

1 **Revised procedures for presentation to the Bloomington Faculty Council**  
2 **from the Student Affairs Committee, April 4, 2006**

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4 **Key: Strikethrough is used to show deletions. New wording is shown in**  
5 **large, bold font.**

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8 **Procedures for Bloomington Campus**

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11 **STUDENT COMPLAINT PROCEDURES**

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13 **Preamble**

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15 Indiana University has established procedures for students to follow when they  
16 believe that any of their rights, as defined in ~~Part I of this Code~~ **the Code of**  
17 **Student Rights, Responsibilities, and Conduct**, have been violated by  
18 a member of the university community. ~~Part II establishes t~~ **The** procedures to  
19 be followed when a student complaint is filed against a member of the university  
20 faculty or administration, ~~This part also specifies the procedures to be followed~~  
21 ~~when student complaints are filed against other university employees, other~~  
22 university students, or student organizations **are documented here. This**  
23 **section also**. ~~Finally, this part describes the supplementary procedures that~~  
24 may be followed when a student has a complaint against any member of the  
25 university community which involves discrimination or sexual or racial  
26 harassment. (Complaints against graduate students in their role as course  
27 instructors are considered in accordance with ~~Part II~~ Section A. Complaints  
28 against graduate students in their role as students are considered in accordance  
29 with ~~Part II~~ Section C.) Students employed by the university who wish to file  
30 complaints arising from their employment should consult the student employment  
31 office or personnel overseeing employment issues about the appropriate  
32 procedures.

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34 **A. Complaints Against Members of the University Faculty and**  
35 **Administration.**

36  
37 **1. Informal Resolution**

38 a. When a student believes that any of his or her rights, as  
39 defined in ~~Part I of this~~ **the** Code of Student Rights,  
40 Responsibilities and Conduct have been violated by a  
41 member of the university faculty or administration, the  
42 student should ordinarily attempt to resolve the matter by  
43 making an informal complaint to the person involved.

- 44 b. If contacting the person involved does not resolve the  
45 problem to the complainant's satisfaction, the student may  
46 contact the Dean of Students Office for help.

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48 **2. Formal Complaints.**

- 49 a. A student who believes that his or her rights have been  
50 violated by a member of the university faculty or  
51 administration may make a formal complaint to an  
52 appropriate administrative officer under the following  
53 circumstances:
- 54 (1) A student may make a formal complaint after making  
55 an informal complaint and receiving a response from  
56 the person involved that is not satisfactory to the  
57 student (i.e., if informal resolution fails at that level).
  - 58 (2) A student may make a formal complaint without  
59 having made an informal complaint if the student has  
60 a justifiable basis for not going directly to the person  
61 involved.
- 62 b. A formal complaint should be made to the administrative  
63 officer who is the immediate supervisor of the person  
64 involved in the alleged violation. The appropriate  
65 administrative officer may be one of the following:
- 66 (1) A department head or similar academic officer, if one  
67 exists within the particular school or unit involved.
  - 68 (2) The dean or director of a school or unit, if the school  
69 or unit does not have a department head or similar  
70 academic officer.
  - 71 (3) Even if a school or unit has a department head or  
72 similar academic officer, the dean or director of the  
73 school or unit may adopt a rule that formal complaints  
74 are to be submitted directly to the dean or director.
- 75 c. A formal complaint must be in writing, signed by the  
76 complainant, and must be submitted to the appropriate  
77 official. A copy of the signed, formal complaint will be given  
78 to the individual charged. This formal complaint must be  
79 filed within the following time limitations:
- 80 (1) After making an informal complaint and receiving an  
81 unsatisfactory response, a student must file a formal  
82 complaint within 21 calendar days after the  
83 termination of discussions with the person charged in  
84 the complaint.
  - 85 (2) If a formal complaint is made without the making of a  
86 prior informal complaint, the formal complaint must be  
87 filed within six months after the student should  
88 reasonably have learned about the event which is the  
89 basis of the complaint.

- 90 d. A formal complaint must be considered within 21 calendar  
 91 days by the appropriate administrative officer.  
 92 (1) The officer shall inquire into the facts of the complaint  
 93 and discuss the matter individually with the student  
 94 and the person charged in the complaint.  
 95 (2) If the officer considers it to be appropriate, the officer  
 96 may ask the student and the person charged in the  
 97 complaint to meet together with the officer in an effort  
 98 to resolve the complaint.  
 99 (3) The officer shall have the opportunity to remove  
 100 himself or herself from considering a complaint for  
 101 reasons of bias or personal involvement.  
 102 (4) If the complaint is not resolved within 21 calendar  
 103 days from the day it was filed, the officer must refer  
 104 the complaint along with a written response  
 105 concerning the incident to the Dean of Faculties. The  
 106 response shall include all documents pertaining to the  
 107 complaint.
- 108 e. The Dean of Faculties shall inquire into the facts of the  
 109 complaint and then discuss the matter individually with the  
 110 student and the person who is charged in the complaint.  
 111 (1) If the Dean of Faculties considers it to be appropriate,  
 112 the Dean may ask the student and the person who is  
 113 charged in the complaint to meet together with the  
 114 Dean in an effort to resolve the complaint.  
 115 (2) If the complaint is not resolved within 21 calendar  
 116 days of the date the complaint is received, the Dean  
 117 of Faculties must submit the complaint to a campus  
 118 grievance commission for consideration.  
 119
- 120 **3. Campus Grievance Commission.**
- 121 a. The Dean of Faculties has the authority to appoint the  
 122 members of the campus grievance commission to consider a  
 123 particular complaint.
- 124 b. The campus grievance commission must consist of five  
 125 members, including three members of the administration or  
 126 tenured faculty of the campus involved and two students  
 127 from the campus. Non-tenure-track faculty are eligible to  
 128 serve on the grievance commission, but no more than one  
 129 member may come from such an appointment category.
- 130 c. The grievance commission shall be selected by the Dean of  
 131 Faculties from a grievance commission list containing names  
 132 of students, faculty members, and members of the  
 133 administration that are placed on the list as follows:  
 134 (1) Five or more students appointed by the student body  
 135 president upon recommendation of the student

- 136 assembly or other appropriate representative body as  
 137 determined by the student governing body;
- 138 (2) Five or more faculty members, to be representative of  
 139 the various academic disciplines, to be appointed by  
 140 the presiding officer of the campus faculty council  
 141 upon recommendation of the faculty council or other  
 142 appropriate representative bodies as determined by  
 143 the faculty council; and
- 144 (3) Five or more members of the campus administration  
 145 to be appointed by the ~~Chancellor of the campus~~  
 146 **President or designee.**
- 147 d. Students, faculty members, and members of the  
 148 administration are to be appointed to membership on the  
 149 grievance committee list for a one year period of time,  
 150 beginning with the first day of the fall semester each year. A  
 151 person may be appointed at any time during the year to fill a  
 152 vacancy on the list. A person may also be reappointed to  
 153 the list from year to year.
- 154 e. If a person is selected to serve on a particular grievance  
 155 commission by the Dean of Faculties, the person is  
 156 authorized to serve on the commission until the commission  
 157 completes the hearing of any case submitted to the  
 158 commission even though this may require the person to  
 159 serve beyond the one-year period of appointment.
- 160 f. If a vacancy on the grievance commission list occurs and  
 161 there is a failure or refusal of the appropriate authorities to  
 162 make an appointment to fill the vacancy, the chief  
 163 administrative officer of a campus may make appointments,  
 164 fill vacancies, or take other action necessary to constitute the  
 165 grievance commission.
- 166 g. The Dean of Faculties appoints the presiding officer of the  
 167 grievance commission who must be a tenured member of  
 168 the faculty not engaged in fulltime administration. .

#### 169 4. **Formal Hearing.**

- 170 a. The campus grievance commission is required to conduct a  
 171 formal hearing to consider the complaint.
- 172 (1) The presiding officer, in consultation with the other  
 173 members of the grievance commission, must  
 174 determine an appropriate time and place for the  
 175 hearing.
- 176 (2) The presiding officer is required to make  
 177 arrangements for a public hearing if requested to do  
 178 so by the person who is charged in the complaint by  
 179 no later than seven calendar days before the date of  
 180 the hearing. The presiding officer is required to  
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- 182 conduct the hearing in a place that will accommodate  
183 a reasonable number of observers, but the officer is  
184 authorized to make a final decision concerning the  
185 place where the hearing is to be held and the number  
186 of observers to be accommodated.
- 187 (3) The presiding officer has a duty, to the greatest extent  
188 practical under the circumstances, to summon  
189 witnesses, compel the production of documents, and  
190 structure the hearing to afford all participating parties  
191 procedural due process.
- 192 b. When a hearing is to take place, the presiding officer is  
193 required to notify the person who is charged in the complaint  
194 concerning the following:
- 195 (1) The date, time and place of the hearing, which shall  
196 not be earlier than seven calendar days after the date  
197 of the notice.
- 198 (2) The date, time, and place of the alleged act of  
199 misconduct and a summary of the information upon  
200 which the allegation is based;
- 201 (3) The names of the witnesses whom the complaining  
202 student may present at the hearing or whose  
203 statements may be offered as evidence;
- 204 (4) That the person charged in the complaint is required  
205 to provide to the presiding officer, no later than two  
206 calendar days prior to the hearing, all documents in  
207 his or her possession, pertinent to the complaint.
- 208 (5) That the person charged in the complaint may submit  
209 to the presiding officer, no later than two calendar  
210 days prior to the hearing, a request for any  
211 documents related to the complaint which the subject  
212 wishes the complaining student to produce;
- 213 (6) That the person charged in the complaint must submit  
214 to the presiding officer, no later than two calendar  
215 days prior to the hearing, a list of witnesses whom the  
216 subject may present at the hearing or whose  
217 statements may be offered as evidence;
- 218 (7) That the person charged in the complaint is required  
219 to be present at the hearing and is entitled to present  
220 witnesses and to cross-examine witnesses who  
221 appear unless the grievance commission decides to  
222 proceed in the subject's absence because of  
223 extraordinary circumstances;
- 224 (8) That the person charged in the complaint is entitled to  
225 be ~~represented~~ **accompanied** at the hearing by  
226 counsel or an adviser of his or her choice at his or her  
227 own expense, but the person charged is still required

- 228 to be present, ~~even if represented by counsel or an~~  
229 ~~adviser.~~
- 230 (9) That the complaining student is entitled to be present  
231 at the hearing and may be ~~represented~~  
232 **accompanied** by an adviser of his or her own  
233 choosing, including an attorney at his or her own  
234 expense;
- 235 (10) That the person charged in the complaint may testify  
236 but will not be required to testify at the hearing, and  
237 that a decision not to testify will not be considered as  
238 an admission of guilt;
- 239 (11) That the hearing will be closed to the public unless  
240 the person charged in the complaint notifies the  
241 presiding officer in writing by not later than seven  
242 calendar days before the hearing that he or she  
243 desires the hearing to be open to the public;
- 244 (12) The disciplinary sanctions that may be imposed for  
245 the alleged act of misconduct enumerated are in A.5  
246 **Disciplinary Sanctions** (below);
- 247 (13) That a failure by the person charged to appear at the  
248 hearing would be sufficient to justify the imposition of  
249 any disciplinary sanction without a right of further  
250 appeal if the grievance commission determines that  
251 the failure to attend was without good cause.
- 252 c. When a hearing is to take place, the presiding officer is also  
253 required to notify the student who filed the complaint  
254 concerning the following:
- 255 (1) The date, time, and place of the hearing, which shall  
256 not be earlier than seven calendar days after the date  
257 of the notice.
- 258 (2) That the complaining student must submit to the  
259 presiding officer, no later than two days prior to the  
260 hearing, a list of witnesses whom the complaining  
261 student may present at the hearing or whose  
262 statements may be offered as evidence;
- 263 (3) That the complaining student's failure to attend the  
264 hearing would be sufficient to justify the dismissal of  
265 the complaint without any further action if the  
266 grievance commission should thereafter find that the  
267 failure to attend was without good cause.
- 268 d. The formal hearing is to be conducted by the presiding  
269 officer of the grievance commission.
- 270 (1) The hearing may be held only if all members of the  
271 grievance commission are present, or a majority of  
272 the members, at least one of whom is a student, are  
273 present and both the student filing the grievance and

- 274 subject of the grievance agree to proceed. A hearing  
275 may not be held without the presiding officer being  
276 present.
- 277 (2) The presiding officer, in consultation with the other  
278 members of the grievance commission, is responsible  
279 for conducting the hearing, maintaining the necessary  
280 order, and making all rulings that are necessary for  
281 the fair, orderly, and expeditious consideration of the  
282 complaint.
- 283 (3) The presiding officer shall call the complaining  
284 student as a witness to testify concerning the act of  
285 misconduct alleged in the student's complaint.
- 286 (a) The adviser for the student, if any, shall be  
287 given the opportunity to question the student.
- 288 (b) The presiding officer may question the student  
289 concerning the complaint. The other members  
290 of the commission may then be given the  
291 opportunity to question the student.
- 292 (c) The person charged in the complaint ~~or his or~~  
293 ~~her adviser~~ shall be given the opportunity to  
294 question the student concerning the complaint.
- 295 (4) The presiding officer shall also call any other persons  
296 to testify as witnesses as requested by the student or  
297 otherwise considered appropriate by the officer. The  
298 student ~~or his or her adviser~~ shall be given the  
299 opportunity to question these witnesses. The person  
300 who is the person charged in the complaint ~~or an~~  
301 ~~adviser~~ shall also be given the opportunity to question  
302 these witnesses. The presiding officer and the other  
303 members of the commission may question any of  
304 these witnesses as they consider appropriate.
- 305 (5) The presiding officer shall permit the student ~~or his or~~  
306 ~~her adviser~~ to present any other information that is  
307 appropriate and relevant to the student's complaint.
- 308 (6) After all of the testimony and information concerning  
309 the complaint has been submitted, the presiding  
310 officer must offer the person charged in the complaint  
311 the opportunity to testify concerning the matter.
- 312 (a) If the person charged in the complaint chooses  
313 to testify, he or she may be questioned by  
314 ~~either adviser.~~ **the complaining student**  
315 **and/or the presiding officer and the**  
316 **other members of the commission.**
- 317 (b) ~~The complaining student or his or her adviser~~  
318 ~~shall be entitled to also question the person~~  
319 ~~charged in the complaint.~~

- 320 (c) ~~The presiding officer and the other members of~~  
321 ~~the commission may question the person~~  
322 ~~charged in the complaint as they consider~~  
323 ~~appropriate.~~
- 324 ~~(d)~~**(b)** If the person charged in the complaint chooses  
325 not to testify, the grievance commission may  
326 not consider the decision not to testify as an  
327 admission of guilt.
- 328 (7) The presiding officer must also offer the person  
329 charged in the complaint the opportunity to call other  
330 witnesses and to submit any information that is  
331 appropriate and relevant to the student's complaint.
- 332 (a) If any witnesses are called to testify, they may  
333 be questioned by the person charged in the  
334 complaint ~~or his or her adviser, if any.~~
- 335 (b) The complaining student ~~or his or her adviser~~  
336 may also question the witnesses.
- 337 (c) The presiding officer and the other members of  
338 the commission may question the witnesses as  
339 they consider appropriate.
- 340 (8) After the grievance commission has heard all of the  
341 witnesses and any other information submitted by the  
342 parties, the presiding officer must offer the  
343 complaining student ~~or his or her adviser~~ the  
344 opportunity to make an argument concerning the  
345 validity of the allegations in the complaint. The  
346 presiding officer must then offer the person charged in  
347 the complaint ~~or his or her adviser~~ a similar  
348 opportunity to make an argument to the commission.
- 349 (9) After hearing any concluding arguments, the  
350 grievance commission is required to reach a  
351 conclusion concerning the validity of the allegations in  
352 the complaint.
- 353 (a) The grievance commission is required to  
354 conduct its deliberations concerning the  
355 complaint in a private, executive session.  
356 Decisions shall be by majority vote. Dissenters  
357 may choose to issue a dissenting opinion. The  
358 presiding officer shall require all persons other  
359 than the members of the grievance  
360 commission to leave the hearing room during  
361 the deliberations.
- 362 (b) The grievance commission must reach its  
363 conclusion or conclusions solely upon the  
364 basis of the testimony and information  
365 introduced at the hearing.

- 366 (c) A conclusion that the person charged in the  
 367 complaint committed the alleged act must be  
 368 based upon clear and convincing evidence.
- 369 (10) If a majority of the members of the grievance  
 370 commission conclude that the evidence is insufficient  
 371 to sustain the allegations of the complaint, the  
 372 grievance commission is required to recommend that  
 373 the complaint be dismissed.
- 374 (a) The presiding officer shall reconvene the  
 375 hearing and advise the complaining student  
 376 and the person charged in the complaint  
 377 concerning the conclusion and  
 378 recommendation of the commission or issue a  
 379 written opinion signed by a majority of the  
 380 participating members within seven calendar  
 381 days.
- 382 (b) The presiding officer shall also advise the  
 383 parties that the Dean of Faculties will be  
 384 notified of the commission's conclusion and  
 385 recommendation and that the Dean of  
 386 Faculties is required to dismiss the complaint  
 387 unless the complaining student submits an  
 388 appeal to the ~~Chancellor of the campus~~  
 389 **President or designee** under the  
 390 provisions of this code.
- 391 (11) If a majority of the members of the grievance  
 392 commission concludes that the evidence is sufficient  
 393 to sustain the allegations of the complaint, the  
 394 grievance commission is required to conduct a  
 395 hearing concerning an appropriate sanction.
- 396 (a) The presiding officer shall reconvene the  
 397 hearing and advise the complaining student  
 398 and the person charged in the complaint  
 399 concerning the conclusion of the commission.
- 400 (b) The presiding officer must then offer the  
 401 person who is the person charged in the  
 402 complaint ~~and/or his or her adviser~~ the  
 403 opportunity to submit information and present  
 404 an argument concerning an appropriate  
 405 disciplinary sanction.
- 406 (c) The presiding officer shall also offer the  
 407 complaining student ~~or his or her adviser~~ a  
 408 similar opportunity with reference to the  
 409 appropriate sanction.
- 410 (12) After hearing from the parties concerning an  
 411 appropriate sanction, the grievance commission is

- 412 required to make a recommendation concerning an  
413 appropriate sanction.
- 414 (a) The grievance commission is required to  
415 conduct its deliberations concerning the  
416 sanction in a private, executive session. The  
417 presiding officer must require persons other  
418 than the members of the grievance  
419 commission to leave the hearing room during  
420 the deliberations.
- 421 (b) A recommendation of the grievance  
422 commission must be based upon a vote by a  
423 majority of the members of the commission.
- 424 (13) After the grievance commission has concluded its  
425 deliberations concerning an appropriate sanction, the  
426 presiding officer shall reconvene the hearing and  
427 advise the complaining student and the person  
428 charged in the complaint concerning the  
429 recommended sanction or issue a written opinion  
430 signed by a majority of the participating members  
431 within seven calendar days following the close of the  
432 hearing.
- 433 (a) The parties must also be advised that the  
434 commission's conclusions concerning the  
435 validity of the complaint and the commission's  
436 recommendation concerning an appropriate  
437 sanction will be submitted to the Dean of  
438 Faculties for final action.
- 439 (b) In addition, the parties must be advised as  
440 follows:
- 441 (i) If the Dean of Faculties decides to reject  
442 the recommendations of the grievance  
443 commission and to dismiss the  
444 complaint, the complaint will be  
445 dismissed unless the complaining  
446 student submits an appeal to the  
447 ~~Chancellor of the campus~~ **President**  
448 **or designee** under the provisions of  
449 this code.
- 450 (ii) If the Dean of Faculties decides to  
451 accept the grievance commission's  
452 conclusions and decides to impose the  
453 recommended sanction or any other  
454 appropriate sanction, the person  
455 charged in the complaint may submit an  
456 appeal to the ~~Chancellor of the campus~~  
457 **President or designee** under the

- 458 provisions of this code.  
 459 (14) The presiding officer of the grievance commission is  
 460 required to make record of the hearing before the  
 461 commission which may be made by an electronic tape  
 462 recorder or other appropriate means.  
 463 (15) Within seven calendar days after the hearing, the  
 464 presiding officer must prepare a written report  
 465 concerning the grievance commission's conclusions  
 466 and recommendations with a brief explanation of the  
 467 findings of fact upon which the commission's  
 468 conclusions are based. The report must be submitted  
 469 to the Dean of Faculties, the person charged in the  
 470 complaint, and the complaining student.  
 471

472 **5. Disciplinary Sanctions.**

473 Disciplinary sanctions that may be imposed for acts of misconduct  
 474 by members of the university faculty and administration include, but  
 475 are not limited to, any one or a combination of the following:

- 476 a. A written reprimand with a warning that additional sanctions  
 477 will be imposed if there is a repetition of the misconduct.  
 478 b. A probationary period during which the person involved in  
 479 the complaint must abide by certain specified conditions or  
 480 be subject to the imposition of further sanctions.  
 481 c. A temporary suspension without pay.  
 482 d. Consideration of the misconduct in establishing the person's  
 483 annual salary.  
 484 e. Consideration of the misconduct in any promotion decision  
 485 concerning the person.  
 486 f. Consideration of the misconduct in any tenure decision  
 487 concerning the person.  
 488 g. Termination of employment at a specified time in the future.  
 489 h. Immediate dismissal.  
 490

491 **6. Action by the Dean of Faculties.**

- 492 a. If the Dean of Faculties receives a report that a student's  
 493 complaint has not been sustained by the grievance  
 494 commission, the Dean is required to notify the complaining  
 495 student and the person charged that the complaint will be  
 496 dismissed unless the student submits an appeal to the  
 497 ~~Chancellor of the campus~~ **President or designee** within  
 498 seven calendar days following the receipt of the decision.  
 499 b. If the Dean of Faculties receives a report that a grievance  
 500 commission has concluded that a student's complaint should  
 501 be sustained, the Dean is required to make a final decision  
 502 concerning the validity of the complaint within seven  
 503 calendar days following the receipt of the decision.

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- (1) The Dean of Faculties shall review the written report and the record of the hearing, but 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 ~~Chancellor of the campus~~ **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 ~~Chancellor of the campus~~ **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.

- 550 **7. Appeals to the ~~Chancellor of the Campus~~ **President or****  
 551 **designee.**
- 552 a. If the Dean of Faculties notifies a student that the student's  
 553 complaint is to be dismissed, the student may submit an  
 554 appeal to the ~~Chancellor of the campus~~ **President or**  
 555 **designee.**
- 556 (1) The appeal must be submitted in writing.  
 557 (2) The appeal must be submitted within seven calendar  
 558 days after the student receives notice from the Dean  
 559 of Faculties concerning dismissal of the complaint.  
 560 (3) A copy of the appeal must be sent to the Dean of  
 561 Faculties and to the person charged in the complaint.
- 562 b. If the Dean of Faculties notifies the person charged in a  
 563 complaint that the complaint has been sustained and that a  
 564 sanction is to be imposed, the person may submit an appeal  
 565 to the ~~Chancellor of the campus~~ **President or designee.**
- 566 (1) The appeal must be submitted in writing.  
 567 (2) The appeal must be submitted within seven calendar  
 568 days after the person charged receives notice from  
 569 the Dean of Faculties concerning the decision.  
 570 (3) A copy of the appeal must be sent to the Dean of  
 571 Faculties and to the complaining student.
- 572 c. When the Dean of Faculties receives a notice of an appeal  
 573 to the ~~Chancellor of the campus~~ **President or designee,**  
 574 the Dean is required to send the ~~Chancellor~~ **President or**  
 575 **designee** a copy of the grievance commission's written  
 576 report, the transcript of the commission's hearing and any  
 577 other written information pertinent to the student's complaint.
- 578 d. The ~~Chancellor~~ **President or designee** should review  
 579 the written report and the transcript of the commission's  
 580 hearing and may consult with the Dean of Faculties, but not  
 581 other members of the grievance commission, the  
 582 complaining student, or any other person who has direct or  
 583 indirect knowledge of the complaint.
- 584 e. The ~~Chancellor~~ **President or designee** may take the  
 585 following action concerning an appeal:
- 586 (1) Sustain the dismissal of a complaint.  
 587 (2) Reject the decision of the Dean of Faculties  
 588 concerning the validity of a complaint and dismiss the  
 589 complaint.  
 590 (3) Accept the decision of the Dean of Faculties  
 591 concerning the validity of a complaint and the  
 592 sanction to be imposed.  
 593 (4) Accept the decision of the Dean of Faculties  
 594 concerning the validity of the complaint and impose

- 595 an appropriate sanction that differs from the sanction  
 596 recommended by the Dean of Faculties.
- 597 f. After the ~~Chancellor~~ **President or designee** has made a  
 598 final decision, the ~~Chancellor~~ **President or designee** is  
 599 required to notify the person charged in the complaint and  
 600 the complaining student.
- 601 g. The ~~Chancellor~~ **President or designee** may dismiss the  
 602 case or sustain the complaint and impose a sanction against  
 603 the person charged in the complaint. The ~~Chancellor~~  
 604 **President or designee** will inform the person charged in  
 605 the complaint of the decision. (~~For further information see~~  
 606 ~~the Code of Student Rights, Responsibilities, and Conduct,~~  
 607 ~~Part IV, C.2.d.)~~

608  
 609 **B. Complaints Against Other University Employees.**

- 610
- 611 1. A student who believes that his or her rights have been violated by  
 612 a university employee, other than a member of the faculty or  
 613 administration should ordinarily attempt to resolve the matter by  
 614 making an informal complaint to the person involved.
- 615 a. An informal complaint should be made as soon as possible  
 616 after the alleged violation.
- 617 b. A complaint must be initiated within 30 calendar days after  
 618 the student should reasonably have learned about the event  
 619 which is the basis of the complaint.
- 620
- 621 2. If the student is unable to resolve the matter on an informal basis,  
 622 the student may file a formal complaint against the person involved  
 623 in accordance with the grievance procedures established by the  
 624 university. The student should consult with the Dean of Students or  
 625 the Assistant Vice President for University Human Resource  
 626 Services concerning these procedures.

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

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- 632 1. Indiana University prohibits discrimination, including harassment,  
 633 based on arbitrary considerations of such characteristics as age,  
 634 race, color, religion, sex, marital status, national origin, disability,  
 635 veterans status or sexual orientation. Because of the sensitivity in  
 636 raising allegations of discrimination a student may wish to consult  
 637 first with an academic adviser, department chairperson or dean.  
 638 Complaints should be directed to the campus Affirmative Action  
 639 Officer, Dean of Students, or Dean of Faculties for appropriate  
 640 resolution.

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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 the 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.

663 **D. Complaint by a Student Organization.**

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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.

676 **E. Complaints Against Other Students.**

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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.

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688 **F. Complaints Against Student Organizations.**

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**STUDENT DISCIPLINARY PROCEDURES**

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**Preamble**

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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 adviser.
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.

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

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.

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732

733 **General Principles**

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735 1. The University intends that proceedings under the Student Code not only  
736 resolve charges of misconduct, but also have educational benefit for the students  
737 involved. Accordingly, every effort will be made to ensure that students are  
738 encouraged to speak for themselves throughout the process of addressing  
739 alleged Code violations. Students may have advisers, including attorneys at their  
740 own expense, who accompany them at any or all stages of the process. Except  
741 for Campus Review Board proceedings, however, advisers are limited to an  
742 advisory role and may not speak for students. During Campus Review Board  
743 proceedings **(final appeal process for academic or personal**  
744 **misconduct cases)**, advisers are allowed to participate directly in the  
745 proceedings with the clear understanding that the hearing will always remain  
746 under the control of the presiding officer. In addition, a student with a disability  
747 substantially affecting communication or a student who cannot effectively  
748 communicate in the English language may seek a reasonable accommodation  
749 from the Office of the Dean of Students to allow an adviser or interpreter to  
750 present or translate the proceedings. The role of an adviser in the disciplinary  
751 system is primarily to assist the student in understanding his/her rights and  
752 responsibilities in the system, to assist the student, as requested, in preparing for  
753 any hearings, and to support the student as the student proceeds through the  
754 campus judicial system. **With the student's permission, an adviser**  
755 **may also help prepare any witnesses the student wishes to call,**  
756 **view any documents in the student's disciplinary file, and confer**  
757 **with the student on issues that arise during a hearing.**

758

759 2. Except as provided in Section B.4. Summary Action and General Principle  
760 3, no sanctions shall become effective until after opportunities for appeal under  
761 the Code have been exhausted. Coursework performed while misconduct  
762 proceedings are underway, however, shall be considered conditional.  
763 Conditional work may be affected or eliminated based on a final finding of  
764 misconduct or sanction imposed. This may result in loss of course credit, a delay  
765 in the awarding of a degree, or revocation of a degree that was awarded prior to  
766 a final decision in the misconduct proceedings. If either academic or personal  
767 misconduct is discovered that may impact degree conferral or graduation, the  
768 Dean of Students may notify the student's academic dean, who may withhold  
769 conferral of the degree pending completion of misconduct proceedings.

770

771 If, after a degree has been conferred, the University determines that the student  
772 committed academic misconduct prior to the conferral, the University may revoke  
773 the degree. When an allegation of academic misconduct prior to degree  
774 conferral is made, the unit that awarded the degree shall conduct an investigation  
to determine whether misconduct occurred, and if so, whether to recommend

775 revocation of the degree to the Board of Trustees. The unit, in consultation with  
776 the Dean of Faculties and the Dean of Students, shall determine the procedures  
777 to be followed in conducting its investigation. The unit shall make every  
778 reasonable effort to notify the person regarding the misconduct allegation and  
779 permit the person to respond to the allegation.

780 3. Students have the right to appeal findings of misconduct and the  
781 imposition of sanctions. The purpose of giving students a right of appeal is to  
782 allow them to bring to the attention of another authority on campus significant  
783 factual and procedural errors that reasonably may bear on the finding of  
784 misconduct or the sanction imposed. Students should NOT appeal misconduct  
785 findings for the purpose of delaying the process or the imposition of academic  
786 sanctions, or avoiding further sanctions that may be imposed by the Dean of  
787 Students.

788 4. All notices specified in the procedures for addressing academic and  
789 personal misconduct shall be made in writing, which may include electronic mail.

790 5. All formal hearings for both academic and personal misconduct (unit  
791 hearing boards, hearing commissions, and campus review boards) shall  
792 incorporate the following procedural requirements:

793 a. The presiding officer of the hearing body shall maintain order and make  
794 all rulings necessary for the fair, orderly, and expeditious conduct of the hearing.

795 b. Members of a hearing body shall be free from conflicts of interest that  
796 reasonably would appear to impair their ability to evaluate a misconduct matter in  
797 a fair and impartial manner.

798 c. Normally, all parties must be present in person. The hearing body may  
799 allow for presence in formal hearings by electronic means, when warranted by  
800 special circumstances.

801 d. Both sides shall have the opportunity to make opening and closing  
802 remarks regarding the charge of misconduct.

803 e. Both sides may present witnesses and submit other information  
804 regarding the charge of misconduct, subject to the presiding officer's  
805 determination of relevance. At all times, the hearing body may question  
806 witnesses and ask for the submission of additional information.

807 f. A student's failure or refusal to speak on his or her own behalf at a  
808 hearing shall not be considered an admission of responsibility.

809 g. In unit hearing board proceedings and personal misconduct  
810 proceedings, the university bears the burden of proving, with clear and

811 convincing evidence, that the student engaged in misconduct. In a Campus  
812 Review Board proceeding, the burden of proof or error lies with the student.

813 h. The hearing body's decision shall be based solely on information  
814 obtained prior to and during the hearing, except that, if the hearing body asks for  
815 additional information to be provided after the hearing, the hearing body may  
816 include that information in its decision making, as long as both sides have had a  
817 chance to review and respond to the additional information either in a resumption  
818 of the hearing or in writing.

819 i. Proceedings before unit hearing boards will be ~~audiotaped or otherwise~~  
820 ~~transcribed in an appropriate manner~~ **audio recorded**. Deliberations will be  
821 private and not ~~audiotaped or otherwise transcribed~~ **audio recorded**.

822 j. Decisions of a hearing body shall be made by majority vote.

823 6. In instances when the student poses serious and substantial risk of harm  
824 to self, to others, to property, or to the continuing function of a program or the  
825 University, the faculty member in charge may summarily remove a student from  
826 an on-campus or off-campus activity or program. Off-campus activities and  
827 programs include but are not limited to: clinical, field, internship, in-service  
828 experience, or overseas study programs. In addition, a student may be removed  
829 summarily based on the terms of any agreement between the university and a  
830 third party regarding student placement or academic experience.

831 A summary removal becomes part of the student's disciplinary record only after a  
832 final determination under these procedures that the student engaged in academic  
833 or personal misconduct. If no academic or personal misconduct charge is filed,  
834 and the student wants the matter dismissed, the student should follow the  
835 Campus Grievance Commission procedures. (See "Student Complaint  
836 Procedures," A.3.). When a student is dismissed from a clinical program or other  
837 third party placement based on the terms of an agreement with that third party,  
838 the student may not grieve the dismissal under the Student Code.

839 7. As used in "Student Disciplinary Procedures," the term "faculty" or "faculty  
840 member" means all those who teach and/or do research at the university  
841 including (but not limited to) tenure-track faculty, librarians, holders of research or  
842 clinical ranks, graduate students with teaching responsibilities, visiting and part-  
843 time faculty, and other instructional personnel including coaches, advisers or  
844 counselors.

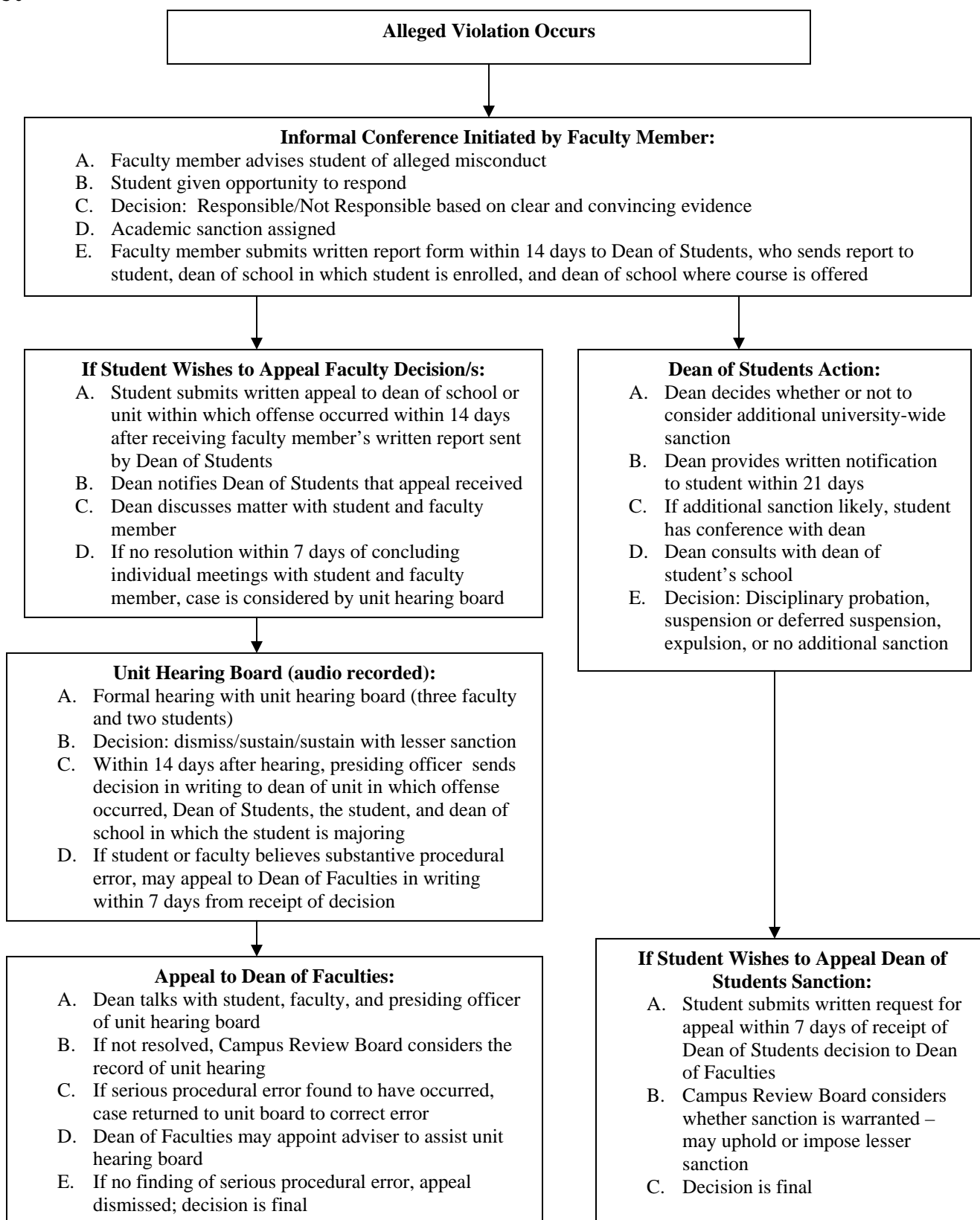
845 8. The term "calendar days" is defined as all days except those when the  
846 university is not in official session. Non-session days are identified as those  
847 which occur between the last day of final examinations of one term and the first  
848 day of classes of the following term, plus official closing days for Thanksgiving,

849 Martin Luther King Jr.'s birthday, Spring Break, Memorial Day, the Fourth of July,  
850 and other officially recognized university holidays.

851 9. Any deadline set out in these procedures may be extended by the relevant  
852 authority only for good reason shown.

853

854 **A. Academic Misconduct Procedures**

855  
856**SUMMARY OF ACADEMIC MISCONDUCT PROCEDURES**

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

859

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

868

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

876

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

883

#### 884 1. Step One: The Initial Finding of Misconduct

885

886 a. A faculty member who suspects a student has committed misconduct  
887 in connection with that faculty member's course meets with the student face-to-  
888 face in a location closed to the public to discuss the matter with the student and  
889 hear the student's response. If, despite the faculty member's good faith effort to  
890 schedule such a discussion, the student fails to meet, the faculty member should  
891 complete the investigation.

892

893 b. After meeting with the student and conducting any additional  
894 investigation needed, the faculty member makes a decision as to whether  
895 misconduct occurred.

896

897 c. If the faculty member concludes that no misconduct has occurred, the  
898 matter ends there. There is no academic sanction imposed, and there will be no  
899 record in the student's file of a misconduct charge.

900

901 d. If the faculty member concludes that misconduct occurred, s/he may  
902 impose an academic sanction for the course. Sanctions that may be imposed by

903 the faculty member include but are not limited to one or more of the following:

904

- 905       ▪ A lower or failing grade for any assignment(s) in which misconduct
- 906       occurred
- 907       ▪ A lower or failing grade for the course; the penalty for a serious act of
- 908       academic misconduct ordinarily should involve the recording of a
- 909       failing grade for the course
- 910       ▪ Repeating the assignment(s) in which misconduct occurred
- 911       ▪ Completing additional assignment(s)
- 912       ▪ Required withdrawal from the course, with a grade of either F or W at
- 913       the faculty member's discretion, regardless of when during the
- 914       semester the student withdraws from the course.

915

916 An incomplete may be given in the course in the event that the matter cannot be

917 resolved before final grades are due in the Office of the Registrar.

918

919 If the sanction includes a failing grade for the course, the Registrar will be notified

920 that the grade was given because of academic misconduct. The Registrar will

921 record the grade of "F" on the student's permanent academic transcript without

922 any notation concerning the reason for the grade. The Registrar will ensure that

923 the grade of "F" will not be removed from the transcript for any reason. A grade

924 of "F" given because of academic misconduct, like any other "F" grade, must be

925 calculated in a determination of the student's grade point average, but the grade

926 will not prevent the student from repeating the same course for credit.

927

928       e. Within fourteen (14) days of determining that misconduct

929 has occurred, the faculty member completes a misconduct report

930 form provided by the Office of the Dean of Students. S/he sends

931 the report to the Office of the Dean of Students, which notifies the

932 student, the dean of the unit in which misconduct occurred, and the

933 dean of the unit in which the student is enrolled (if different). Notice

934 to the student from the Office of the Dean of Students includes:

935

- 936       ▪ The faculty member's report concerning the finding of misconduct;
- 937       ▪ The terms of the academic sanction being imposed;
- 938       ▪ A statement that the student may submit an appeal in writing to the dean
- 939       or director of the school or unit within which the offense occurred within
- 940       fourteen (14) calendar days after receiving the faculty member's written
- 941       report;
- 942       ▪ A statement that the matter is being reported to the Dean of Students, who
- 943       has the authority to impose an additional sanction if the Dean of Students
- 944       believes that such a sanction is justified because of the nature of the
- 945       student's misconduct or because of any prior acts of misconduct that the
- 946       student may have committed;
- 947       ▪ A statement that the Dean of Students has four options:

948

- 949                   o No additional sanction;  
 950                   o Disciplinary probation for a specified period of time;  
 951                   o Suspension or deferred suspension from the university for a  
 952                   specified period of time; or  
 953                   o Expulsion from the university.

954

955                   f. When a misconduct charge does not involve a particular course in which  
 956                   the student is enrolled (for example, the student is charged with taking a test for  
 957                   a friend or giving the friend a paper to submit in a course under the friend's  
 958                   name, or a student uses unauthorized materials during a doctoral qualifying  
 959                   exam), the Office of the Dean of Students substitutes for the faculty member in  
 960                   steps (a) – (d) above. The Dean of Students uses the procedures for personal  
 961                   misconduct to address the matter, and may impose any of the sanctions that may  
 962                   be imposed for personal misconduct.

963

964                   g. When a student commits an act of academic misconduct related to a  
 965                   course in which the student is enrolled and also commits a separate but  
 966                   simultaneous act of academic misconduct unrelated to that course and/or an act  
 967                   of personal misconduct, the faculty member involved and the Dean of Students  
 968                   may handle the matters jointly or separately.

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970

## 971                   2.       Step Two – Appealing the Finding of Misconduct and/or the Academic 972                   Sanction

973

974                   a. Within fourteen (14) calendar days of receiving the Dean of Students  
 975                   notice concerning misconduct, the student may appeal the finding of misconduct,  
 976                   the particular sanction imposed, or both.

977

978                   b. The appeal must be submitted in writing to the dean of the school in  
 979                   which the alleged offense occurred. The dean notifies the Office of the Dean of  
 980                   Students of the appeal.

981

982                   c. If an appeal is filed, the dean talks with the student and faculty  
 983                   member, either separately or together at the dean's discretion. If this does not  
 984                   resolve the matter, the dean convenes a hearing board composed of three (3)  
 985                   faculty and two (2) students.

986

987                   d. The board holds a hearing on the issue(s) raised by the student. If the  
 988                   student appealed the finding that misconduct occurred, the board determines  
 989                   whether clear and convincing evidence supports the finding of misconduct. If the  
 990                   board ~~finds~~ **concludes** that **the evidence does not support a finding**  
 991                   **of** misconduct ~~has not been proved~~, the matter ends there. If the board finds  
 992                   that misconduct occurred, and the student has appealed the academic sanction  
 993                   imposed, the board may uphold or reduce that sanction. If the student has only  
 994                   appealed the sanction, the board decides only whether to uphold or reduce the

995 sanction.

996

997 e. The board issues a written decision within fourteen (14) calendar days  
998 after the hearing ends. The decision sets out the board's conclusions and the  
999 findings of fact and reasoning supporting those conclusions. The presiding  
1000 officer of the board sends the decision to the dean of the unit, with copies to the  
1001 student, the faculty member, the Dean of Students, and the dean of the unit in  
1002 which the student is enrolled (if different from the unit in which the misconduct  
1003 occurred).

1004

1005 f. Units may, in their discretion, develop procedures (including  
1006 timeframes) for addressing a student's claim that after the conclusion of the unit  
1007 board hearing s/he has identified new evidence that reasonably would affect a  
1008 misconduct finding and/or academic sanction.

1009

### 1010 3. Step Three: Limited Procedural Appeal to the Dean of Faculties

1011

1012 a. A student may not appeal the unit hearing board's factual conclusion  
1013 as to whether misconduct occurred, or the propriety of the academic sanction  
1014 imposed. If, however, either the student or the faculty member believes that a  
1015 procedural error occurred at the unit hearing board that was serious enough to  
1016 prevent the board's full and fair consideration of a misconduct finding or  
1017 academic sanction, then s/he may file a written appeal with the Office of the  
1018 Dean of Faculties. The student or faculty member has seven (7) calendar days  
1019 from the date s/he receives the decision of a unit hearing board to file the appeal.

1020

1021 b. The Dean of Faculties talks with the student or faculty member and the  
1022 presiding officer of the unit hearing board, separately or together in the Dean of  
1023 Faculties' discretion. If this does not resolve the matter, a Campus Review  
1024 Board appointed by the Dean of Faculties reviews the record. If the record  
1025 indicates that a serious procedural error occurred earlier in the proceedings that  
1026 prevented the board's full and fair consideration of a misconduct finding or  
1027 academic sanction, the Board will inform the Dean of Faculties, who will send the  
1028 matter back to the unit hearing board for further proceedings to correct the error.  
1029 The Dean of Faculties may appoint an adviser to assist the unit hearing board.

1030

1031 c. If the Campus Review Board concludes that no serious procedural  
1032 error occurred within the unit that prevented the board's full and fair consideration  
1033 of the misconduct finding and/or academic sanction, the Dean of Faculties denies  
1034 the appeal. The finding of misconduct and academic sanction imposed then take  
1035 effect. The Office of the Dean of Faculties reports this outcome to the Office of  
1036 the Dean of Students and to the dean of the unit in which misconduct occurred.

1037

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1039

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1041 4. Step Four: Dean of Students Decision on Additional, University-wide  
1042 Sanctions

1043

1044 a. If, after concluding any appeals, a student is found to have committed  
1045 academic misconduct, the Dean of Students considers whether to impose an  
1046 additional, university-wide sanction, based on the nature of the misconduct, any  
1047 prior acts of misconduct (academic or personal), or both. The Dean of Students  
1048 may impose (i) no university-wide sanction; (ii) disciplinary probation; (iii)  
1049 suspension or deferred suspension; or (iv) expulsion.

1050

1051 b. Within twenty-one (21) calendar days after receiving notice of the final  
1052 decision on misconduct and academic sanctions, the Dean of Students will  
1053 review the faculty member's report and any action by the unit hearing board, and  
1054 will consult with the dean of the unit in which the student is enrolled. The Dean  
1055 of Students then notifies the student either:

1056

- 1057 (i) that it has decided that additional, university-wide sanctions are not  
1058 warranted; or  
1059 (ii) that it is considering imposing an additional, university-wide  
1060 sanction, which may consist of disciplinary probation, suspension or  
1061 deferred suspension, or expulsion, and has set a date for an  
1062 informal conference with the student to discuss whether such a  
1063 sanction should be imposed. The Dean of Students notice to the  
1064 student will indicate the following:

1065

- 1066 • that the student is required to appear at the conference;  
1067 • that if s/he fails to appear at the conference without good cause,  
1068 the Dean of Students will go ahead and make a decision on  
1069 additional sanctions;  
1070 • that the student may be accompanied by an adviser, who may  
1071 advise the student but not speak or participate directly in the  
1072 conference;  
1073 • that the Dean of Students is bound by the finding within the unit  
1074 that the misconduct occurred, and therefore the only issues to  
1075 be discussed with the student are the seriousness of the  
1076 academic misconduct involved, the validity of any records  
1077 maintained by the Dean of Students on prior acts of misconduct  
1078 by the student, and the propriety of imposing an additional  
1079 sanction;  
1080 • that the Dean of Students has no authority to reconsider the  
1081 merits of the finding of misconduct or academic sanction;  
1082 • that the student may appeal any additional sanction to the  
1083 Campus Review Board.

1084

1085 c. When the Dean of Students is considering additional sanctions, it will  
1086 also consult with the dean of the unit in which the student is enrolled. Ordinarily

1087 the Dean of Students will not impose an additional university-wide sanction  
1088 without the concurrence of the dean.

1089  
1090 d. The Dean of Students notifies the student and the unit(s) involved of its  
1091 decision on additional, university-wide sanctions. If no additional sanction is  
1092 imposed, the matter ends there. If an additional sanction is imposed and the  
1093 student feels that the sanction is arbitrary or disproportionate, the student has  
1094 seven (7) calendar days to appeal in writing to the Dean of Faculties.

1095  
1096 e. If a sanction of suspension or expulsion is imposed, the Dean of  
1097 Students notifies the Registrar, and the sanction is noted on the student's  
1098 academic transcript. A notation of suspension is removed by the Registrar when  
1099 the term of suspension has ended; a notation of expulsion remains permanently  
1100 on the transcript.

1101  
1102 5. Step Five: Appeal to the Office of the Dean of Faculties of Additional  
1103 University-wide Sanction

1104  
1105 a. If a student appeals a university-wide sanction, the Office of the Dean  
1106 of Faculties will convene a Campus Review Board to hear the appeal.

1107  
1108 b. The only issue before the Board shall be whether the university-wide  
1109 sanction is warranted by the nature of the present misconduct and/or any prior  
1110 violations by the student. The student must show that the additional sanction is  
1111 arbitrary or disproportionate.

1112  
1113 c. The Board may uphold the sanction or impose a lesser university-wide  
1114 sanction. Campus Review Board decisions are final and any university-wide  
1115 sanction becomes effective when the Board issues its decision.

1116  
1117 **Composition and Procedures of Unit Hearing Boards**

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1119  
1120 1. A unit may maintain a standing unit hearing board or appoint a new board  
1121 to hear each particular appeal.

1122  
1123 2. A unit hearing board must consist of five members, including three  
1124 members of the faculty of the unit involved and two students from that unit. The  
1125 board should include no more than one faculty member and one student from the  
1126 department in which the misconduct allegedly occurred.

1127  
1128 3. The presiding officer of the unit hearing board is appointed by the dean or  
1129 director and must be a member of the faculty.

1130  
1131 4. Units will establish their own procedures for board hearings, which must  
1132 be consistent with the General Principles in these Procedures.

1133

**Composition and Procedures of Campus Review Boards**

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1136

1137 1. The Office of the Dean of Faculties may maintain a standing Campus  
1138 Review Board or appoint a new board to hear each particular appeal. In either  
1139 case, the members of the Board shall be chosen from a list of faculty provided by  
1140 the Bloomington Faculty Council and a list of students provided by the  
1141 Bloomington campus student body president. Any members who are initially  
1142 appointed and become unable to serve on the Board should be replaced by the  
1143 Dean of Faculties by others from these lists.

1144

1145 2. A Campus Review Board must consist of five members, including three  
1146 members of the faculty and two students. The board must not include any  
1147 faculty or students from the department in which the misconduct allegedly  
1148 occurred.

1149

1150 3. The presiding officer of the board is appointed by the Dean of Faculties  
1151 and must be a member of the faculty.

1152

1153 4. The Dean of Faculties will establish the procedures for Campus Review  
1154 Board hearings, which must be consistent with the General Principles in these  
1155 Procedures. **(See Appendix A for Campus Review Board  
1156 Procedures.)**

1157

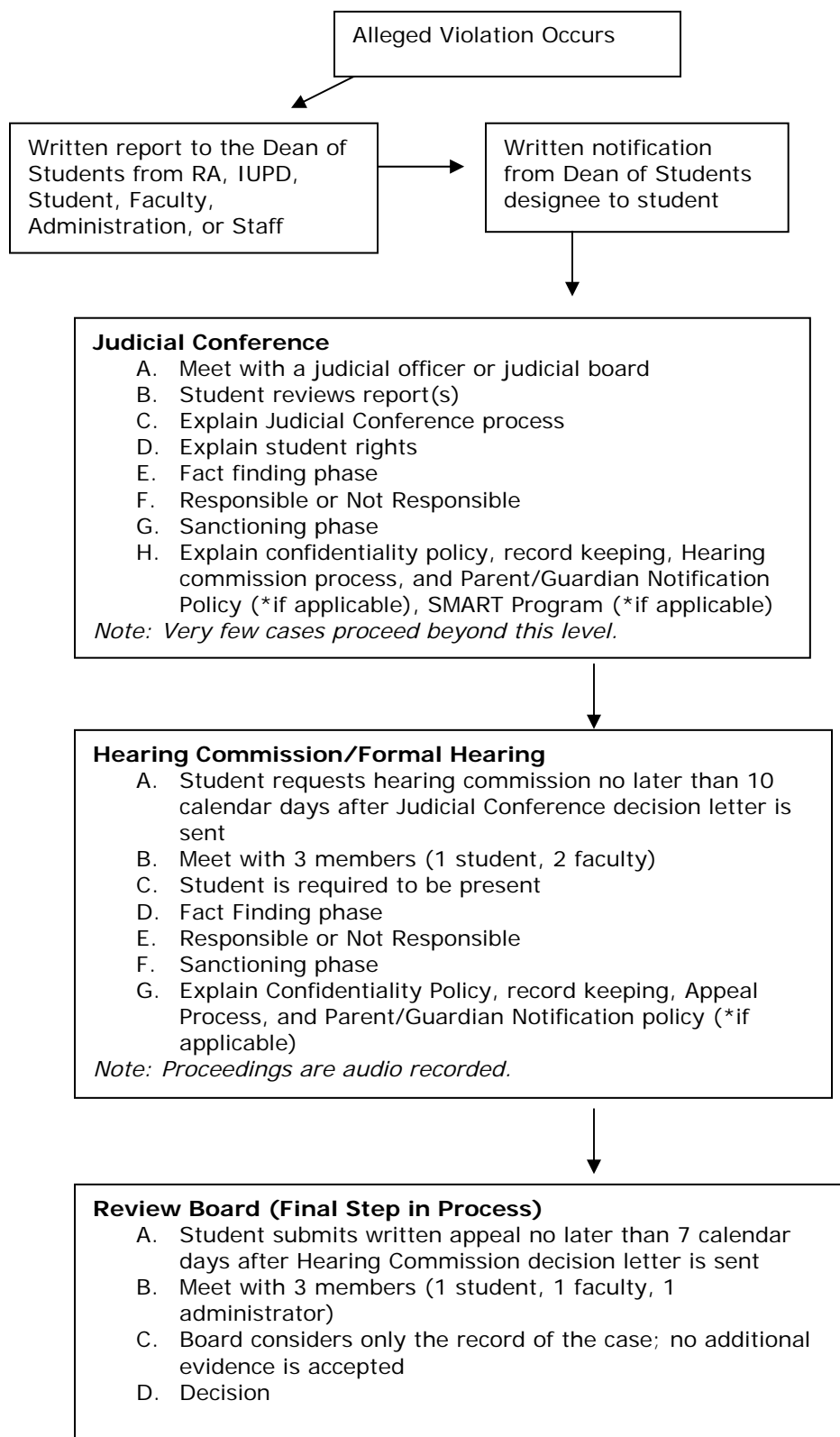
1158

1159

**B. Disciplinary Procedures for Personal Misconduct**

1160  
1161  
1162  
1163

### Personal Misconduct: Summary of Procedures



1164

1165  
 1166 Disciplinary proceedings for acts of personal misconduct are governed by the  
 1167 following procedures.

1168  
 1169 Disciplinary proceedings for an act of personal misconduct that is committed  
 1170 simultaneously with an act of academic misconduct are governed by the  
 1171 following procedures unless the Dean of Students and the faculty member  
 1172 involved agree otherwise.

1173  
 1174 The disciplinary procedures in this section do not govern proceedings involving  
 1175 the alleged violation of campus motor vehicle and ~~Halls of Residence~~  
 1176 **residence hall or on-campus apartment housing** contractual  
 1177 provisions. The procedures likewise do not govern proceedings involving the  
 1178 university's **collection of fees** ~~use of a checklist to collect money~~ from  
 1179 students.

1180  
 1181 **The campus judicial process is not the only method to resolve**  
 1182 **student behavior issues. Alternatives to the campus judicial**  
 1183 **process may also exist as resources allow and conditions are**  
 1184 **appropriate. There are several requirements and considerations**  
 1185 **where alternatives are concerned:**

- 1186 • **The Dean of Students or designees shall decide when**  
 1187 **alternatives (mediation, conduct coaching, alternative**  
 1188 **dispute resolution, etc.) may be appropriate.**
- 1189 • **The offending behavior(s) must cease and not be**  
 1190 **repeated.**
- 1191 • **Outcomes of any alternatives must be agreeable to**  
 1192 **the university's sense of academic excellence and**  
 1193 **personal development.**
- 1194 • **Alternatives should not constitute in or of themselves**  
 1195 **subsequent violations of the *Code of Student Rights,***  
 1196 ***Responsibilities, and Conduct* and/or Bloomington**  
 1197 **procedures.**

1198  
 1199 **Any person may make a report that a student has committed an**  
 1200 **act of personal misconduct. The report must be submitted in**  
 1201 **writing to the Dean of Students. The Dean of Students may**  
 1202 **designate representatives to conduct fact-finding investigations,**  
 1203 **to serve as judicial hearing officers, and to recommend**  
 1204 **disciplinary action. After reviewing a report, the Dean of**  
 1205 **Students has the discretion to decide whether disciplinary**  
 1206 **proceedings should be instituted.**

1207

1208 **Disciplinary proceedings are initiated by the Dean of Students**  
 1209 **by sending the student, who is the subject of the report, a**  
 1210 **written notice by mail. The written notice requires the student to**  
 1211 **meet with the Dean of Students in a judicial conference on a**  
 1212 **specified date and time to discuss the alleged violation/s. The**  
 1213 **notice includes information about:**

- 1214 • **The section(s) of the *Code of Student Rights,***  
 1215 ***Responsibilities and Conduct* claimed to have been**  
 1216 **violated,**
- 1217 • **Specific information about the behaviors that allegedly**  
 1218 **caused the violation(s) including date(s) of the**  
 1219 **incident(s) and names of any witnesses,**
- 1220 • **The judicial process and resources for assistance in**  
 1221 **preparing for the proceedings.**

1222

1223 **A student has the right to view his or her disciplinary file with**  
 1224 **proper notice to the Dean of Students. Students may seek**  
 1225 **advice from the IU Student Advocates Office, the IU Student**  
 1226 **Association Department of Student Rights, or others when**  
 1227 **preparing for judicial proceedings.**

1228

### 1229 **1. Judicial Conference**

1230

1231 **If the Dean of Students initiates disciplinary proceedings after**  
 1232 **receiving documentation that alleges student misconduct, the**  
 1233 **student is required to attend a judicial conference. The**  
 1234 **disciplinary process is finalized in most cases at the conclusion**  
 1235 **of the judicial conference.**

1236

1237 a. **When the student attends the judicial conference, as required, the Dean of**  
 1238 **Students or a designee shall inform the student as fully as possible of the facts**  
 1239 **alleged. The student may, but need not, ~~make responses and explanations~~**  
 1240 **respond to allegations.**

1241

1242 b. **If, after discussion and any necessary investigation, the Dean of Students**  
 1243 **determines that the violation alleged is not supported by clear and convincing**  
 1244 **evidence, the Dean of Students shall dismiss the accusation and notify the**  
 1245 **student.**

1246

1247 c. **If, after discussion, the Dean of Students believes that the violation occurred**  
 1248 **as alleged, the Dean of Students shall so notify the student and shall propose a**

1249 ~~penalty~~ **sanction** by means of a written notice. The student, by such notice,  
1250 ~~shall be offered the choice of consenting to the determination and imposed~~  
1251 ~~penalty or may request a formal hearing before a hearing commission~~ **may**  
1252 **either consent to the determination and imposed sanction or**  
1253 **request a formal hearing before a hearing commission (see 2.**  
1254 **Formal Hearing).**

1255  
1256 d. **A victim who has participated in the judicial conference may**  
1257 **request a delay in approval of decisions regarding responsibility**  
1258 **and sanctions until after a reconvening of the conference if any**  
1259 **of the following criteria are met:**

- 1260 • **A substantive procedural error**
- 1261 • **New evidence is presented that was not available at**  
1262 **the time of the judicial conference and is relevant to**  
1263 **establish that the accused student may be**  
1264 **responsible for misconduct as charged**
- 1265 • **Substantial bias on the part of the hearing officer/s**  
1266 **The request for delay must be submitted to the Dean of Students**  
1267 **within two (2) days of the initial judicial conference**

1268  
1269 e. If no written request for a formal hearing is received by the Dean of Students  
1270 within the time specified (**see 2. Formal Hearing**), no hearing shall be held.  
1271 The sanction(s) proposed by the Dean of Students shall be imposed, and the  
1272 action shall be final.

1273  
1274 f. If a student fails to appear at the judicial conference, the student may explain  
1275 the failure to appear in writing to the Dean of Students within 10 days of the  
1276 scheduled conference. Written documentation supporting the cause of absence  
1277 must be included. Within 10 days after receiving the student's letter, the Dean of  
1278 Students will notify the student whether the judicial conference may be  
1279 rescheduled.

1280  
1281 g. If a student fails to appear and that absence is not excused for good cause,  
1282 the Dean of Students may decide, in the student's absence, whether the violation  
1283 occurred as alleged. The student will be notified in writing of the decision by the  
1284 Dean of Students within 10 days of approval. Unless the sanction imposed is  
1285 any one or a combination of expulsion from university housing, suspension from  
1286 the university, or expulsion from the university, the student's right to any further  
1287 hearings automatically will be forfeited, and the sanctions imposed in absentia  
1288 will go into effect.

1289  
1290 h. Sanctions: The Dean of Students is authorized to impose any one or a  
1291 combination of the following sanctions **after finding a student**

1292 **responsible** for acts of personal misconduct. Records will remain in a  
1293 student's file as indicated (below). If a student has more than one incident in the  
1294 file, the incident to be kept on file the longest will determine the length of time all  
1295 records are kept.

- 1296 (1) Reprimand and Warning. A student may be given a  
1297 reprimand accompanied by a written warning that the  
1298 student may receive additional sanctions if the  
1299 student engages in the same misconduct again or  
1300 commits any other violation of this Code. A  
1301 Reprimand and Warning will remain a part of a  
1302 student's disciplinary record at least until he or she  
1303 graduates.
- 1304 (2) Disciplinary Probation. A student may be placed on  
1305 disciplinary probation for a specified period of time  
1306 under conditions specified in writing by the Dean of  
1307 Students, with a warning that any violation of the  
1308 conditions or any further acts of misconduct may  
1309 result in additional disciplinary sanctions, including  
1310 suspension or expulsion from the university. As a  
1311 condition of probation, the student may be required to  
1312 participate in a specific program, such as a  
1313 counseling program or an alcohol education program,  
1314 or to provide a specific service, such as the repair or  
1315 restoration of any property damaged or taken by the  
1316 student. A record of any disciplinary probation will  
1317 remain a part of a student's disciplinary record for five  
1318 years after a student graduates.
- 1319 (3) Restitution. A student may be required to pay the  
1320 cost for the replacement or repair of any property  
1321 damaged by the student. If the student fails to pay  
1322 the cost or make the repairs, the student may be  
1323 subjected to additional sanctions, including  
1324 suspension or expulsion. A record of any restitution  
1325 that a student is required to pay will remain a part of a  
1326 student's disciplinary record until he or she graduates.
- 1327 (4) Participation in a specific program. A student may be  
1328 required to participate in a specific program, such as  
1329 a counseling program, a program designed to  
1330 stimulate good citizenship within the university  
1331 community, an alcohol education program, or any  
1332 other activity which would foster civic participation. If  
1333 the student fails to participate in the program as  
1334 directed, the student may be subjected to additional  
1335 sanctions, including suspension or expulsion. A  
1336 record of participation in any specific program that a  
1337 student is required to complete will remain a part of a

- 1338 student's disciplinary record until he or she graduates.
- 1339 (5) Provision of a specific service. A student may be
- 1340 required to provide a specific service, such as the
- 1341 repair or restoration of any property damaged or
- 1342 taken by the student. If the student fails to provide
- 1343 the service as directed, the student may be subjected
- 1344 to additional sanctions, including suspension or
- 1345 expulsion. Completion of a specific service that a
- 1346 student is required to complete will remain a part of a
- 1347 student's disciplinary record until he or she graduates.
- 1348 (6) Expulsion from University Housing. A student may be
- 1349 expelled from university housing, and the student's
- 1350 contract for such housing may be rescinded.
- 1351 Expulsion from university housing will remain a part of
- 1352 a student's disciplinary record until he or she
- 1353 graduates.
- 1354 (7) Transfer to a Different Residence Hall or Housing
- 1355 Unit. A student may be required to transfer to a
- 1356 different residence hall or housing unit. If the student
- 1357 fails to transfer to a different residence hall or housing
- 1358 unit as directed, the student may be subjected to
- 1359 additional sanctions, including suspension or
- 1360 expulsion. A transfer to a different residence hall or
- 1361 housing unit will remain a part of a student's
- 1362 disciplinary record until he or she graduates.
- 1363 (8) Suspension. A student may be prohibited from
- 1364 participating in all aspects of university life for a
- 1365 specified period of time. When a student is
- 1366 suspended from the university, the suspension
- 1367 applies to all campuses of the university. The Dean
- 1368 of Students is required to notify the Office of the
- 1369 Registrar to indicate the suspension on all copies of
- 1370 the student's academic transcript. When the term of
- 1371 the suspension has ended, the Registrar will remove
- 1372 the notation from the student's transcript. A record of
- 1373 the term of suspension will remain a permanent part
- 1374 of the student's disciplinary record. Suspension
- 1375 notations on transcripts remain for the term of the
- 1376 suspension.
- 1377 (9) Expulsion. A student may be dismissed from the
- 1378 university permanently. When a student is expelled
- 1379 from the university, the expulsion applies to all
- 1380 campuses of the university. The Dean of Students is
- 1381 required to notify the Office of the Registrar to indicate
- 1382 the expulsion on all copies of the student's academic
- 1383 transcript. Furthermore, the student may not

- 1384 thereafter petition for readmission to the university. A  
 1385 record of expulsion will remain a permanent part of  
 1386 the student's disciplinary record. Expulsion notations  
 1387 on transcripts are permanent.
- 1388 (10) Deferred Sanction. ~~The sanction of suspension from~~  
 1389 ~~Indiana University, listed in Section D.4.e (8), may be~~  
 1390 ~~deferred for a period of time not to exceed one year,~~  
 1391 ~~with the provision that a lesser sanction(s) be~~  
 1392 ~~completed within that period of time.~~ **Sanctions of**  
 1393 **Expulsion from University Housing and/or**  
 1394 **Suspension from Indiana University may**  
 1395 **be deferred for a period of time not to**  
 1396 **exceed one year, with the provision that**  
 1397 **lesser sanction/s be completed within that**  
 1398 **period of time.** If the student does not consent to  
 1399 the determination of responsibility or the sanction  
 1400 imposed, the student may request a hearing before a  
 1401 hearing commission or review board, depending on  
 1402 the level at which the deferred and lesser sanctions  
 1403 were imposed. ~~If the student does consent to the~~  
 1404 ~~determination of responsibility and the sanction in the~~  
 1405 ~~case where a deferred~~ **deferred** sanction is  
 1406 imposed, the following apply:
- 1407 (a) If the lesser sanction(s) is/are completed in the  
 1408 time period assigned, the deferred sanction will  
 1409 not be implemented.
- 1410 (b) If the lesser sanction(s) cannot be completed in  
 1411 the time period assigned due to medical,  
 1412 academic or personal reasons, the student  
 1413 may apply, in writing, to the Dean of Students  
 1414 for an extension of that time period. **The**  
 1415 **written request must be submitted at**  
 1416 **least three calendar days prior to the**  
 1417 **end of the time period.**
- 1418 (i) ~~Extensions to the time period required to~~  
 1419 ~~complete the lesser sanction(s) will be~~  
 1420 ~~considered by the Dean of Students, if~~  
 1421 ~~submitted in writing at least three~~  
 1422 ~~calendar days prior to the end of the~~  
 1423 ~~time period.~~
- 1424 (ii) With their applications for an extension,  
 1425 students must present documentation of  
 1426 the personal, academic or medical  
 1427 reasons they were unable to meet the

- 1428 deadlines, and they must show that they  
 1429 have completed a significant portion of  
 1430 their lesser sanction(s).  
 1431 (iii) The Dean of Students will deliver a  
 1432 decision about the extension to the  
 1433 student within 10 calendar days **after**  
 1434 **receipt of the request.**  
 1435 (c) If the lesser sanctions are not completed in the  
 1436 time period assigned and no extension to the  
 1437 time period is requested or granted, the  
 1438 deferred sanction will automatically go into  
 1439 effect, and the student will have no further  
 1440 opportunity to appeal the deferred sanction.  
 1441 (d) **A record of a deferred sanction will**  
 1442 **remain a part of a student's**  
 1443 **disciplinary record for five years after**  
 1444 **the student graduates.**

## 1446 2. Formal Hearing

1447  
 1448 **A formal hearing can be arranged for a student who does not**  
 1449 **wish to accept the outcome of the judicial conference and**  
 1450 **requests a new hearing of his or her case.**  
 1451

1452 a. If the student disagrees with the decision of responsibility **for misconduct**  
 1453 reached by the Dean of Students, or the student believes the sanction imposed  
 1454 by the Dean of Students is inappropriate; the student may request a formal  
 1455 hearing before a hearing commission. The written request must be submitted to  
 1456 the office of the Dean of Students no later than 10 calendar days after the date of  
 1457 the letter informing the student of the decision of the Dean of Students at the  
 1458 judicial conference.

1459  
 1460 b. A hearing commission shall consist of three members, including one student  
 1461 and two faculty members. One of the faculty members will serve also as the  
 1462 presiding officer of the commission. **(See Appendix B.)**  
 1463

1464 c. By initiating this request, the student assumes the responsibility of preparing  
 1465 information and any witnesses to present at the formal hearing. A list of the  
 1466 student's witnesses must be submitted in writing to the Dean of Students no later  
 1467 than 7 calendar days before the scheduled hearing.  
 1468

1469 d. A student may seek advice from the Student Advocates Office, the IU Student  
 1470 Association Department of Student Rights, or other sources, but the student  
 1471 remains responsible for presenting his/her case to the hearing commission.  
 1472

- 1473 e. The Dean of Students shall make arrangements for the hearing; but thereafter  
1474 with notice to the student, the dean may request the hearing commission to  
1475 dismiss the matter.  
1476
- 1477 f. Upon receiving the written request for a formal hearing, the Dean of Students  
1478 will set aside the proposed finding and sanction reached at the judicial  
1479 conference.  
1480
- 1481 g. The Dean of Students shall send a written notice by mail **(hard copy or**  
1482 **electronic)** to the student's address to inform the student that a hearing date  
1483 has been set and charges are pending. The notice shall inform the student of the  
1484 following information:
- 1485 • Sections of the Code of Student Rights, Responsibilities  
1486 and Conduct claimed to have been violated,
  - 1487 • Specific information about the behaviors that allegedly  
1488 caused the violation(s) including date(s) of the  
1489 incident(s) and names of witnesses,
  - 1490 • The date, time and place of the hearing, procedures  
1491 used in the judicial process, and resources for  
1492 assistance in preparing for the proceeding.  
1493 .
- 1494 h. The student is required to be present at the hearing and is entitled to present  
1495 witnesses unless the hearing commission decides to proceed in the absence of  
1496 the student because of extraordinary circumstances.  
1497
- 1498 i. The hearing will be closed to the public, unless the student indicates in writing  
1499 to the Dean of Students, at least seven calendar days in advance of the hearing,  
1500 a desire to open the hearing to the public.  
1501
- 1502 j. At the hearing, the Dean of Students and the student may present and question  
1503 witnesses, and/or present other information. The student charged with an  
1504 offense may testify, but shall not be ordered to testify by the hearing commission,  
1505 nor shall failure to testify be considered an admission of responsibility. The  
1506 burden of proving that the student has committed the offense or offenses, as  
1507 charged, shall be upon the university.  
1508
- 1509 k. The decision of the hearing commission shall be based solely upon information  
1510 introduced at the hearing and must be based upon clear and convincing  
1511 evidence. A decision shall be made by majority vote.  
1512
- 1513 l. The hearing commission shall make a finding whether the student has  
1514 committed the offense(s) as charged. If the hearing commission finds that the  
1515 student has committed the offense(s), it shall, after a review of any disciplinary  
1516 record the student may have, impose one, or a combination of the disciplinary  
1517 sanctions enumerated under Section ~~D.4(e)~~ **B.1 (h)** (above) of this code.  
1518

1519 m. If the student is contesting only the sanction portion of the Dean of Students  
 1520 decision at the judicial conference, the hearing commission will hear statements  
 1521 from the university representative and from the student, and any witnesses called  
 1522 by either party to determine a sanction only.

1523  
 1524 n. Within 10 calendar days after the conclusion of the hearing, the presiding  
 1525 officer of the hearing commission shall render a written decision and include a  
 1526 brief explanation of the decision and set forth the findings of fact upon which the  
 1527 decision is made. The presiding officer shall furnish copies of the decision to the  
 1528 student and the Dean of Students.

1529  
 1530 o. If a student fails to appear at the hearing commission, the student may explain  
 1531 the failure to appear in writing within 10 days to the presiding officer of the  
 1532 hearing commission. Written documentation supporting the cause of absence  
 1533 must be included. The presiding hearing commission officer will notify the  
 1534 student within 10 days whether the formal hearing may be rescheduled.

1535  
 1536 p. If the student fails to appear at the hearing without good cause, the hearing  
 1537 commission is required to impose the disciplinary sanction initially proposed by  
 1538 the Dean of Students after determining that the failure to appear is without good  
 1539 cause and that there is clear and convincing evidence to believe that the violation  
 1540 occurred as alleged. The student waives the right of further appeal.

1541

### 1542 **3. Appeal**

1543

1544 The student may appeal the decision of the hearing commission to the review  
 1545 board based on the standard established by paragraph b.(6) below. The review  
 1546 board consists of a faculty member, an administrative officer and a student as  
 1547 defined in **Appendix C**. An appeal may be initiated by filing a notice of appeal  
 1548 with the Dean of Students, including a memorandum stating the reason(s) for  
 1549 believing the decision to be improper.

1550

1551 a. The notice of appeal must be filed not later than seven calendar days after the  
 1552 date of the written decision of the hearing commission. By initiating this request,  
 1553 the student assumes the responsibility of preparing information for the review  
 1554 board. **A student may be advised and/or represented by the  
 1555 Student Advocates Office, the IU Student Association  
 1556 Department of Student Rights, or other sources.**

1557

1558 b. The Dean of Students shall immediately forward the notice to the presiding  
 1559 officer of the review board. The student shall be notified by the Office of the  
 1560 Dean of Students of the following:

- 1561 (1) The date, time, and place of the appeal hearing;  
 1562 (2) That either the student or the Dean of Students may  
 1563 submit a written statement to the review board before  
 1564 the appeal hearing, but that any such statement must

- 1565 also be submitted to the opposing party before the  
 1566 hearing;
- 1567 (3) That, at the hearing, both the student and the Dean of  
 1568 Students may make oral arguments based on the  
 1569 record to the review board, and that their respective  
 1570 advisers or counsel may also do so;
- 1571 (4) That the appeal hearing will be closed to the public,  
 1572 unless otherwise requested by the student in writing  
 1573 at least three calendar days before the hearing;
- 1574 (5) That the review board will not accept additional  
 1575 evidence, but will consider only the record of the  
 1576 hearing by the hearing commission.
- 1577 (6) That the student requesting the appeal shall have the  
 1578 burden of proving that the decision of the hearing  
 1579 commission was not based on clear and convincing  
 1580 evidence or was substantially deficient in providing  
 1581 the student due process.
- 1582 (7) The student who filed the complaint may not take any  
 1583 further appeal from the decision of the review board.  
 1584

#### 1585 **4. Summary Action**

1586

1587 A student may be summarily suspended from the university and summarily  
 1588 excluded from university property and programs by the chief administrative  
 1589 officer **or designee** of a university campus. The chief administrative officer **or**  
 1590 **designee** may act summarily without following the hearing procedures  
 1591 established by this section if the officer is satisfied that the student's continued  
 1592 presence on the campus constitutes a serious threat of harm to the student or to  
 1593 any other person on the campus or to the property of the university or property of  
 1594 other persons on the university campus.

1595

1596 a. A student who is summarily suspended and excluded from the university shall  
 1597 be required to leave the property of the university immediately and shall be  
 1598 notified that he or she will thereafter be treated as a trespasser if he or she  
 1599 returns to university property. Within 24 hours after the student is excluded, a  
 1600 written notice must be sent to the student by certified mail informing the student  
 1601 of the following:

- 1602 (1) That the student has been suspended from the  
 1603 university;
- 1604 (2) That the student has been excluded from being  
 1605 on university property;
- 1606 (3) That the student will be considered a trespasser if he  
 1607 or she returns to university property;
- 1608 (4) The reasons for the suspension from the university  
 1609 and the exclusion from university property;
- 1610 ~~(5) That the student, within 14 calendar days after being~~

- 1611 excluded, may request a hearing before a hearing  
 1612 commission to review the information upon which the  
 1613 summary action was based and to determine whether  
 1614 the information was sufficient and reliable enough to  
 1615 justify the summary action; and
- 1616 (6) ~~That the Dean of Students will be initiating disciplinary~~  
 1617 ~~action against the student within seven calendar days~~  
 1618 ~~after the summary action was taken.~~
- 1619 b. ~~The Dean of Students must initiate disciplinary proceedings against a student~~  
 1620 ~~who is summarily suspended and excluded from the university within seven~~  
 1621 ~~calendar days after the summary action is taken.~~ **Allegations of**  
 1622 **misconduct filed against a student who has been summarily**  
 1623 **suspended will be adjudicated by a hearing commission, only if**  
 1624 **requested in writing by the student within 10 days of receiving**  
 1625 **notice of the summary suspension, following procedures for**  
 1626 **formal hearings (see 2. Formal Hearing above).**
- 1627 (1) The student shall thereafter be permitted to enter the  
 1628 university campus only for the limited purpose of  
 1629 participating in the disciplinary proceedings conducted  
 1630 under this section.
- 1631 (2) The Dean of Students may require that the student be  
 1632 escorted to and from the disciplinary proceedings by  
 1633 members of the university police department.
- 1634 **(3) At the student's request, the Dean of**  
 1635 **Students will expedite the formal hearing.**
- 1636 d. ~~Within 14 calendar days after being summarily suspended~~  
 1637 ~~and excluded from university property, a student may~~  
 1638 ~~request a hearing before a hearing commission to determine~~  
 1639 ~~whether the summary action was justified and whether the~~  
 1640 ~~student should be reinstated and allowed to return to~~  
 1641 ~~university property.~~
- 1642 (1) ~~The request must be submitted in writing to the Dean~~  
 1643 ~~of Students.~~
- 1644 (2) ~~The Dean of Students shall select a hearing~~  
 1645 ~~commission as provided in section D.5(b) (above).~~
- 1646 (3) ~~The hearing commission shall hold a hearing within~~  
 1647 ~~seven calendar days after being selected by the Dean~~  
 1648 ~~of Students.~~
- 1649 (4) ~~The hearing commission is required to review the~~  
 1650 ~~information upon which the summary action was~~  
 1651 ~~based and to decide whether the information was~~  
 1652 ~~sufficient and reliable enough to justify the summary~~  
 1653 ~~action.~~
- 1654 (5) ~~The student is required to be present at the hearing~~  
 1655 ~~and is entitled to be represented by an adviser or~~

- 1656 ~~counsel of choice and at the student's expense.~~  
 1657 ~~(6) The student shall be permitted to enter the university~~  
 1658 ~~campus for the limited purpose of this hearing in~~  
 1659 ~~accordance with section D.7(c), above.~~  
 1660 ~~(7) The hearing commission is required to make a~~  
 1661 ~~decision by the end of the hearing and to notify the~~  
 1662 ~~student, the Dean of Students, and the chief~~  
 1663 ~~administrative officer of the campus concerning the~~  
 1664 ~~decision.~~  
 1665 ~~(8) The hearing commission may affirm the decision and~~  
 1666 ~~advise the student that the temporary suspension and~~  
 1667 ~~temporary exclusion will continue until the student is~~  
 1668 ~~notified otherwise in the course of subsequent~~  
 1669 ~~disciplinary proceedings.~~  
 1670 ~~(9) If the hearing commission concludes that the~~  
 1671 ~~summary action was not justified, the presiding officer~~  
 1672 ~~is required to notify the chief administrative officer of~~  
 1673 ~~the campus.~~  
 1674 ~~(10) The chief administrative officer is required to consider~~  
 1675 ~~the decision of the hearing commission but is not~~  
 1676 ~~bound by the decision. The chief administrative~~  
 1677 ~~officer shall thereafter notify the student that the~~  
 1678 ~~student is reinstated or that the temporary suspension~~  
 1679 ~~and temporary exclusion are to be continued pending~~  
 1680 ~~the outcome of the disciplinary proceedings.~~

## 1682 **5. Time Limitations**

- 1683  
 1684 a. Time limitations that are specified in the preceding sections of this code may  
 1685 be extended for a reasonable period of time if an extension is justified by good  
 1686 cause under the totality of the circumstances.
- 1687 • An interested party to a proceeding may make a request for
  - 1688 an extension of a specific time limitation.
  - 1689 • A request for an extension must be submitted in writing to
  - 1690 the person conducting the proceeding or the presiding officer
  - 1691 of the commission hearing the matter.
- 1692  
 1693 b. If a time limitation is not specified for a particular action or proceeding under  
 1694 this code, the action or proceeding must be taken or conducted promptly or  
 1695 within a reasonable period of time as determined from a consideration of the  
 1696 totality of the circumstances.
- 1697 • An interested party to a proceeding may make an
  - 1698 appropriate objection concerning the promptness or
  - 1699 reasonableness of the time within which an action is taken or
  - 1700 a proceeding is conducted.
  - 1701 • An objection must be made to the person conducting the

1702 proceeding or the presiding officer of the commission  
 1703 hearing the matter.

1704  
 1705 c. Any interested party to a proceeding may appeal a decision concerning an  
 1706 objection or request concerning a time limitation.

- 1707 • The appeal must be taken to the person or body that is
- 1708 authorized under this code to consider any other appeal from
- 1709 the person or body making the decision concerning the time
- 1710 limitation.
- 1711 • The decision concerning the appeal is a final decision and is
- 1712 not subject to a further appeal.

1713

## 1714 **6. Misconduct by Student Organizations**

1715

1716 a. A complaint that a student organization has committed an act of academic or  
 1717 personal misconduct may be filed against the student organization **and/or**  
 1718 ~~against individual members of the organization, or against the organization and~~  
 1719 individual members of the organization. The complaint may be filed by any  
 1720 person.

1721

1722 b. A complaint against a student organization and/or individual members of the  
 1723 organization must be submitted in writing to the Dean of Students.

1724 1) If the complaint is against a student organization, the Dean  
 1725 of Students has the authority to initiate disciplinary  
 1726 proceedings against the organization.

1727 ~~2) If the complaint involves an allegation of academic~~  
 1728 ~~misconduct by an individual student member of the~~  
 1729 ~~organization which is related to a particular course in which~~  
 1730 ~~the student is enrolled, the Dean of Students must refer the~~  
 1731 ~~complaint against the student to the faculty member who is~~  
 1732 ~~teaching the course. The faculty member has the authority~~  
 1733 ~~to initiate academic misconduct proceedings against the~~  
 1734 ~~student **(see A. Academic Misconduct**~~  
 1735 ~~**procedures)**, as provided in "Student Disciplinary~~  
 1736 ~~Procedures," section A.~~

1737 **(2) Complaints against individuals are handled**  
 1738 **according to Section A. Academic Misconduct**  
 1739 **and Section B. Personal Misconduct.**

1740 ~~3) If the complaint involves an allegation of academic~~  
 1741 ~~misconduct by an individual student member of the~~  
 1742 ~~organization which is not related to a course in which the~~  
 1743 ~~student is enrolled, the Dean of Students has the authority to~~  
 1744 ~~initiate academic misconduct proceedings against the~~  
 1745 ~~student after consulting with the dean or director of the~~  
 1746 ~~appropriate school or unit in which the student is enrolled.~~

- 1747 4) ~~If the complaint involves an allegation of personal~~  
1748 ~~misconduct by an individual student member of the~~  
1749 ~~organization, the Dean of Students has the authority to~~  
1750 ~~initiate disciplinary proceedings against the student.~~  
1751 5) ~~If the complaint involves an allegation that an individual~~  
1752 ~~student member of the organization has committed~~  
1753 ~~simultaneous acts of academic and personal misconduct,~~  
1754 ~~proceedings against the student may be initiated as provided~~  
1755 ~~in B. Disciplinary Procedures for Personal Misconduct.~~

1756  
1757 c. ~~Disciplinary proceedings against a student organization are governed by the~~  
1758 ~~procedures established by the individual campus for such proceedings~~ **Dean of**  
1759 **Students.**

1760  
1761 ~~d. Academic misconduct proceedings against individual members of a student~~  
1762 ~~organization are governed by the procedures otherwise applicable to students~~  
1763 ~~alleged to have committed acts of academic misconduct.~~

1764  
1765 ~~e. Disciplinary proceedings against individual members of a student organization~~  
1766 ~~are governed by the procedures otherwise applicable to students alleged to have~~  
1767 ~~committed acts of personal misconduct.~~

1768

1769

**APPENDIX A**

1770

**Campus Review Board for Academic Misconduct Appeals**

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1772

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

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1. Student appeals of unit hearing board procedures

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2. Faculty appeals of unit hearing board procedures

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3. Student appeals of Dean of Students imposition of additional sanctions

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

1780

1781

1782

**Student Appeals of Unit Hearing Board procedures:**

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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.

1785

1786

1787

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.

1788

1789

The presiding officer will decide where the hearing will be held and how many observers will be accommodated.

1790

1791

1792

1793

3. The presiding officer will notify the student of the following:

1794

1795

- 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

1796

1797

- 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

1798

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1800

1801

- 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

1802

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1804

- 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.

1805

1806

1807

- e. That the student may be represented at the hearing by an adviser 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

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1813

Office of University Counsel

- 1814 f. That the unit hearing board presiding officer involved will be  
1815 present, and the faculty member involved may be present at his/her  
1816 discretion.
- 1817 g. That the student may testify at the hearing but is not required to do  
1818 so, and any decision to not testify will not be held against the  
1819 student in the Campus Review Board's deliberations.
- 1820 h. That the hearing will be closed to the public unless the student  
1821 notifies the presiding officer in writing by no later than five calendar  
1822 days before the hearing that s/he wants the hearing to be open to  
1823 the public.
- 1824
- 1825 4. When a hearing is to take place, the presiding officer will notify the faculty  
1826 member and presiding officer of the unit hearing board of the following:  
1827
- 1828 a. The date, time, and place of the hearing
- 1829 b. That the student has alleged that a procedural error at the unit hearing  
1830 board prevented the board's full and fair consideration of the student's  
1831 objections to the misconduct finding and/or academic sanction
- 1832 c. The procedural error alleged by the student
- 1833 d. That the unit hearing board presiding officer must be present at the  
1834 hearing and is entitled to an adviser or assistance from the Office of  
1835 University Counsel, and that the faculty member may be present as  
1836 well in his/her discretion.
- 1837
- 1838 5. When a hearing is to take place, the presiding officer will notify the Office  
1839 of the Dean of Students concerning the date, time, and place of the hearing.  
1840
- 1841 6. The presiding officer, in consultation with the other members of the review  
1842 board, is responsible for conducting the hearing, maintaining the necessary  
1843 order, and making all rulings that are necessary for the fair, orderly, and  
1844 expeditious consideration of the appeal.
- 1845
- 1846 7. A majority of the Campus Review Board members must be present for a  
1847 hearing to be held.
- 1848
- 1849 8. The decision must be based solely upon the evidence and information  
1850 presented at the hearing or contained in the record.

1851

1852 Faculty Appeals of Unit Hearing Board procedures:

1853

- 1854 1. Within seven (7) days of receiving the appeal, the presiding officer will  
1855 consult with the members of the review board and set a date to hear the appeal.  
1856
- 1857 2. The hearing will be closed unless the student requests an open hearing. If  
1858 the student requests an open hearing, the presiding officer will conduct the  
1859 hearing in a place that will accommodate a reasonable number of observers.

- 1860 The presiding officer will decide where the hearing will be held and how many  
1861 observers will be accommodated.  
1862
- 1863 3. The presiding officer will notify the faculty member of the following:  
1864
- 1865 a. The date, time, and place of the hearing, which shall not be earlier than  
1866 seven (7) calendar days after the date of the notice
  - 1867 b. That the faculty member bears the burden of demonstrating that a  
1868 procedural error occurred at the unit hearing board that prevented the  
1869 board from full and fair consideration of the faculty member's misconduct  
1870 finding and/or whether the academic sanction imposed by the faculty  
1871 member was appropriate
  - 1872 c. That if the Board finds that a procedural error occurred, it will send the  
1873 matter back to the unit hearing board with instructions to conduct further  
1874 proceedings to correct the error
  - 1875 d. That the faculty member is required to be present at the Campus Review  
1876 and a failure to appear, without good cause in the Board's view, will justify  
1877 dismissal of the appeal.
  - 1878 e. That the unit hearing board presiding officer involved will be present, and  
1879 the student involved may be present at his/her discretion.
  - 1880 f. That the faculty member and student, if the student attends, may be  
1881 represented at the hearing by an adviser of his or her choice, including an  
1882 attorney at his or her own expense. If the faculty member chooses to be  
1883 represented by an attorney this must be made known five days before the  
1884 hearing, and the unit hearing board shall have the opportunity to be  
1885 represented by the Office of University Counsel
  - 1886 g. That the student may testify at the hearing but is not required to do so,  
1887 and any decision to not testify will not be held against the student in the  
1888 Campus Review Board's deliberations.
  - 1889 h. That the hearing will be closed to the public unless the student notifies the  
1890 presiding officer in writing by no later than five calendar days before the  
1891 hearing that s/he wants the hearing to be open to the public.  
1892
- 1893 4. When a hearing is to take place, the presiding officer will notify the student  
1894 and presiding officer of the unit hearing board of the following:  
1895
- 1896 a. The date, time, and place of the hearing
  - 1897 b. That the faculty member has alleged that a procedural error at the unit  
1898 hearing board prevented the board's full and fair consideration of the  
1899 student's objections to the misconduct finding and/or academic sanction
  - 1900 c. The procedural error alleged by the faculty member
  - 1901 d. That the unit hearing board presiding officer must be present at the  
1902 hearing and is entitled to an adviser or assistance from the Office of  
1903 University Counsel, and that the student and his/her adviser may be  
1904 present as well in the student's discretion.  
1905

1906 5. When a hearing is to take place, the presiding officer will notify the Dean  
1907 of Students concerning the date, time, and place of the hearing.

1908

1909 6. The presiding officer, in consultation with the other members of the review  
1910 board, is responsible for conducting the hearing, maintaining the necessary  
1911 order, and making all rulings that are necessary for the fair, orderly, and  
1912 expeditious consideration of the appeal.

1913

1914 7. A majority of the Campus Review Board members must be present for a  
1915 hearing to be held.

1916

1917 8. The decision must be based solely upon the evidence and information  
1918 presented at the hearing or contained in the record.

1919

1920

1921 Student Appeals of Dean of Students imposition of additional sanctions:

1922

1923 1. When the Campus Review Board is reviewing a decision by the Dean of  
1924 Students to impose an additional sanction, the Dean of Students shall be called  
1925 as a witness to state the reasons or justification for the additional sanction  
1926 imposed. If the additional sanction was imposed because of any prior act or acts  
1927 of misconduct by the student, the Dean of Students should inform the Review  
1928 Board concerning the misconduct.

1929

1930 2. The student or his or her adviser shall be given the opportunity to question  
1931 the Dean of Students concerning the reason or reasons for the additional  
1932 sanction. The student or his or her adviser must be given the opportunity to  
1933 present testimony, submit information, and make a statement or argument  
1934 concerning the propriety of the additional sanction. If the additional sanction was  
1935 imposed even in part because of any prior acts of misconduct by the student, the  
1936 validity of the records maintained or relied upon by the Dean of Students may be  
1937 questioned but the propriety of the decisions made by the university or university  
1938 officials concerning any prior acts of misconduct may not be questioned as part  
1939 of the appeal.

1940

1941 3. The decision of the Dean of Students to impose additional sanctions must  
1942 be sustained unless a majority of the review board finds that the decision is  
1943 arbitrary or disproportionate to the current misconduct and any prior act(s) of  
1944 misconduct. If a majority of the board concludes that the sanction was arbitrary  
1945 or disproportionate, it will impose either no sanction or a lesser sanction. The  
1946 Review Board's decision on sanctions must be based solely upon the evidence  
1947 and information presented at the hearing, and is final.

1948

1949 4. Within fourteen (14) calendar days after the hearing, the presiding officer  
1950 of the Campus Review Board will prepare a written decision which includes a  
1951 brief explanation of the Board's action and its reasoning. The presiding officer

1952 will submit the decision to the Office of the Dean of Faculties, who will forward  
1953 copies to the Office of the Dean of Students and the student and take the  
1954 necessary steps to implement the Board's decision.

1955 **APPENDIX B**  
 1956 **Hearing Commission**

- 1957
- 1958 1. The hearing commission shall be selected by the Dean of Students from a hearing  
 1959 commission list containing names of students and faculty members placed on the list as  
 1960 follows:
- 1961 (a) Five or more students appointed by the student body president upon  
 1962 recommendation of the student assembly or other appropriate representative body  
 1963 as determined by the student governing body;
- 1964 (b) Five or more faculty members (to be representative of the various  
 1965 academic disciplines) to be appointed by the faculty council president upon  
 1966 recommendation of the faculty council or other appropriate representative body as  
 1967 determined by the faculty council.  
 1968
- 1969 2. Students and faculty members are to be appointed to membership on the hearing  
 1970 commission list for a one year period of time, beginning with the first day of the fall  
 1971 semester each year. The student body president and the faculty council president may  
 1972 appoint a person at any time during the year to fill a vacancy on the list. A person may  
 1973 be reappointed to the list from year to year.  
 1974
- 1975 3. If a person is selected to serve on a particular hearing commission by the Dean of  
 1976 Students, the person is authorized to serve on the commission until the commission  
 1977 completes the hearing of any case submitted to the commission even though this may  
 1978 require the person to serve beyond his or her one year period of appointment to the  
 1979 hearing commission list.  
 1980
- 1981 4. If a vacancy on the hearing commission list occurs and there is a failure or refusal of  
 1982 the appropriate authorities to make an appointment to fill the vacancy, the chief  
 1983 administrative officer of a campus may make appointments, fill vacancies, or take such  
 1984 other action as is necessary to constitute the hearing commission list or any hearing  
 1985 commission.  
 1986
- 1987 5. No hearing shall be held unless all three members of the hearing commission are  
 1988 present. If any member of a hearing commission is unable to be present or should request  
 1989 to be excused from serving for any good cause, another commission member shall be  
 1990 selected from the hearing commission list.  
 1991
- 1992 6. The members of the hearing commission shall select a presiding officer who must be  
 1993 one of the faculty members serving on the commission. The presiding officer, in  
 1994 consultation with other members, shall maintain necessary order and shall make all  
 1995 rulings necessary for the fair, orderly, and expeditious conduct of the hearing. The  
 1996 hearing commission may examine all witnesses. When it appears necessary to avoid  
 1997 undue hardship or to avoid injustice, the hearing commission may, in its discretion, grant  
 1998 a reasonable continuance of the hearing. The hearing commission shall provide **an**  
 1999 **audio recording** ~~a taped transcript of all proceedings, which transcript~~ **and that**  
 2000 **recording** shall be maintained for a period of one year.

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## 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 ~~recorded tape~~ **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.

- 2047 6. The review board must render a decision within 10 calendar days of the  
2048 hearing and may take any of the following actions:
- 2049 a. Affirm the original decision that the student did  
2050 commit the alleged act of misconduct.
  - 2051 b. Affirm the original decision concerning the  
2052 disciplinary sanction to be imposed.
  - 2053 c. Reverse the original decision that the student did commit  
2054 the alleged act of misconduct and direct that the complaint  
2055 be dismissed.
  - 2056 d. Set aside the original decision that the student did commit  
2057 the alleged act of misconduct and order that a new hearing  
2058 be held before a new hearing commission.
  - 2059 e. Set aside the original decision concerning the disciplinary  
2060 sanction to be imposed and impose less severe sanction.
- 2061
- 2062 7. The presiding officer of the review board is required to notify the Dean of  
2063 Students concerning the board's decision.
- 2064
- 2065 8. The Dean of Students is required to notify the student and to initiate the  
2066 necessary procedures to effectuate the decision.
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