



# INDIANA UNIVERSITY SOUTHEAST

## CODE PROCEDURES

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## **PART 1: STUDENT COMPLAINT PROCEDURES**

Indiana University Southeast 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* has been violated by a member of the University community. The *IU Code* can be found at: <http://www.iu.edu/~code>. The procedures, definitions, and sanctions in Part 1 do not apply to cases involving sexual misconduct, including sexual harassment. Complaints of sexual misconduct, as well as disciplinary procedures, are governed by the University-wide Sexual Misconduct Policy (UA-03) found at: <http://policies.iu.edu/policies/categories/administration-operations/equal-opportunity/sexual-misconduct.shtml>.

Part I establishes the procedures to be followed when a student complaint is filed against a member of the university community. This chart specifies the procedures to be followed when student complaints are filed against university employees, other university students, or student organizations. The campus offices of the Vice Chancellor for Enrollment Management and Student Affairs, Equity & Diversity, Human Resources, and Academic Affairs, as appropriate, will assist students in addressing their complaints.

### **A. STUDENT COMPLAINT PROCESS**

The Indiana University Southeast Student Complaint Process is located at: [www.ius.edu/studentaffairs/pdf/GrievanceProcessChart.pdf](http://www.ius.edu/studentaffairs/pdf/GrievanceProcessChart.pdf)

### **B. STUDENT COMPLAINT FORM**

The Indiana University Southeast Student Complaint Form is located at: <http://www.ius.edu/studentaffairs/pdf/GrievanceProcessForm.pdf>



## **PART 2: STUDENT CONDUCT PROCESS**

### **A. PHILOSOPHY**

IU Southeast students are afforded specific rights and responsibilities when they choose to enroll at the University. The division of Student Affairs, as it pertains to the student conduct process, is charged with promoting individual student growth and development, facilitating community standards, and upholding University policies and procedures. Teaching students about informed decision making, predicting consequences of behavior and the impact of their decisions and behavior on self or others are central tenets valued by all staff and students who work in Student Affairs. Recognizing the impact of student behavior inside and outside the classroom is a critical component of a student's role as a responsible citizen of the IU Southeast community and a continuation of the educational mission of IU Southeast.

### **B. MISSION STATEMENT**

The division of Student Affairs, as it pertains to the student conduct process, contributes to the University by educating students and other members of the IU Southeast community regarding their rights and responsibilities as citizens of the University and the surrounding community. Through its programs, services, and resources, Student Affairs teaches and supports community standards and fosters positive relationships while holding students accountable for behavior detrimental to their academic, personal or social development; their peers; and the larger community.

### **C. PRINCIPLES**

Based on the philosophy and mission, the following are the goals of the division of Student Affairs as they pertain to the student conduct process:

1. Utilize an educational approach when interacting with students, parents, and University community members regarding student rights and responsibilities. Assign educational solutions to students whose behavior falls below the standards established by the University community.
2. Provide professional, courteous, and student-centered programs, services, and resources that support individual students and the greater IU Southeast community.

3. Maintain confidentiality and protect students' rights as defined by federal and local laws and interpreted through University policy.
4. Provide ongoing comprehensive training for students, staff, and faculty to facilitate the philosophical values of *The Code of Student Rights, Responsibilities, and Conduct*.
5. Develop and implement a meaningful, fundamentally fair, and educational method of resolving conflict, encouraging personal responsibility, and facilitating community accountability.
6. Create opportunities for student development and encourage meaningful involvement within the IU Southeast student conduct system to teach peer-based governance, the responsibility of democratic citizenship, and civility.

Individual rights are best protected by a collective commitment to mutual respect. Our responsibilities and obligations to one another preserve our individual rights and freedoms, and promote our collective values. *The Code of Student Rights, Responsibilities and Conduct* (hereinafter referred to as *The Code*) is intended to identify the basic rights, responsibilities, and expectations of all students and student groups, and to serve as a guide for the overall student experience at Indiana University.

### **Student Responsibilities:**

A student who accepts admission to Indiana University agrees to:

- Be ethical in his or her participation in the academic community,
- Take responsibility for what he or she says and does,
- Behave in a manner that is respectful of the dignity of others, treating others with civility and understanding, and
- Use University resources and facilities in appropriate ways consistent with their purpose and in accordance with applicable policies.

### **Student Rights:**

Indiana University recognizes its responsibility to support and uphold the basic freedoms and citizenship rights of all students. Within that context, students have the following rights:

- Rights in the pursuit of education.
- Right to be free from discrimination.
- Right to be free from harassment, including sexual harassment, harassment based on sexual orientation, and racial harassment.
- Right to access records and facilities.
- Right to freedom of association, expression, advocacy, and publication.
- Right to contribute to university governance.
- Right to accommodation for individuals with disabilities.
- Rights in the student conduct process, including the right to file a complaint if a student believes his/her rights, as defined in *The Code*, have been violated.
- Rights as University employees, if applicable.

The University Police and staff enforce policies that protect individual rights and freedoms.

## **D. ACADEMIC MISCONDUCT**

### **Procedural Guidelines**

When a faculty member or other University official believes a student has committed an act of academic misconduct, that person shall initiate academic misconduct proceedings against the student.

#### **Action by the Faculty Member:**

1. The faculty member shall hold an informal conference with the student concerning the matter, and shall inform the student of the alleged act of misconduct and the information upon which the allegation is based within fourteen (14) business days of when the offense was discovered.
2. The student shall be given an opportunity to respond to the allegation of misconduct.
3. If the faculty member concludes that the student did commit the act of misconduct as alleged, the faculty member is authorized to impose an appropriate academic sanction related to the particular course involved.
4. An appropriate academic sanction for such misconduct may include, but is not limited to any one or a combination of the following:
  - a) A lower grade than the student would otherwise have received for the assignment, course work, examination, paper, etc.
  - b) A failing grade for the assignment, course work, examination, or paper.
  - c) Repeat or resubmit the assignment, course work, examination, or paper.
  - d) Complete some additional assignment, course work, examination, or paper as substitute for the assignment, course work, examination, or paper.
  - e) Withdraw from the course with an appropriate grade of W or F, at the faculty member's discretion.
  - f) A lower grade than the student would otherwise have received for the course, including a failing grade.

The penalty for a serious act of academic misconduct should ordinarily involve the recording of a failing grade for 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 penalty includes a failing grade for the course, the registrar will be notified that the grade was given because of academic misconduct. The registrar will record the grade of F on the student's permanent academic transcript without any notation concerning the reason for the grade. The registrar must, however, follow procedures to ensure that the grade of F will not thereafter be removed from the transcript in accordance with other academic policies or procedures such as the FX policy. A grade of F given because of academic

misconduct must be calculated in a determination of the student's grade point average, but the grade will not prevent the student from repeating the same course for credit.

5. At the conclusion of the informal conference, if the faculty member finds the student responsible for the academic misconduct, the faculty member shall, within seven calendar days, fill out and submit to the Vice Chancellor for Enrollment Management and Student Affairs an **Academic Misconduct Report** found at:  
<http://www.ius.edu/ccp/studentaffairs/files/ACADEMIC%20MISCONDUCT%20REPORT.docx>  
.
6. The written report must include the following:
  - a) A statement concerning the nature of the offense.
  - b) A summary of the informal conference discussion.
  - c) The terms of the sanction being imposed.

#### **Action by the Vice Chancellor for Enrollment Management and Student Affairs:**

1. The Vice Chancellor for Enrollment Management and Student Affairs shall review the faculty member's report concerning a student's act of academic misconduct.
2. Within 14 calendar days of the date of the faculty member's report, the Vice Chancellor shall send written notice to the student, the dean or director of the school or unit in which the offense occurred, and the student's dean or director (if the student is not a major in the unit in which the offense occurred). The written notice will:
  - a) Include a copy of the faculty member's report.
  - b) Inform the student that s/he may appeal the faculty member's decision to the Dean of the School in which the offense occurred within seven calendar days of the date of the notice.\*
  - c) Include a statement that the Vice Chancellor for Enrollment Management and Student Affairs has the authority to impose an additional sanction if s/he 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, including probation, suspension, or expulsion (see pp. 13-15 for sanction options).
  - d) Include a statement that the Vice Chancellor for Enrollment Management and Student Affairs has no authority to reconsider the validity or propriety of the decision of the faculty member concerning the act of academic misconduct.
  - e) If additional sanctions are being considered, set a time for a judicial conference.
  - f) Inform the student that s/he may have a supporter (not legal counsel) present during the conference; that the supporter may not participate in the judicial conference or make any statements during the conference.

All notices, which may include email, specified in the procedures shall be made in writing.

The judicial conference will be limited to a consideration of the seriousness of the academic misconduct involved, the validity of any record of the student's previous acts of misconduct

as maintained by the Vice Chancellor for Enrollment Management and Student Affairs, and the propriety of any additional sanction to be imposed.

\* If the student appeals the faculty member's decision to the dean or director of the school or unit, the dean or director shall discuss the matter individually with the student and the faculty member. The dean or director's decision is final and shall be submitted in writing to the student and the Vice Chancellor for Enrollment Management and Student Affairs. If the decision of the faculty member is reversed in an appeal by the student to the dean or director of the unit in which the offense occurred, the decision of the Vice Chancellor for Enrollment Management and Student Affairs to impose an additional sanction is automatically reversed without the necessity of any further appeal by the student.

3. The student shall be given an opportunity to discuss the nature of the act of academic misconduct, and the accuracy of the record of the student's previous acts of misconduct.
4. The Vice Chancellor for Enrollment Management and Student Affairs shall inform the student and the dean of the academic unit(s) involved of the dispensation of the case.
5. If a sanction of suspension or expulsion from the university is imposed, the Vice Chancellor shall notify the Office of the Registrar to indicate the suspension or expulsion on all copies of the student's academic transcript. In cases of suspension, the notation will be removed from the transcript by the registrar when the term of suspension has ended.

### **Academic Misconduct Appeals Procedure:**

A student may submit a written appeal of the decision of the Vice Chancellor for Enrollment Management Student Affairs to the Executive Vice Chancellor for Academic Affairs within seven calendar days of the date of the notice of the decision. The Executive Vice Chancellor for Academic Affairs shall inquire into the facts of the appeal and shall discuss the matter individually with the student, the faculty member, the dean of the academic unit in which the offense occurred, and the Vice Chancellor for Enrollment Management Student Affairs. A written decision shall be rendered to the student. A student's failure to meet with the Executive Vice Chancellor for Academic Affairs shall be sufficient to justify the dismissal of the appeal, if it is determined that the failure to attend was without good cause. The appeal decision rendered shall be final.

## **E. PERSONAL MISCONDUCT**

### **Procedural Guidelines**

The procedures, definitions, and sanctions in Part 2 do not apply to cases involving sexual misconduct, including sexual harassment. Complaints of sexual misconduct, as well as disciplinary procedures, are governed by the University-wide Sexual Misconduct Policy (UA-03) found at: <http://policies.iu.edu/policies/categories/administration-operations/equal-opportunity/sexual-misconduct.shtml>.

#### **Judicial Conferences:**

A Judicial Conference will normally consist of a meeting between the respondent and one of the Student Conduct Officers. When deemed appropriate by violation, or when used to adjudicate minor violations of *The Code of Student Rights, Responsibilities and Conduct*, the following procedural guidelines for a Judicial Conference will be used:

1. Written notice of the specific allegations/charges and the date, time, and location of the scheduled conference at least five calendar days prior to the conference. All notices, which may include email, specified in the procedures shall be made in writing.
2. Reasonable access to the case file. Student must make the request to review education records in writing using the “Student Request to View Official Education Record” form. The appointment should be as soon as possible, but in no case may it be later than 45 days after the request.
3. A case file is part of the student’s education record under the Family Educational Rights and Privacy Act of 1974. The personal notes of University staff members are not included in the case file. The case file will be retained in the Office of Student Affairs or Residence Life and Housing office.
4. The opportunity to respond to the evidence. Respondents may call appropriate and relevant witnesses on their behalf. It is expected that all witnesses will provide information that is true and correct. Any student who knowingly provides false information during a judicial conference will be charged under *The Code*. Witnesses must have information that is relevant to the case; character statements will not be considered or allowed. A witness may not also serve as the student’s supporter (see #5), as the witness does not have the right to hear the entire proceeding.
5. The respondent may bring a supporter (not legal counsel) to the Judicial Conference. The supporter may not participate and/or represent the student.
6. Written statements may be accepted or other accommodations made at the discretion of the Student Conduct Officer in lieu of live testimony if a witness is out of state or otherwise determined to be unavailable.



7. If the respondent fails to appear after written notice, the allegations against them may be reviewed in their absence and a decision may be rendered. Respondents who fail to appear after written notice will be deemed not to have contested the allegations against them; however, a student may elect not to speak on his or her own behalf.
8. The Student Conduct Officer will make a decision regarding if the student is responsible or not responsible for violating *The Code* and present relevant sanctions (see pages 13-15 for sanction options). The student may receive the decision either at the conclusion of the conference or within five business days of the conference.

Per the Higher Education Opportunities Act of 2008, when requested, institutions must disclose to the alleged victim of any violent crime or non-forcible sex offense the final results of any institutional disciplinary proceeding conducted against the alleged perpetrator of such crime or offense. The alleged victim's next of kin must be informed, if the alleged victim dies as a result of the crime.

9. A student may appeal the decision and/or sanction by following the appeals procedures outlined.

### **Hearing Commission Hearings:**

The Hearing Commission hears cases to be resolved in accordance with *The Code* when the alleged misconduct may result in suspension or expulsion from the University. The Commission is composed of 2 faculty/staff (preferably one of each), 2 students, and 1 Student Conduct Officer. The following procedural guidelines for a Hearing Commission will be used:

1. Written notice of the specific allegations/charges and the date, time, and location of the scheduled hearing at least five calendar days prior to the hearing. All notices, which may include email, specified in the procedures shall be made in writing.
2. Reasonable access to the case file at least three days prior to and during the conference. A case file is part of the student's education record under the Family Educational Rights and Privacy Act of 1974. The personal notes of University staff members are not included in the case file. The case file will be retained in the Office of Student Affairs.
3. A case file is part of the student's education record under the Family Educational Rights and Privacy Act of 1974. The personal notes of University staff members are not included in the case file. The case file will be retained in the Office of Student Affairs or Residence Life and Housing office.
4. The opportunity to respond to the evidence and to call any relevant witnesses. It is expected that all witnesses will provide information that is true and correct. Any student who knowingly provides false information during a student conduct hearing will be charged under *The Code*. Witnesses must have information that is relevant to the case; character statements will not be considered or allowed. A witness may not also serve as the student's supporter (see #5), as the witness does not have the right to hear the entire proceeding.

5. The respondent may bring a supporter (not legal counsel) to the hearing. The supporter may not participate and/or represent the student.
6. Written statements may be accepted or other accommodations made at the discretion of the Hearing Commission in lieu of live testimony if a witness is out of state or otherwise determined to be unavailable.
7. Respondents who fail to appear after written notice will be deemed not to have contested the allegations against them; however, a student may elect not to speak on his or her own behalf. In such cases, the hearing Commission's decision will be based solely on witness testimony and other information presented during the proceeding.
8. Hearings will be closed to the public.
9. The Student Conduct Officer will exercise control over the proceedings to maintain proper decorum, to avoid needless consumption of time and to achieve an orderly completion of the hearing. Anyone disrupting the hearing may be removed or excluded from the hearing by the presiding officer or designee. Such disruption is a violation of *The Code* and a person may be charged with a violation of *The Code* following his or her disruption and removal.
10. The Hearing Commission hearing will be recorded by a campus official. Other persons present are not permitted to record the hearing. Audio recordings are the property of the University and are not released. A student may have access to the recording in a University room during business hours with supervision by University personnel. The student may not copy the recording.
11. Any party may challenge a Hearing Commission member on the grounds of personal bias. The decision to disqualify a member will be made by the Vice Chancellor for Enrollment Management and Student Affairs or designee. This decision is final.
12. Only the immediate parties (and the respondent's supporter if applicable) to the alleged violation may be present throughout the hearing. All parties will be excluded during deliberations.
13. The Hearing Commission will question all parties in an effort to establish the factual record. On disputed points, the "Clear and Convincing" standard is used. The phrase that defines the "clear and convincing" standard is "highly probable." Is it highly probable that the allegations of misconduct are true?
14. All parties may question witnesses who testify for any of the parties at the hearing.
15. Reports of the Hearing Commission shall include a finding of whether or not the respondent is responsible for the alleged violation(s). The report shall also briefly state the rationale for each finding. If the Hearing Commission finds the respondent to be responsible, the report will also include a sanction decision. The Hearing Commission

may consider mitigating or aggravating circumstances and any previous misconduct history when making a sanction decision. The report will be forwarded to the Vice Chancellor for Enrollment Management and Student Affairs or designee for review.

16. The respondent will receive, in writing from the Vice Chancellor for Enrollment Management and Student Affairs within 10 calendar days of the hearing, the decision of the Hearing Commission and the sanction(s) determined (see pp. 13-15 for sanction options).

Per the Higher Education Opportunities Act of 2008, when requested, institutions must disclose to the alleged victim of any violent crime or non-forcible sex offense the final results of any institutional disciplinary proceeding conducted against the alleged perpetrator of such crime or offense. The alleged victim's next of kin must be informed, if the alleged victim dies as a result of the crime.

17. The respondent may appeal the outcome by following the appeals procedures outlined.

### **Personal Misconduct Appeals Procedure:**

Appeals decisions are considered based on the following:

1. New information, sufficient to alter a decision, that was not reasonably available to the person appealing the decision at the time of the original hearing;
2. Sanction appropriateness to the offense;
3. A violation of the student's due process rights.

If the student believes he/she has information that satisfies any of these criteria, he/she may submit a written request for appeal within seven calendar days of the date of the notice of the hearing decision/outcome.

Judicial Conference Appeals: The appeal request shall come from the student and be addressed to the Vice Chancellor for Enrollment Management and Student Affairs within seven calendar days of the date of the notice of the hearing decision/outcome. The appeal request will be reviewed to ensure it meets at least one of the three criteria listed above. If the appeal request meets the criteria, the appeal will be scheduled and conducted by a Student Conduct Officer who did not handle the initial hearing. Failure to appear at the initial Judicial Conference shall be sufficient to justify the dismissal of the appeal request if it is determined that the failure to attend was without good cause. The appeal decision rendered shall be final.

Hearing Commission Appeals: The appeal request shall come from the student and be addressed to the Vice Chancellor for Enrollment Management and Student Affairs within seven calendar days of the date of the notice of the hearing decision/outcome. The appeal request will be reviewed to ensure it meets at least one of the three criteria listed above. If the appeal request meets the criteria, it will be forwarded to the Review Board which consists of one of the Student Conduct Officers and two members of the Hearing Commission who were not present at the

initial hearing (preferably one faculty and one student). The Review Board considers only the audio recordings and file materials from the hearing, unless a claim of “new information” has been made. The student does not attend or provide testimony during the appeal hearing. Failure to appear at the initial hearing shall be sufficient to justify the dismissal of the appeal request if it is determined that the failure to attend was without good cause. Decisions rendered by the Review Board shall be final.

### **Summary Action:**

A student may be summarily suspended from the university and from university property by the Vice Chancellor for Enrollment Management and Student Affairs or designee.

1. The Vice Chancellor for Enrollment Management and Student Affairs or his/her designee may act summarily without following the procedures established by this section if the university official 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.
2. 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 first-class mail or campus mail and by email informing the student of the following:
  - a) That the student has been summarily suspended from the university;
  - b) That the student has been excluded from being on university property; the student shall thereafter be permitted to enter the university campus only for the limited purpose of participating in the hearing conducted under this section.
  - c) That the student will be considered a trespasser if he or she returns to university property;
  - d) The reasons for the suspension from the university and the exclusion from university property;
  - e) Any conditions that must be met before the student may petition to the Vice Chancellor for Enrollment Management and Student Affairs or his/her designee for reinstatement; and
  - f) That the student may not petition for reinstatement for at least one calendar year from the implementation date of the summary suspension.
3. 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 seven calendar days of the date of the notice of the summary suspension. Procedures to be followed by the Hearing Commission include:

- a) If the student disagrees with the decision of responsibility for misconduct reached by the Vice Chancellor for Enrollment Management and Student Affairs, or the student believes the sanction of summary suspension is inappropriate, the student may request a hearing with the Hearing Commission. The written request must be submitted to the Vice Chancellor for Enrollment Management and Student Affairs within seven calendar days of the date of the notice of the suspension.
- b) By initiating this request, the student assumes the responsibility of preparing information and any witnesses to present at the hearing. A list of the student's witnesses must be submitted in writing to the Vice Chancellor for Enrollment Management and Student Affairs no later than three calendar days before the scheduled hearing.
- c) A student may seek advice from the appointed Student Conduct Process Advisor, but the student remains responsible for presenting his/her case to the Hearing Commission.
- d) At the hearing, the representative of the Vice Chancellor for Enrollment Management and Student Affairs or his/her representative and the student may present and question witnesses, and/or present other information.
- e) If the Hearing Commission finds that the student 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 Chancellor.
- f) Within five 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 Vice Chancellor for Enrollment Management and Student Affairs, and the Chancellor of the campus.
- g) If a student fails to appear at the hearing without good cause, the Hearing Commission shall uphold the summary suspension. The student must submit, within five days of the scheduled hearing, written documentation supporting the cause of absence.
- h) The Chancellor will decide whether to accept or reject the recommendation from the Hearing Commission. The Chancellor's decision shall be final.

## F. SANCTIONS

The following factors will be considered in determining sanctions: present attitude; past record, both positive and negative; the severity of the behavior/damage, injury, harm or disruption or the potential for such; the student's or group's honesty, cooperation, and willingness to make amends.

Except as provided in Section E, Summary Action, no other sanctions shall become effective until after opportunities for appeal under the Procedures have been exhausted.

*The Code of Student Rights, Responsibilities, and Conduct* offers a list of **Administrative Sanctions**, at least one of which should be used every time a student is found responsible.

Reprimand or Written 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 the <i>Code of Student Rights, Responsibilities, and Conduct</i> .
University Probation:	A student may be placed on university probation for a specified period of time under conditions specified in writing by the Vice Chancellor for Enrollment Management and Student Affairs or designee, with a warning that any violation of the conditions or any further acts of misconduct may result in additional 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.
Extended Probation:	A student's probationary period may be extended.
Restrictions:	A student may be restricted from participation in or attendance at certain activities.
Residence Hall Probation:	A residential student may be placed on residence hall probation for a specified period of time under conditions specified in writing by the Director of Residence Life and Housing or his/her designee, with a warning that any violation of the conditions or any further acts of misconduct may result in additional sanctions, including expulsion from university housing. As a condition of residence hall 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.
Residence Hall Conduct Supervision:	A requirement that the student meet with a University staff member for one or more meetings following resolution of the case, for the purpose of assuring understanding of and compliance with the <i>Student Code of Rights, Responsibilities and Conduct</i> .

Suspension from University Housing:	A student may be suspended from university housing for a specified period of time (typically at least one or two semesters). During that time, the student is banned from visiting/entering the residence halls. Per the terms of the housing contract, the student will be held responsible for all housing fees.
Expulsion from University Housing:	A student may be expelled from university housing; per the terms of the housing contract, the student will be held responsible for all housing fees.
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.
Ban or Trespass Warning:	A student may be banned from University property or a specific building/residence hall for a specified or indefinite period of time.
No Contact Order:	The student may be directed to have no contact (direct or indirect) with another person for a specified or indefinite period of time. No contact includes: no contact in person, via phone, email, text message, letter, through others, etc.
Suspension:	A student may be prohibited from participating in all aspects of university life for a specified period of time. When a student is suspended from the University, the suspension applies to all campuses of the University. The student forfeits all fees and receives no refund. The Vice Chancellor for Enrollment Management and Student Affairs or designee 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.
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 student forfeits all fees and receives no refund. The Vice Chancellor for Enrollment Management and Student Affairs or designee is required to notify the Office of the Registrar to indicate the expulsion on all copies of the student's academic transcript. The student may not thereafter petition for readmission to the University.
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 within that period of time. <b>If the student reoffends during the time of their deferred sanction, the sanction will immediately go into effect if the student is found responsible.</b> If the student does not consent to the determination of responsibility or the sanction imposed, the student may request a hearing before the Hearing Commission or Review Board, depending on the level at which the deferred and lesser sanctions were imposed. See <i>The Code</i> procedures for additional information.

**Educational Sanctions** (these may be used in addition to the required administrative sanction). Failure to comply with an educational sanction or additional directive constitutes a violation of *The Code*.

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.
Provision of a Specific Service:	A student may be required to provide a specific service, such as, but not limited to: the repair or restoration of any property damaged or taken by the student. If the student fails to provide the service as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
Educational Sanction:	A student may be required to write a paper, do research, give a speech, etc. in order to reflect on his or her behavior and what s/he may have learned in the student conduct process.

**Additional Administrative Action:**

Parent/Legal Guardian Notification:	In accordance with the General Education Provisions Act, the Student Conduct Officer may notify parents of students under the age of 21 when students have violated alcohol or other drug policies. The parent/guardian notification is <b>not</b> a sanction, but an administrative policy.
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**G. TIME LIMITATIONS**

1. Time limitations that are specified in the preceding sections of these procedures may be extended for a reasonable period of time if an extension is justified by good cause under the totality of the circumstances.
  - a) An interested party to a proceeding may make a request for an extension of a specific time limitation.
  - b) A request for an extension must be submitted in writing to the person conducting the proceeding or the presiding officer of the commission hearing the matter.
  
2. If a time limitation is not specified for a particular action or proceeding, the action or proceeding must be taken or conducted promptly or within a reasonable period of time as determined from a consideration of the totality of the circumstances.
  - a) An interested party to a proceeding may make an appropriate objection concerning the promptness or reasonableness of the time within which an action is taken or a proceeding is conducted.
  - b) An objection must be made to the person conducting the proceeding or the presiding officer of the commission hearing the matter.



3. Any interested party to a proceeding may appeal a decision concerning an objection or request concerning a time limitation.
  - a) The appeal must be taken to the person or body that is authorized under these procedures to consider any other appeal from the person or body making the decision concerning the time limitation.
  - b) The decision concerning the appeal shall be final.

## **H. GLOSSARY**

### **Calendar Days**

The term “calendar days” refers to all days except those when the university is not in official session (e.g. winter break and official closings for recognized university holidays).

### **Case Referrals**

Any person may refer students or student groups or organizations suspected of violating any part of *The Code* to the Office of Student Affairs or the University Police Department. Any person who witnesses a violation in progress should report it to the University Police Department.

### **Hearing Commission**

The Hearing Commission hears cases to be resolved when the alleged misconduct may result in suspension or expulsion from the University. The Commission is composed of 2 faculty/staff (preferably one of each), 2 students, and 1 Student Conduct Officer. The pool shall consist of at least 8 faculty, 8 students and 4 staff people for a total of 20 members. Hearing Commission hearings are not trials, and are designed to encourage open discussion among the participants which promotes the Hearing Commission’s understanding of the facts, the individuals involved, the circumstances under which the incident occurred and the nature of the conduct.

#### Selection and Terms of Hearing Commission Members

Student members are nominated by the Student Government Association, faculty members are nominated by the Faculty Senate President, and staff members are appointed by the Chancellor. The Chancellor makes the final decision on all appointments. Faculty and staff serve two-year staggered terms on the Commission, and student terms are one year (two, if possible).

#### Removal of Hearing Commission Members

Members of any student conduct pool who are found responsible for violating any portion of *The Code* or with a criminal offense may be suspended from their student conduct positions by the Vice Chancellor for Enrollment Management and Student Affairs. Faculty or staff found guilty of any criminal offense may be disqualified from any further participation in the University student conduct system.

Students, faculty and staff appointed as members of any Hearing Commission must adhere to absolute confidentiality relative to the matters and names of all persons who participate in the student conduct process. Breach of confidentiality will result in no longer participating in the Hearing Commission.

## **Judicial Conferences**

Judicial Conferences are not trials, and they are not constrained by technical rules of procedure, evidence or judicial formality. They are designed to encourage open discussion among the participants that promotes the Student Conduct Officer's understanding of the facts, the individuals involved, the circumstances under which the incident occurred and the nature of the conduct.

## **Student Conduct Officers**

The Student Conduct Officers hear cases to be resolved when the alleged misconduct may result in warning, probation, transfer to a different residence hall or housing unit, or expulsion from university housing. The Student Conduct Officers are the Vice Chancellor for Enrollment Management and Student Affairs, Dean of Student Life, Director of Residence Life and Housing, and the Assistant Director of Residence Life and Housing.

## **Student Conduct Process Advisor**

The Student Conduct Process Advisor is listed on the Hearing Commission charge letter and is available as a resource to consult with the student prior to the process. The Student Conduct Process Advisor may be either the Vice Chancellor for Enrollment Management and Student Affairs, Dean of Student Life, Director of Residence Life and Housing, or his/her designee. The Student Conduct Process Advisor is available to meet with the student prior to their hearing with the Hearing Commission to review the charge letter and the process. The Student Conduct Process Advisor may also serve as a resource to the Hearing Commission with their procedures and deliberation.

## **Presiding Officer**

The presiding officer will exercise control over the proceedings of a Hearing Commission hearing to maintain proper decorum, to avoid needless consumption of time, and to achieve an orderly completion of the hearing. Anyone disrupting the hearing may be removed or excluded from the hearing by the presiding officer, the Vice Chancellor for Enrollment Management and Student Affairs, or designee. Such disruption is a violation of *The Code* and a person may be charged following his or her disruption and removal.

## **Review Board**

The Review Board hears appeals of cases handled by the Hearing Commission. The Review Board is composed of one of the Student Conduct Officers and two members of the Hearing Commission pool who were not present at the initial hearing (preferably one faculty and one student). The Review Board considers only the audio recording and file materials from the hearing, unless a claim of "new information" has been made. The student does not attend or provide testimony during the appeal hearing. Decisions rendered to the Vice Chancellor for Enrollment Management and Student Affairs by the Review Board shall inform the student of the outcome within 10 calendar days of the appeal. Decisions rendered by the Review Board shall be final.

## **Supporters**

Respondents may be accompanied by a supporter. The role of the supporter shall be limited to attending the hearing in support of the respondent; this supporter may not address the Student Conduct Officer, Hearing Commission, Review Board, question other participants, or

represent the student. Violations of this limitation will result in the supporter being removed from the hearing at the discretion of the presiding officer. The supporter may not be legal counsel.