from participating in all aspects of university life for a specified period of time (some portion of which may be deferred at the discretion of the Dean of Students). 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. A record of the term of suspension will remain a permanent part of the student's disciplinary record. Suspension notations on transcripts remain for the term of the suspension.
 - (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. A record of expulsion will remain a permanent part of the student's disciplinary record. Expulsion notations on transcripts are permanent.
 - (10) **Deferred Sanction.** Sanctions of Expulsion from University Housing and/or Suspension from Indiana University may be deferred for a period of time not

to exceed one year, with the provision that lesser sanction/s be completed and/or no further violations are committed within that period of time. If the student does not consent to the determination of responsibility or the sanction imposed, the student may request a hearing before a hearing commission or review board, depending on the level at which the deferred and lesser sanctions were imposed. If the deferred sanction is imposed, the following apply:

- (a) If the lesser sanction(s) is/are completed in the time period assigned, the deferred sanction will not be implemented.
- (b) If the lesser sanction(s) cannot be completed in the time period assigned due to medical, academic, or personal reasons, the student may apply, in writing, to the Dean of Students for an extension of that time period. The written request must be submitted at least three calendar days prior to the end of the time period. With their applications for an extension, students must present documentation of the personal, academic, or medical reasons they were unable to meet the deadlines, and they must show that they have completed a significant portion of their lesser sanction(s). The Dean of Students will deliver a decision about the extension to the student within 10 calendar days after receipt of the request.
- (c) If the lesser sanctions are not completed in the time period assigned and no extension to the time period is requested or granted, or the student is found responsible for a new violation, the deferred sanction will automatically go into effect, and the student will have no further opportunity to appeal the deferred sanction.
- (d) Deferred suspensions that are put into effect will begin in the semester in which the lesser sanction deadline was not met, or in which a new violation occurred. If the suspension is to include more than one semester, it will include the semester in which the lesser sanction deadline was not met or the new violation occurred, plus the subsequent semester/s.
- (e) A student who is suspended risks losing all fees and grades for the semester in which the suspension is implemented.
- (f) A record of a deferred sanction will remain a part of a student's disciplinary record for five years after the student graduates (or permanently if the suspension has been implemented).

2. Formal Hearing

A formal hearing can be arranged for a student who does not wish to accept the outcome of the judicial conference and requests a new hearing of his or her case.

- a. If the student disagrees with the decision of responsibility for misconduct reached by the Dean of Students, or the student believes the sanction imposed by the Dean of Students is inappropriate, the student may request a formal hearing before a hearing commission. The written request must be submitted to the office of the Dean of Students no later than 10 calendar days after the date of the letter informing the student of the decision of the Dean of Students at the judicial conference.
- b. A hearing commission shall consist of three members, including one student and two faculty members. One of the faculty members will serve also as the presiding officer of the commission. **(See Appendix B.)**
- c. By initiating this request, the student assumes the responsibility of preparing information and any witnesses to present at the formal hearing. A list of the student's witnesses must be submitted in writing to the Dean of Students no later than 7 calendar days before the scheduled hearing.

- d. A student may seek advice from the Student Advocates Office, the IU Student Association Department of Student Rights, or other sources, but the student remains responsible for presenting his/her case to the hearing commission.
- e. 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 matter.
- f. Upon receiving the written request for a formal hearing, the Dean of Students will set aside the proposed finding and sanction reached at the judicial conference.
- g. The Dean of Students shall send a written notice by mail (hard copy or electronic) to the student's address to inform the student that a hearing date has been set and charges are pending. The notice shall inform the student of the following information:
 - Sections of the Code of Student Rights, Responsibilities, and Conduct claimed to have been violated,
 - Specific information about the behaviors that allegedly caused the violation(s), including date(s) of the incident(s) and names of witnesses,
 - The date, time, and place of the hearing, procedures used in the judicial process, and resources for assistance in preparing for the proceeding.
- h. The student is required to be present at the hearing and is entitled to present witnesses unless the hearing commission decides to proceed in the absence of the student because of extraordinary circumstances.
- i. The hearing will be closed to the public, unless the student 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.
- j. At the hearing, the Dean of Students and the student may present and question witnesses, and/or present other information. 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 responsibility. The burden of proving that the student has committed the offense or offenses, as charged, shall be upon the university.
- k. The decision of the hearing commission shall be based solely upon information introduced at the hearing and must be based upon clear and convincing evidence. A decision shall be made by majority vote.
- l. 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 Section B.1 (h) (above) of this code.
- m. If the student is contesting only the sanction portion of the Dean of Students' decision at the judicial conference, the hearing commission will hear statements from the university representative and from the student, and any witnesses called by either party to determine a sanction only.
- n. 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.

- o. If a student fails to appear at the hearing commission, the student may explain the failure to appear in writing within 10 days to the presiding officer of the hearing commission. Written documentation supporting the cause of absence must be included. The presiding hearing commission officer will notify the student within 10 days whether the formal hearing may be rescheduled.
- p. If the student fails to appear at the hearing without good cause, the hearing commission is required to impose the disciplinary sanction initially proposed by the Dean of Students after determining 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 student waives the right of further appeal.

3. Appeal

The student may appeal the decision of the hearing commission to the review board based on the standard established by paragraph b.(6) below. The review board consists of a faculty member, an administrative officer, and a student, as defined in **Appendix C**. 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.

- a. The notice of appeal must be filed not later than ten (10) calendar days after the date of the written decision of the hearing commission. By initiating this request, the student assumes the responsibility of preparing information for the review board. A student may be advised and/or represented by the Student Advocates Office, the IU Student Association Department of Student Rights, or other sources.
- b. The Dean of Students shall immediately forward the notice to the presiding officer of the review board. 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;
 - (7) That the student who filed the complaint may not take any further appeal from the decision of the review board.

4. Summary Action

A student may be summarily suspended from the university and summarily excluded from university property and programs by the Provost or designee of a university campus. The Provost

or designee 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.

- a. 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) Any conditions that must be met before the student may petition the Provost or designee for reinstatement;
 - (6) That the student may not petition for reinstatement for at least one calendar year from the implementation date of the summary suspension.
- b. Allegations of misconduct filed against a student who has been summarily suspended will be adjudicated by a hearing commission, only if requested in writing by the student within 10 days of receiving notice of the summary suspension. Procedures to be followed by the hearing commission include the following:
 - (1) If the student disagrees with the decision of responsibility for misconduct reached by the Provost of the campus, or the student believes the sanction of summary suspension is inappropriate, the student may request a formal hearing before a hearing commission. The written request must be submitted to the Dean of Students no later than 10 calendar days after receiving notice of the summary suspension.
 - (2) A hearing commission shall consist of three members, including one student and two faculty members. One of the faculty members will serve also as the presiding officer of the commission.
 - (3) By initiating this request, the student assumes the responsibility of preparing information and any witnesses to present at the formal hearing. A list of the student's witnesses must be submitted in writing to the Dean of Students no later than seven calendar days before the scheduled hearing.
 - (4) A student may seek advice from the Student Advocates Office, the IU Student Association Department of Student Rights, or other sources, but the student remains responsible for presenting his/her case to the hearing commission.
 - (5) The hearing will be closed to the public, unless the student 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.
 - (6) At the hearing, the representative of the Provost and the student may present and question witnesses, and/or present other information. 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 responsibility. The burden of proving that the student has committed the offense or offenses, as charged, shall be upon the university.
 - (7) The decision of the hearing commission shall be based solely upon information introduced at the hearing and must be based upon clear and convincing evidence. A decision shall be made by majority vote.

- (8) The hearing commission shall make a finding of 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 uphold the summary suspension decision. If the hearing commission does not find the student to be responsible for the offense(s), a recommendation to dismiss the case will be submitted to the Provost.
 - (9) Within 10 calendar days after the conclusion of the hearing, the presiding officer of the hearing commission shall render a written recommendation and include a brief explanation of the recommendation and set forth the findings of fact upon which the recommendation is made. The presiding officer shall furnish copies of the recommendation to the student, the Dean of Students, and the Provost of the campus.
 - (10) If a student fails to appear at the hearing commission, the student may explain the failure to appear in writing within 10 days to the presiding officer of the hearing commission. Written documentation supporting the cause of absence must be included. The presiding hearing commission officer will notify the student within 10 days whether the formal hearing may be rescheduled.
 - (11) If the student fails to appear at the hearing without good cause, the hearing commission is required to uphold the summary suspension.
 - (12) The Provost will decide whether to accept or reject the recommendation from the hearing commission.
 - (13) If the student does not consider the recommendation from the hearing commission to be acceptable, he or she may submit a *written* appeal to the Provost, explaining the reasons for not accepting the recommendation, which may include the length of time of the suspension; the Provost will consider the student's written statement prior to making a final decision.
 - (14) This is the final step in the appeal process for summary suspension.
- c. 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.
 - d. The Dean of Students may require that the student be escorted to and from the disciplinary proceedings by members of the university police department.
 - e. At the student's request, the Dean of Students will expedite the formal hearing.

5. Time Limitations

- a. 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.
 - An interested party to a proceeding may make a request for an extension of a specific time limitation.
 - 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.
- b. 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.
 - 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.

- An objection must be made to the person conducting the proceeding or the presiding officer of the commission hearing the matter.

- c. Any interested party to a proceeding may appeal a decision concerning an objection or request concerning a time limitation.
 - 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.
 - The decision concerning the appeal is a final decision and is not subject to a further appeal.

6. Misconduct by Student Organizations

- a. A complaint that a student organization has committed an act of academic or personal misconduct may be filed against the student organization and/or against individual members of the organization. The complaint may be filed by any person.
- b. A complaint against a student organization and/or individual members of the organization must be submitted in writing to the Dean of Students.
 - 1) If the complaint is against a student organization, the Dean of Students has the authority to initiate disciplinary proceedings against the organization.
 - 2) Complaints against individuals are handled according to Section A. Academic Misconduct, and Section B. Personal Misconduct.
- c. Disciplinary proceedings against a student organization are governed by the procedures established by the Dean of Students.

APPENDIX A**Campus Review Board for Academic Misconduct Appeals**

The Campus Review Board for Academic Misconduct Appeals considers three types of appeals.

1. Student appeals of unit hearing board procedures
2. Faculty appeals of unit hearing board procedures
3. Student appeals of Dean of Students imposition of additional sanctions

Procedures for each type of appeal are included in this document, which is issued and maintained by the Office of the Dean of Faculties.

Student Appeals of Unit Hearing Board procedures:

1. Within seven (7) days of receiving the appeal, the presiding officer will consult with the members of the review board and set a date to hear the appeal.
2. The hearing will be closed unless the student requests an open hearing. If the student requests an open hearing, the presiding officer will conduct the hearing in a place that will accommodate a reasonable number of observers. The presiding officer will decide where the hearing will be held and how many observers will be accommodated.
3. The presiding officer will notify the student of the following:
 - a. The date, time, and place of the hearing, which shall not be earlier than seven (7) calendar days after the date of the notice;
 - b. That the student bears the burden of demonstrating that a procedural error occurred at the unit hearing board that prevented the board from full and fair consideration of the faculty member's misconduct finding and/or whether the academic sanction imposed by the faculty member was appropriate;
 - c. That if the Board finds that a procedural error occurred, it will send the matter back to the unit hearing board with instructions to conduct further proceedings to correct the error;
 - d. That the student is required to be present at the Campus Review and a failure to appear, without good cause in the Board's view, will justify dismissal of the appeal;
 - e. That the student may be represented at the hearing by an advisor of his or her choice, including an attorney, at his or her own expense. If the student chooses to be represented by an attorney this must be made known five days before the hearing, and the unit hearing board shall have the opportunity to be represented by the Office of University Counsel;
 - f. That the unit hearing board presiding officer involved will be present, and the faculty member involved may be present at his/her discretion;
 - g. That the student may testify at the hearing but is not required to do so, and any decision to not testify will not be held against the student in the Campus Review Board's deliberations;
 - h. 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 s/he wants the hearing to be open to the public.
4. When a hearing is to take place, the presiding officer will notify the faculty member and the unit hearing board presiding officer of the following:

- a. The date, time, and place of the hearing;
 - b. That the student has alleged that a procedural error at the unit hearing board prevented the board's full and fair consideration of the student's objections to the misconduct finding and/or academic sanction;
 - c. The procedural error alleged by the student;
 - d. That the unit hearing board presiding officer must be present at the hearing and is entitled to an advisor or assistance from the Office of University Counsel, and that the faculty member may be present as well, at his/her discretion.
5. When a hearing is to take place, the presiding officer will notify the Office of the Dean of Students concerning the date, time, and place of the hearing.
 6. 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 appeal.
 7. A majority of the Campus Review Board members must be present for a hearing to be held.
 8. The decision must be based solely upon the evidence and information presented at the hearing or contained in the record.

Faculty Appeals of Unit Hearing Board procedures:

1. Within seven (7) days of receiving the appeal, the presiding officer will consult with the members of the review board and set a date to hear the appeal.
2. The hearing will be closed unless the student requests an open hearing. If the student requests an open hearing, the presiding officer will conduct the hearing in a place that will accommodate a reasonable number of observers. The presiding officer will decide where the hearing will be held and how many observers will be accommodated.
3. The presiding officer will notify the faculty member of the following:
 - a. The date, time, and place of the hearing, which shall not be earlier than seven (7) calendar days after the date of the notice;
 - b. That the faculty member bears the burden of demonstrating that a procedural error occurred at the unit hearing board that prevented the board from full and fair consideration of the faculty member's misconduct finding and/or whether the academic sanction imposed by the faculty member was appropriate;
 - c. That if the Board finds that a procedural error occurred, it will send the matter back to the unit hearing board with instructions to conduct further proceedings to correct the error;
 - d. That the faculty member is required to be present at the Campus Review and a failure to appear, without good cause in the Board's view, will justify dismissal of the appeal;
 - e. That the unit hearing board presiding officer involved will be present, and the student involved may be present at his/her discretion;
 - f. That the faculty member and student, if the student attends, may be represented at the hearing by an advisor of his or her choice, including an attorney at his or her own expense. If the faculty member chooses to be represented by an attorney

- this must be made known five days before the hearing, and the unit hearing board shall have the opportunity to be represented by the Office of University Counsel;
- g. That the student may testify at the hearing but is not required to do so, and any decision to not testify will not be held against the student in the Campus Review Board's deliberations;
 - h. 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 s/he wants the hearing to be open to the public.
4. When a hearing is to take place, the presiding officer will notify the student and presiding officer of the unit hearing board of the following:
 - a. The date, time, and place of the hearing;
 - b. That the faculty member has alleged that a procedural error at the unit hearing board prevented the board's full and fair consideration of the student's objections to the misconduct finding and/or academic sanction;
 - c. The procedural error alleged by the faculty member;
 - d. That the unit hearing board presiding officer must be present at the hearing and is entitled to an advisor or assistance from the Office of University Counsel, and that the student and his/her advisor may be present as well, at the student's discretion.
 5. When a hearing is to take place, the presiding officer will notify the Dean of Students concerning the date, time, and place of the hearing.
 6. 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 appeal.
 7. A majority of the Campus Review Board members must be present for a hearing to be held.
 8. The decision must be based solely upon the evidence and information presented at the hearing or contained in the record.

Student Appeals of Dean of Students imposition of additional sanctions:

1. When the Campus Review Board is reviewing a decision by the Dean of Students to impose an additional sanction, 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.
2. 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. 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. If the additional sanction was imposed even in part because of any prior acts of misconduct by the student, the validity 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.

3. The decision of the Dean of Students to impose additional sanctions must be sustained unless a majority of the review board finds that the decision is arbitrary or disproportionate to the current misconduct and any prior act(s) of misconduct. If a majority of the board concludes that the sanction was arbitrary or disproportionate, it will impose either no sanction or a lesser sanction. The Review Board's decision on sanctions must be based solely upon the evidence and information presented at the hearing, and is final.
4. Within fourteen (14) calendar days after the hearing, the presiding officer of the Campus Review Board will prepare a written decision which includes a brief explanation of the Board's action and its reasoning. The presiding officer will submit the decision to the Office of the Dean of Faculties, who will forward copies to the Office of the Dean of Students and the student, and take the necessary steps to implement the Board's decision.

APPENDIX B
Hearing 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) Four 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; one or more students appointed by the graduate and professional student moderator upon recommendation of the representative assembly or other appropriate representative body as determined by the representative assembly;
 - (b) Five or more faculty members (to be representative of the various academic disciplines) to be appointed by the faculty council president 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, the graduate and professional student moderator, and the faculty council president 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.
4. 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 Provost 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.
5. 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. In scheduling members of the hearing panel, care will be taken to avoid members who might have a conflict of interest.
6. 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, at its discretion, grant a reasonable continuance of the hearing. The hearing commission shall provide an audio recording and that recording shall be maintained for a period of one year.

APPENDIX C
Review Board for Personal Misconduct Appeals

1. The review board shall be composed of three persons who are appointed as follows:
 - a. 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;
 - b. A faculty member appointed by the faculty council president upon recommendation of the faculty council or other appropriate representative body as determined by the faculty council; and
 - c. An administrative officer appointed by the president. The administrative member shall serve as the presiding officer.
2. 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 which they have begun to consider.
 - a. A member of the review board may be reappointed to the board, but no member may serve more than two consecutive terms.
 - b. A member of the review board may be appointed at any time during the year to fill a vacancy on the board.
 - c. 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 president may make an appointment to fill the vacancy or take such other action as may be necessary to constitute the review board.
3. 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 1. and 2. above.
4. 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.
5. The review board is required to listen to the audio recording 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.
6. The review board must render a decision within 10 calendar days of the hearing and may take any of the following actions:
 - a. Affirm the original decision that the student did commit the alleged act of misconduct.

- b. Affirm the original decision concerning the disciplinary sanction to be imposed.
 - c. Reverse the original decision that the student did commit the alleged act of misconduct and direct that the complaint be dismissed.
 - d. 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.
 - e. Set aside the original decision concerning the disciplinary sanction to be imposed and impose a less severe sanction.
7. The presiding officer of the review board is required to notify the Dean of Students concerning the board's decision.
8. The Dean of Students is required to notify the student and to initiate the necessary procedures to effectuate the decision.

