

436 II. STUDENT DISCIPLINARY PROCEDURES
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438 **Preamble**

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440 Indiana University disciplinary procedures determine responsibility for violations of the Code of Student Rights,
441 Responsibilities, and Conduct and determine the appropriate consequences for violations of policy. The purpose is to
442 safeguard the university community and provide a developmental experience for the student. The university
443 disciplinary procedures are separate and distinct from any legal proceedings, and they are not conducted in a manner
444 intended to hold in a court of law.
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446 The procedures for imposing academic and disciplinary sanctions are designed to provide students with due process
447 and procedural fairness, to ensure equal protection for all students, and to provide for the imposition of similar
448 sanctions for similar acts of misconduct. At the same time, the procedures reflect the need to be concerned about the
449 individual student involved in a particular case. The procedures therefore provide that the imposition of disciplinary
450 sanctions must also be based upon a consideration of all circumstances in a particular case, including a student's
451 prior record of misconduct, if any.
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453 The University's ability to proceed with substantive determinations and actions in a particular case shall not be
454 impaired by minor deviations from these procedures that do not have the effect of preventing a student from
455 responding fully to a charge of misconduct.
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458 **General Principles**

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460 1. The University intends that proceedings under the Student Code not only resolve charges of misconduct,
461 but also have educational benefit for the students involved. Accordingly, every effort will be made to ensure
462 that students are encouraged to speak for themselves throughout the process of addressing alleged Code
463 violations. Students may have advisors, including attorneys at their own expense, who accompany them at
464 any or all stages of the process. Except for Campus Review Board proceedings, however, advisors are
465 limited to an advisory role and may not speak for students. During Campus Review Board proceedings
466 (final appeal process for academic or personal misconduct cases), advisors are allowed to participate
467 directly in the proceedings with the clear understanding that the hearing will always remain under the
468 control of the presiding officer. In addition, a student with a disability substantially affecting
469 communication or a student who cannot effectively communicate in the English language may seek a
470 reasonable accommodation from the Office of the Dean of Students to allow an advisor or interpreter to
471 present or translate the proceedings. The role of an advisor in the disciplinary system is primarily to assist
472 the student in understanding his/her rights and responsibilities in the system, to assist the student, as
473 requested, in preparing for any hearings, and to support the student as the student proceeds through the
474 campus judicial system. With the student's permission, an advisor may also help prepare any witnesses the
475 student wishes to call, view any documents in the student's disciplinary file, and confer with the student on
476 issues that arise during a hearing.
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478 2. Except as provided in Section B.4. Summary Action and General Principle 3, no sanctions shall become effective
479 until after opportunities for appeal under the Code have been exhausted. Coursework performed while
480 misconduct proceedings are underway, however, shall be considered conditional. Conditional work may be
481 affected or eliminated based on a final finding of misconduct or sanction imposed. This may result in loss of
482 course credit, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final
483 decision in the misconduct proceedings. If either academic or personal misconduct is discovered that may
484 impact degree conferral or graduation, the Dean of Students may notify the student's academic dean, who may
485 withhold conferral of the degree pending completion of misconduct proceedings.
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487 If, after a degree has been conferred, the University determines that the student committed academic
488 misconduct prior to the conferral, the University may revoke the degree. When an allegation of academic
489 misconduct prior to degree conferral is made, the unit that awarded the degree shall conduct an investigation to
490 determine whether misconduct occurred, and if so, whether to recommend revocation of the degree to the
491 Board of Trustees. The unit, in consultation with the ~~Dean of Faculties~~ **Provost or Designee**
492 and the Dean of Students, shall determine the procedures to be followed in conducting its investigation. The
493 unit shall make every reasonable effort to notify the person regarding the misconduct allegation and permit the
494 person to respond to the allegation.
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- 496 3. Students have the right to appeal findings of misconduct and the imposition of sanctions. The purpose of giving
 497 students a right of appeal is to allow them to bring to the attention of another authority on campus significant
 498 factual and procedural errors that reasonably may bear on the finding of misconduct or the sanction imposed.
 499 Students should NOT appeal misconduct findings for the purpose of delaying the process or the imposition of
 500 academic sanctions, or avoiding further sanctions that may be imposed by the Dean of Students.
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- 502 4. All notices specified in the procedures for addressing academic and personal misconduct shall be made in
 503 writing, which may include electronic mail.
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- 505 5. All formal hearings for both academic and personal misconduct (unit hearing boards, hearing commissions, and
 506 campus review boards) shall incorporate the following procedural requirements:
 507 a. The presiding officer of the hearing body shall maintain order and make all rulings necessary for the fair,
 508 orderly, and expeditious conduct of the hearing.
 509 b. Members of a hearing body shall be free from conflicts of interest that reasonably would appear to impair
 510 their ability to evaluate a misconduct matter in a fair and impartial manner.
 511 c. Normally, all parties must be present in person. The hearing body may allow for presence in formal
 512 hearings by electronic means, when warranted by special circumstances.
 513 d. Both sides shall have the opportunity to make opening and closing remarks regarding the charge of
 514 misconduct.
 515 e. Both sides may present witnesses and submit other information regarding the charge of misconduct,
 516 subject to the presiding officer's determination of relevance. At all times, the hearing body may question
 517 witnesses and ask for the submission of additional information.
 518 f. A student's failure or refusal to speak on his or her own behalf at a hearing shall not be considered an
 519 admission of responsibility.
 520 g. In unit hearing board proceedings and personal misconduct proceedings, the university bears the burden
 521 of proving, with clear and convincing evidence, that the student engaged in misconduct. In a Campus
 522 Review Board proceeding, the burden of proof or error lies with the student.
 523 h. The hearing body's decision shall be based solely on information obtained prior to and during the hearing,
 524 except that, if the hearing body asks for additional information to be provided after the hearing, the
 525 hearing body may include that information in its decision making, as long as both sides have had a chance
 526 to review and respond to the additional information either in a resumption of the hearing or in writing.
 527 i. Proceedings before unit hearing boards will be audio recorded. Deliberations will be private and not audio
 528 recorded.
 529 j. Decisions of a hearing body shall be made by majority vote.
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- 531 6. In instances when the student poses serious and substantial risk of harm to self, to others, to property, or to the
 532 continuing function of a program or the University, the faculty member in charge may summarily remove a
 533 student from an on-campus or off-campus activity or program. Off-campus activities and programs include but
 534 are not limited to: clinical, field, internship, in-service experience, or overseas study programs. In addition, a
 535 student may be removed summarily based on the terms of any agreement between the university and a third
 536 party regarding student placement or academic experience.
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 538 A summary removal becomes part of the student's disciplinary record only after a final determination under
 539 these procedures that the student engaged in academic or personal misconduct. If no academic or personal
 540 misconduct charge is filed, and the student wants the matter dismissed, the student should follow the Campus
 541 Grievance Commission procedures. (See "Student Complaint Procedures," A.3.). When a student is dismissed
 542 from a clinical program or other third party placement based on the terms of an agreement with that third party,
 543 the student may not grieve the dismissal under the Student Code.
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- 545 7. As used in "Student Disciplinary Procedures," the term "faculty" or "faculty member" means all those who teach
 546 and/or do research at the university including (but not limited to) tenure-track faculty, librarians, holders of
 547 research or clinical ranks, graduate students with teaching responsibilities, visiting and part-time faculty, and
 548 other instructional personnel including coaches, advisors, or counselors.
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- 550 8. The term "calendar days" is defined as all days except those when the university is not in official session. Non-
 551 session days are identified as those which occur between the last day of final examinations of one term and the
 552 first day of classes of the following term, plus official closing days for Thanksgiving, Martin Luther King Jr.'s
 553 birthday, Spring Break, Memorial Day, the Fourth of July, and other officially recognized university holidays.
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- 555 9. Any deadline set out in these procedures may be extended by the relevant authority only for good reason shown.
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557 **A. Academic Misconduct**

558 **Summary of Academic Misconduct Procedures**

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Alleged Violation Occurs

Informal Conference Initiated by Faculty Member:

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

If Student Wishes to Appeal Faculty Decision/s:

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

Dean of Students Action:

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

Unit Hearing Board (audio recorded):

- A. Formal hearing with unit hearing board (three faculty and two students)
- B. Decision: dismiss/sustain/sustain with lesser sanction
- C. Within 14 days after hearing, presiding officer sends decision in writing to dean of unit in which offense occurred, Dean of Students, student, faculty and dean of school in which the student is majoring

D. If student or faculty believes substantive procedural error, may appeal to ~~Dean of Faculties~~ **Provost or Designee** in writing within 7 days from receipt of decision

Appeal to ~~Dean of Faculties~~ Provost or Designee:

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

If Student Wishes to Appeal Dean of Students Sanction:

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

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

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

The Office of the Dean of Students serves two roles with respect to academic misconduct. First, that office serves as

620 the centralized record keeper throughout the process. Second, after a final determination within a school that a
 621 student has committed academic misconduct, the Dean of Students determines whether an additional, university-
 622 wide sanction (disciplinary probation, suspension, or expulsion) is appropriate based on the nature and severity of
 623 the misconduct and/or prior violations by the student.
 624

625 The Office of the ~~Dean of Faculties~~ **Provost** convenes Campus Review Boards to hear two types of appeals:
 626 first, a limited appeal by the student that a serious procedural error deprived the student of a full and fair opportunity
 627 to present his/her response to the misconduct charge; and second, an appeal by the student asserting that a
 628 university-wide sanction imposed by the Dean of Students is arbitrary or disproportionate.
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630 **1. Step One: The Initial Finding of Misconduct**

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- 632 a. A faculty member who suspects a student has committed misconduct in connection with that faculty
 633 member's course meets with the student face-to-face in a location closed to the public to discuss the matter
 634 with the student and hear the student's response. If, despite the faculty member's good faith effort to
 635 schedule such a discussion, the student fails to meet, the faculty member should complete the
 636 investigation.
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- 638 b. After meeting with the student and conducting any additional investigation needed, the faculty member
 639 makes a decision as to whether misconduct occurred.
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- 641 c. If the faculty member concludes that no misconduct has occurred, the matter ends there. There is no
 642 academic sanction imposed, and there will be no record in the student's file of a misconduct charge.
 643
- 644 d. If the faculty member concludes that misconduct occurred, s/he may impose an academic sanction for the
 645 course. Sanctions that may be imposed by the faculty member include but are not limited to one or more of
 646 the following:
 647
- 648 • A lower or failing grade for any assignment(s) in which misconduct occurred
 - 649 • A lower or failing grade for the course; the penalty for a serious act of academic misconduct ordinarily
 650 should involve the recording of a failing grade for the course
 - 651 • Repeating the assignment(s) in which misconduct occurred
 - 652 • Completing additional assignment(s)
 - 653 • Required withdrawal from the course, with a grade of either F or W at the faculty member's
 654 discretion, regardless of when during the semester the student withdraws from the course
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656 An incomplete may be given in the course in the event that the matter cannot be resolved before final grades are due
 657 in the Office of the Registrar.
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659 If the sanction includes a failing grade for the course, the Registrar will be notified that the grade was given because
 660 of academic misconduct. The Registrar will record the grade of "F" on the student's permanent academic transcript
 661 without any notation concerning the reason for the grade. The Registrar will ensure that the grade of "F" will not be
 662 removed from the transcript for any reason. A grade of "F" given because of academic misconduct, like any other "F"
 663 grade, must be calculated in a determination of the student's grade point average, but the grade will not prevent the
 664 student from repeating the same course for credit.
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- 666 e. Within fourteen (14) days of determining that misconduct has occurred, the faculty member completes a
 667 misconduct report form provided by the Office of the Dean of Students. S/he sends the report to the Office
 668 of the Dean of Students, which notifies the student, the dean of the unit in which misconduct occurred, and
 669 the dean of the unit in which the student is enrolled (if different). Notice to the student from the Office of
 670 the Dean of Students includes:
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- 672 • The faculty member's report concerning the finding of misconduct;
 - 673 • The terms of the academic sanction being imposed;
 - 674 • A statement that the student may submit an appeal in writing to the dean or director of the school or
 675 unit within which the offense occurred within fourteen (14) calendar days after receiving the faculty
 676 member's written report;
 - 677 • A statement that the matter is being reported to the Dean of Students, who has the authority to
 678 impose an additional sanction if the Dean of Students believes that such a sanction is justified because
 679 of the nature of the student's misconduct or because of any prior acts of misconduct that the student
 680 may have committed;
 - 681 • A statement that the Dean of Students has four options:
 682
 683 o No additional sanction;

- 684 o Disciplinary probation for a specified period of time;
- 685 o Suspension or deferred suspension from the university for a specified period of time; or
- 686 o Expulsion from the university.
- 687
- 688 f. When a misconduct charge does not involve a particular course in which the student is enrolled (for
- 689 example, the student is charged with taking a test for a friend or giving the friend a paper to submit in a
- 690 course under the friend's name, or a student uses unauthorized materials during a doctoral qualifying
- 691 exam), the Office of the Dean of Students substitutes for the faculty member in steps (a) – (d) above. The
- 692 Dean of Students uses the procedures for personal misconduct to address the matter, and may impose any
- 693 of the sanctions that may be imposed for personal misconduct.
- 694
- 695 g. When a student commits an act of academic misconduct related to a course in which the student is enrolled
- 696 and also commits a separate but simultaneous act of academic misconduct unrelated to that course and/or
- 697 an act of personal misconduct, the faculty member involved and the Dean of Students may handle the
- 698 matters jointly or separately.
- 699

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

- 701
- 702 a. Within fourteen (14) calendar days of receiving the Dean of Students notice concerning misconduct, the
- 703 student may appeal the finding of misconduct, the particular sanction imposed, or both.
- 704 b. The appeal must be submitted in writing to the dean of the school in which the alleged offense occurred.
- 705 The dean notifies the Office of the Dean of Students of the appeal.
- 706
- 707 c. If an appeal is filed, the dean talks with the student and faculty member, either separately or together, at
- 708 the dean's discretion. If the matter is not resolved within 10 days of talking with the student and faculty
- 709 member, the dean convenes a hearing board composed of three (3) faculty and two (2) students.
- 710
- 711 d. The board holds a hearing on the issue(s) raised by the student. If the student appealed the finding that
- 712 misconduct occurred, the board determines whether clear and convincing evidence supports the finding of
- 713 misconduct. If the board concludes that the evidence does not support a finding of misconduct, the matter
- 714 ends there. If the board finds that misconduct occurred, and the student has appealed the academic
- 715 sanction imposed, the board may uphold or reduce that sanction. If the student has only appealed the
- 716 sanction, the board decides only whether to uphold or reduce the sanction.
- 717
- 718 e. The board issues a written decision within fourteen (14) calendar days after the hearing ends. The decision
- 719 sets out the board's conclusions and the findings of fact and reasoning supporting those conclusions. The
- 720 presiding officer of the board sends the decision to the dean of the unit, with copies to the student, the
- 721 faculty member, the Dean of Students, and the dean of the unit in which the student is enrolled (if different
- 722 from the unit in which the misconduct occurred).
- 723
- 724 f. Units may, at their discretion, develop procedures (including timeframes) for addressing a student's claim
- 725 that after the conclusion of the unit board hearing s/he has identified new evidence that reasonably would
- 726 affect a misconduct finding and/or academic sanction.
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728 **3. Step Three: Limited Procedural Appeal to the ~~Dean of Faculties~~ Provost or Designee**

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- 730 a. A student may not appeal the unit hearing board's factual conclusion as to whether misconduct occurred,
- 731 or the propriety of the academic sanction imposed. If, however, either the student or the faculty member
- 732 believes that a procedural error occurred at the unit hearing board that was serious enough to prevent the
- 733 board's full and fair consideration of a misconduct finding or academic sanction, then s/he may file a
- 734 written appeal with the Office of the ~~Dean of Faculties~~ **Provost**. The student or faculty member has
- 735 ten (10) calendar days from the date s/he receives the decision of a unit hearing board to file the appeal.
- 736
- 737 b. The ~~Dean of Faculties~~ **Provost or Designee** talks with the student or faculty member
- 738 and the presiding officer of the unit hearing board, separately or together, at the ~~Dean of Faculties~~
- 739 **Provost or Designee**' discretion. If this does not resolve the matter, a Campus Review
- 740 Board appointed by the ~~Dean of Faculties~~ **Provost or Designee** reviews the record. If
- 741 the record indicates that a serious procedural error occurred earlier in the proceedings that prevented the
- 742 board's full and fair consideration of a misconduct finding or academic sanction, the Board will inform the
- 743 ~~Dean of Faculties~~ **Provost or Designee**, who will send the matter back to the unit

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hearing board for further proceedings to correct the error. The ~~Dean of Faculties~~ **Provost or Designee** may appoint an advisor to assist the unit hearing board.

- c. If the Campus Review Board concludes that no serious procedural error occurred within the unit that prevented the board’s full and fair consideration of the misconduct finding and/or academic sanction, the ~~Dean of Faculties~~ **Provost or Designee** denies the appeal. The finding of misconduct and academic sanction imposed then take effect. The Office of the ~~Dean of Faculties~~ **Provost** reports this outcome to the Office of the Dean of Students and to the dean of the unit in which misconduct occurred.

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

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

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

- a. If a student appeals a university-wide sanction, the Office of the ~~Dean of Faculties~~ **Provost** will

- 804 convene a Campus Review Board to hear the appeal.
- 805
- 806 b. The only issue before the Board shall be whether the university-wide sanction is warranted by the nature of
- 807 the present misconduct and/or any prior violations by the student. The student must show that the
- 808 additional sanction is arbitrary or disproportionate.
- 809
- 810 c. The Board may uphold the sanction or impose a lesser university-wide sanction. Campus Review Board
- 811 decisions are final and any university-wide sanction becomes effective when the Board issues its decision.
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813 **Composition and Procedures of Unit Hearing Boards**

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- 815 1. A unit may maintain a standing unit hearing board or appoint a new board to hear each particular appeal.
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- 817 2. A unit hearing board must consist of five members, including three members of the faculty of the unit
- 818 involved and two students from that unit. The board should include no more than one faculty member and
- 819 one student from the department in which the misconduct allegedly occurred.
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- 821 3. The presiding officer of the unit hearing board is appointed by the dean or director and must be a member
- 822 of the faculty.
- 823
- 824 4. Units will establish their own procedures for board hearings, which must be consistent with the General
- 825 Principles in these Procedures.
- 826

827 **Composition and Procedures of Campus Review Boards**

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- 829 1. The Office of the ~~Dean of Faculties~~ **Provost** may maintain a standing Campus Review Board or
- 830 appoint a new board to hear each particular appeal. In either case, the members of the Board shall be
- 831 chosen from a list of faculty provided by the Bloomington Faculty Council and a list of students provided
- 832 by the Bloomington campus student body president and graduate and professional student moderator. Any
- 833 members who are initially appointed and become unable to serve on the Board should be replaced by the
- 834 ~~Dean of Faculties~~ **Provost or Designee** by others from these lists.
- 835
- 836 2. A Campus Review Board must consist of five members, including three members of the faculty and two
- 837 students. The board must not include any faculty or students from the department in which the
- 838 misconduct allegedly occurred.
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- 840 3. The presiding officer of the board is appointed by the ~~Dean of Faculties~~ **Provost or**
- 841 **Designee** and must be a member of the faculty.
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- 843 4. The ~~Dean of Faculties~~ **Provost or Designee** will establish the procedures for Campus
- 844 Review Board hearings, which must be consistent with the General Principles in these Procedures.
- 845 (See Appendix A.)
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849 **B. Personal Misconduct**

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851 **Summary of Personal Misconduct Procedures**

852 **Alleged Violation Occurs**

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854 Written report to the Dean of Students from student, faculty, staff, administrator, police, or other person

855 Written notification from Dean of Students designee to student

856 **Judicial Conference**

- 857 A. Meet with a judicial officer or judicial board
- 858 B. Student reviews report(s)
- 859 C. Explain Judicial Conference process
- 860 D. Explain student rights
- 861 E. Fact finding phase
- 862 F. Responsible or Not Responsible
- 863 G. Sanctioning phase
- 864 H. Explain confidentiality policy, record keeping, Hearing commission process, and Parent/Guardian Notification Policy (if applicable), SMART

865 Program (if applicable)
 866 *Note: Very few cases proceed beyond this level.*

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 868 **Hearing Commission/Formal Hearing**

- 869 A. Student requests hearing commission no later than 10 calendar days after date of Judicial Conference decision letter
 870 B. Meet with 3 members (1 student, 2 faculty)
 871 C. Student is required to be present
 872 D. Fact Finding phase
 873 E. Responsible or Not Responsible
 874 F. Sanctioning phase
 875 G. Explain Confidentiality Policy, record keeping, Appeal Process, and Parent/Guardian Notification policy
 876 (if applicable)

877 *Note: Proceedings are audio recorded.*

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 879 **Review Board (Final Step in Process)**

- 880 A. Student submits written appeal no later than 7 calendar days after date of Hearing Commission decision letter
 881 B. Meet with 3 members (1 student, 1 faculty, 1 administrator)
 882 C. Board considers only the record of the case; no additional evidence is accepted
 883 D. Decision

884
 885 Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.

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 887 Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic
 888 misconduct are governed by the following procedures unless the Dean of Students and the faculty member involved
 889 agree otherwise.

890
 891 The disciplinary procedures in this section do not govern proceedings involving the alleged violation of campus
 892 motor vehicle and residence hall or on-campus apartment housing contractual provisions. The procedures likewise
 893 do not govern proceedings involving the university's collection of fees from students.

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

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

905
 906 Any person may make a report that a student has committed an act of personal misconduct. The report must be
 907 submitted in writing to the Dean of Students. The Dean of Students may designate representatives to conduct fact-
 908 finding investigations, to serve as judicial hearing officers, and to recommend disciplinary action. After reviewing a
 909 report, the Dean of Students has the discretion to decide whether disciplinary proceedings should be instituted.

910
 911 Disciplinary proceedings are initiated by the Dean of Students by sending the student who is the subject of the report
 912 a written notice by mail. The written notice requires the student to meet with the Dean of Students in a judicial
 913 conference on a specified date and time to discuss the alleged violation/s. The notice includes information about:

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

918
 919 A student has the right to view his or her disciplinary file with proper notice to the Dean of Students. Students may
 920 seek advice from the IU Student Advocates Office, the IU Student Association Department of Student Rights, or
 921 others when preparing for judicial proceedings.

922
 923 **1. Judicial Conference**

924
 925 If the Dean of Students initiates disciplinary proceedings after receiving documentation that alleges student
 926 misconduct, the student is required to attend a judicial conference. The disciplinary process is finalized in most cases
 927 at the conclusion of the judicial conference.

- 928 a. When the student attends the judicial conference, as required, the Dean of Students or a designee shall

- 929 inform the student as fully as possible of the facts alleged. The student may, but need not respond to
 930 allegations.
 931
- 932 b. If, after discussion and any necessary investigation, the Dean of Students determines that the violation
 933 alleged is not supported by clear and convincing evidence, the Dean of Students shall dismiss the
 934 accusation and notify the student.
 935
- 936 c. If, after discussion, the Dean of Students believes that the violation occurred as alleged, the Dean of
 937 Students shall so notify the student and shall propose a sanction by means of a written notice. The student,
 938 by such notice, may either consent to the determination and imposed sanction or request a formal hearing
 939 before a hearing commission (see 2. Formal Hearing).
 940
- 941 d. A victim who has participated in the judicial conference may request a delay in approval of decisions
 942 regarding responsibility and sanctions until after a reconvening of the conference if any of the following
 943 criteria are met:
 944 • A substantive procedural error
 945 • New evidence is presented that was not available at the time of the judicial conference and is relevant
 946 to establish that the accused student may be responsible for misconduct as charged
 947 • Substantial bias on the part of the hearing officer/s
 948 The request for delay must be submitted to the Dean of Students within two (2) days of the initial judicial
 949 conference.
 950
- 951 e. If no written request for a formal hearing is received by the Dean of Students within the time specified (see
 952 2. Formal Hearing), no hearing shall be held. The sanction(s) proposed by the Dean of Students shall be
 953 imposed, and the action shall be final.
 954
- 955 f. If a student fails to appear at the judicial conference, the student may explain the failure to appear in writing
 956 to the Dean of Students within 10 days of the scheduled conference. Written documentation supporting the
 957 cause of absence must be included. Within 10 days after receiving the student's letter, the Dean of Students
 958 will notify the student whether the judicial conference may be rescheduled.
 959
- 960 g. If a student fails to appear and that absence is not excused for good cause, the Dean of Students may
 961 decide, in the student's absence, whether the violation occurred as alleged. The student will be notified in
 962 writing of the decision by the Dean of Students within 10 days of approval. Unless the sanction imposed is
 963 any one or a combination of expulsion from university housing, suspension from the university, or
 964 expulsion from the university, the student's right to any further hearings automatically will be forfeited,
 965 and the sanctions imposed in absentia will go into effect.
 966
- 967 h. Sanctions: The Dean of Students is authorized to impose any one or a combination of the following
 968 sanctions after finding a student responsible for acts of personal misconduct. ~~Records will remain in a~~
 969 ~~student's file as indicated (below).~~
- Guidelines for the length of time records are maintained are indicated below.** If a student has more than one incident in the file, the incident to be kept on file the longest will determine the length of time all records are kept.
- 970
 971
 972
 973 (1) Reprimand and Warning. A student may be given a reprimand accompanied by a written warning that
 974 the student may receive additional sanctions if the student engages in the same misconduct again or
 975 commits any other violation of this Code. A Reprimand and Warning will remain a part of a student's
 976 disciplinary record at least until he or she graduates.
 977
 978 (2) Disciplinary Probation. A student may be placed on disciplinary probation for a specified period of
 979 time under conditions specified in writing by the Dean of Students, with a warning that any violation
 980 of the conditions or any further acts of misconduct may result in additional disciplinary sanctions,
 981 including suspension or expulsion from the university. As a condition of probation, the student may
 982 be required to participate in a specific program, such as a counseling program or an alcohol education
 983 program, or to provide a specific service, such as the repair or restoration of any property damaged or
 984 taken by the student. A record of any disciplinary probation will remain a part of a student's
 985 disciplinary record for five years after a student graduates.
 986
 987 (3) Restitution. A student may be required to pay the cost for the replacement or repair of any property
 988 damaged by the student. If the student fails to pay the cost or make the repairs, the student may be
 989 subjected to additional sanctions, including suspension or expulsion. A record of any restitution that a
 990 student is required to pay will remain a part of a student's disciplinary record until he or she
 991 graduates.
 992
 993 (4) Participation in a specific program. A student may be required to participate in a specific program,
 such as a counseling program, a program designed to stimulate good citizenship within the university

- 992 community, an alcohol education program, or any other activity which would foster civic
 993 participation. If the student fails to participate in the program as directed, the student may be
 994 subjected to additional sanctions, including suspension or expulsion. A record of participation in any
 995 specific program that a student is required to complete will remain a part of a student's disciplinary
 996 record until he or she graduates.
- 997 (5) **Provision of a specific service.** A student may be required to provide a specific service, such as the
 998 repair or restoration of any property damaged or taken by the student. If the student fails to provide
 999 the service as directed, the student may be subjected to additional sanctions, including suspension or
 1000 expulsion. Completion of a specific service that a student is required to complete will remain a part of
 1001 a student's disciplinary record until he or she graduates.
- 1002 (6) **Expulsion from University Housing.** A student may be expelled from university housing, and the
 1003 student's contract for such housing may be rescinded. Expulsion from university housing ~~will~~ remain
 1004 a part of a student's disciplinary record for five years after a student graduates.
- 1005 (7) **Transfer to a Different Residence Hall or Housing Unit.** A student may be required to transfer to a
 1006 different residence hall or housing unit. If the student fails to transfer to a different residence hall or
 1007 housing unit as directed, the student may be subjected to additional sanctions, including suspension
 1008 or expulsion. A transfer to a different residence hall or housing unit ~~will~~ remain a part of a student's
 1009 disciplinary record until he or she graduates.
- 1010 (8) **Suspension.** A student may be prohibited from participating in all aspects of university life for a
 1011 specified period of time (some portion of which may be deferred at the discretion of the Dean of
 1012 Students). When a student is suspended from the university, the suspension applies to all campuses of
 1013 the university. The Dean of Students is required to notify the Office of the Registrar to indicate the
 1014 suspension on all copies of the student's academic transcript. When the term of the suspension has
 1015 ended, the Registrar will remove the notation from the student's transcript. A record of the term of
 1016 suspension will remain a permanent part of the student's disciplinary record. Suspension notations
 1017 on transcripts remain for the term of the suspension.
- 1018 (9) **Expulsion.** A student may be dismissed from the university permanently. When a student is expelled
 1019 from the university, the expulsion applies to all campuses of the university. The Dean of Students is
 1020 required to notify the Office of the Registrar to indicate the expulsion on all copies of the student's
 1021 academic transcript. Furthermore, the student may not thereafter petition for readmission to the
 1022 university. A record of expulsion will remain a permanent part of the student's disciplinary record.
 1023 Expulsion notations on transcripts are permanent.
- 1024 (10) **Deferred Sanction.** Sanctions of Expulsion from University Housing and/or Suspension from Indiana
 1025 University may be deferred for a period of time not to exceed one year, with the provision that lesser
 1026 sanction/s be completed and/or no further violations are committed within that period of time. If the
 1027 student does not consent to the determination of responsibility or the sanction imposed, the student
 1028 may request a hearing before a hearing commission or review board, depending on the level at which
 1029 the deferred and lesser sanctions were imposed. If the deferred sanction is imposed, the following
 1030 apply:
- 1031 (a) If the lesser sanction(s) is/are completed in the time period assigned, the deferred sanction will
 1032 not be implemented.
- 1033 (b) If the lesser sanction(s) cannot be completed in the time period assigned due to medical,
 1034 academic, or personal reasons, the student may apply, in writing, to the Dean of Students for an
 1035 extension of that time period. The written request must be submitted at least three calendar days
 1036 prior to the end of the time period. With their applications for an extension, students must
 1037 present documentation of the personal, academic, or medical reasons they were unable to meet
 1038 the deadlines, and they must show that they have completed a significant portion of their lesser
 1039 sanction(s). The Dean of Students will deliver a decision about the extension to the student
 1040 within 10 calendar days after receipt of the request.
- 1041 (c) If the lesser sanctions are not completed in the time period assigned and no extension to the
 1042 time period is requested or granted, or the student is found responsible for a new violation, the
 1043 deferred sanction will automatically go into effect, and the student will have no further
 1044 opportunity to appeal the deferred sanction.
- 1045 (d) Deferred suspensions that are put into effect will begin in the semester in which the lesser
 1046 sanction deadline was not met, or in which a new violation occurred. If the suspension is to
 1047 include more than one semester, it will include the semester in which the lesser sanction
 1048 deadline was not met or the new violation occurred, plus the subsequent semester/s.
- 1049 (e) A student who is suspended risks losing all fees and grades for the semester in which the
 1050 suspension is implemented.
- 1051 (f) A record of a deferred sanction will remain a part of a student's disciplinary record for five years
 1052 after the student graduates (or permanently if the suspension has been implemented).

1053 **2. Formal Hearing**

1054

1055

- 1056 A formal hearing can be arranged for a student who does not wish to accept the outcome of the judicial conference
 1057 and requests a new hearing of his or her case.
 1058
- 1059 a. If the student disagrees with the decision of responsibility for misconduct reached by the Dean of Students,
 1060 or the student believes the sanction imposed by the Dean of Students is inappropriate, the student may
 1061 request a formal hearing before a hearing commission. The written request must be submitted to the office
 1062 of the Dean of Students no later than 10 calendar days after the date of the letter informing the student of
 1063 the decision of the Dean of Students at the judicial conference.
 1064
 - 1065 b. A hearing commission shall consist of three members, including one student and two faculty members.
 1066 One of the faculty members will serve also as the presiding officer of the commission. (See Appendix B.)
 1067
 - 1068 c. By initiating this request, the student assumes the responsibility of preparing information and any
 1069 witnesses to present at the formal hearing. A list of the student's witnesses must be submitted in writing to
 1070 the Dean of Students no later than 7 calendar days before the scheduled hearing.
 1071
 - 1072 d. A student may seek advice from the Student Advocates Office, the IU Student Association Department of
 1073 Student Rights, or other sources, but the student remains responsible for presenting his/her case to the
 1074 hearing commission.
 1075
 - 1076 e. The Dean of Students shall make arrangements for the hearing; but thereafter with notice to the student,
 1077 the dean may request the hearing commission to dismiss the matter.
 1078
 - 1079 f. Upon receiving the written request for a formal hearing, the Dean of Students will set aside the proposed
 1080 finding and sanction reached at the judicial conference.
 1081
 - 1082 g. The Dean of Students shall send a written notice by mail (hard copy or electronic) to the student's address
 1083 to inform the student that a hearing date has been set and charges are pending. The notice shall inform the
 1084 student of the following information:
 1085
 - 1086 • Sections of the Code of Student Rights, Responsibilities, and Conduct claimed to have been violated,
 - 1087 • Specific information about the behaviors that allegedly caused the violation(s), including date(s) of
 1088 the incident(s) and names of witnesses,
 - 1089 • The date, time, and place of the hearing, procedures used in the judicial process, and resources for
 1090 assistance in preparing for the proceeding.
 - 1091 h. The student is required to be present at the hearing and is entitled to present witnesses unless the hearing
 1092 commission decides to proceed in the absence of the student because of extraordinary circumstances.
 1093
 - 1094 i. The hearing will be closed to the public, unless the student indicates in writing to the Dean of Students, at
 1095 least seven calendar days in advance of the hearing, a desire to open the hearing to the public.
 1096
 - 1097 j. At the hearing, the Dean of Students the student may present and question witnesses, and/or present other
 1098 information. The student charged with an offense may testify, but shall not be ordered to testify by the
 1099 hearing commission, nor shall failure to testify be considered an admission of responsibility. The burden of
 1100 proving that the student has committed the offense or offenses, as charged, shall be upon the university.
 1101
 - 1102 k. The decision of the hearing commission shall be based solely upon information introduced at the hearing
 1103 and must be based upon clear and convincing evidence. A decision shall be made by majority vote.
 1104
 - 1105 l. The hearing commission shall make a finding whether the student has committed the offense(s) as
 1106 charged. If the hearing commission finds that the student has committed the offense(s), it shall, after a
 1107 review of any disciplinary record the student may have, impose one, or a combination of, the disciplinary
 1108 sanctions enumerated under Section B.1 (h) (above) of this code.
 1109
 - 1110 m. If the student is contesting only the sanction portion of the Dean of Students' decision at the judicial
 1111 conference, the hearing commission will hear statements from the university representative and from the
 1112 student, and any witnesses called by either party to determine a sanction only.
 1113
 - 1114 n. Within 10 calendar days after the conclusion of the hearing, the presiding officer of the hearing
 1115 commission shall render a written decision and include a brief explanation of the decision and set forth the
 1116 findings of fact upon which the decision is made. The presiding officer shall furnish copies of the decision
 1117 to the student and the Dean of Students.
 1118
 1119

- 1120 o. If a student fails to appear at the hearing commission, the student may explain the failure to appear in
 1121 writing within 10 days to the presiding officer of the hearing commission. Written documentation
 1122 supporting the cause of absence must be included. The presiding hearing commission officer will notify the
 1123 student within 10 days whether the formal hearing may be rescheduled.
 1124
 1125 p. If the student fails to appear at the hearing without good cause, the hearing commission is required to
 1126 impose the disciplinary sanction initially proposed by the Dean of Students after determining that the
 1127 failure to appear is without good cause and that there is clear and convincing evidence to believe that the
 1128 violation occurred as alleged. The student waives the right of further appeal.
 1129

1130 **3. Appeal**

1131
 1132 The student may appeal the decision of the hearing commission to the review board based on the standard
 1133 established by paragraph b.(6) below. The review board consists of a faculty member, an administrative officer, and a
 1134 student, as defined in Appendix C. An appeal may be initiated by filing a notice of appeal with the Dean of Students,
 1135 including a memorandum stating the reason(s) for believing the decision to be improper.
 1136

- 1137 a. The notice of appeal must be filed not later than ten (10) calendar days after the date of the written
 1138 decision of the hearing commission. By initiating this request, the student assumes the responsibility of
 1139 preparing information for the review board. A student may be advised and/or represented by the Student
 1140 Advocates Office, the IU Student Association Department of Student Rights, or other sources.
 1141
 1142 b. The Dean of Students shall immediately forward the notice to the presiding officer of the review board. The
 1143 student shall be notified by the Office of the Dean of Students of the following:
 1144 (1) The date, time, and place of the appeal hearing;
 1145 (2) That either the student or the Dean of Students may submit a written statement to the review board
 1146 before the appeal hearing, but that any such statement must also be submitted to the opposing party
 1147 before the hearing;
 1148 (3) That, at the hearing, both the student and the Dean of Students may make oral arguments based on
 1149 the record to the review board, and that their respective advisors or counsel may also do so;
 1150 (4) That the appeal hearing will be closed to the public, unless otherwise requested by the student in
 1151 writing at least three calendar days before the hearing;
 1152 (5) That the review board will not accept additional evidence, but will consider only the record of the
 1153 hearing by the hearing commission;
 1154 (6) That the student requesting the appeal shall have the burden of proving that the decision of the
 1155 hearing commission was not based on clear and convincing evidence or was substantially deficient in
 1156 providing the student due process;
 1157 (7) That the student who filed the complaint may not take any further appeal from the decision of the
 1158 review board.
 1159
 1160
 1161

1162 **4. Summary Action**

1163
 1164 A student may be summarily suspended from the university and summarily excluded from university property and
 1165 programs by the Provost or designee of a university campus. The Provost or designee may act summarily without
 1166 following the hearing procedures established by this section if the officer is satisfied that the student's continued
 1167 presence on the campus constitutes a serious threat of harm to the student or to any other person on the campus or
 1168 to the property of the university or property of other persons on the university campus.

- 1169 a. A student who is summarily suspended and excluded from the university shall be required to leave the
 1170 property of the university immediately and shall be notified that he or she will thereafter be treated as a
 1171 trespasser if he or she returns to university property. Within 24 hours after the student is excluded, a
 1172 written notice must be sent to the student by certified mail informing the student of the following:
 1173
 1174 (1) That the student has been suspended from the university;
 1175 (2) That the student has been excluded from being on university property;
 1176 (3) That the student will be considered a trespasser if he or she returns to university property;
 1177 (4) The reasons for the suspension from the university and the exclusion from university property.
 1178 (5) Any conditions that must be met before the student may petition to the chief administrative officer or
 1179 designee for reinstatement;
 1180 (6) That the student may not petition for reinstatement for at least one calendar year from the
 1181 implementation date of the summary suspension.
 1182
 1183 b. Allegations of misconduct filed against a student who has been summarily suspended will be adjudicated

1184 by a hearing commission, only if requested in writing by the student within 10 days of receiving notice of
 1185 the summary suspension. Procedures to be followed by the hearing commission include the following:

1186 (1) If the student disagrees with the decision of responsibility for misconduct reached by the chief
 1187 administrative officer of the campus, or the student believes the sanction of summary suspension is
 1188 inappropriate, the student may request a formal hearing before a hearing commission. The written request
 1189 must be submitted to the Dean of Students no later than 10 calendar days after receiving notice of the
 1190 summary suspension.

1191 (2) A hearing commission shall consist of three members, including one student and two faculty members.
 1192 One of the faculty members will serve also as the presiding officer of the commission.

1193 (3) By initiating this request, the student assumes the responsibility of preparing information and any
 1194 witnesses to present at the formal hearing. A list of the student's witnesses must be submitted in writing to
 1195 the Dean of Students no later than seven calendar days before the scheduled hearing.

1196 (4) A student may seek advice from the Student Advocates Office, the IU Student Association Department
 1197 of Student Rights, or other sources, but the student remains responsible for presenting his/her case to the
 1198 hearing commission.

1199 (5) The hearing will be closed to the public, unless the student indicates in writing to the Dean of Students,
 1200 at least seven calendar days in advance of the hearing, a desire to open the hearing to the public.

1201 (6) At the hearing, the representative of the chief administrative officer and the student may present and
 1202 question witnesses, and/or present other information. The student charged with an offense may testify,
 1203 but shall not be ordered to testify by the hearing commission, nor shall failure to testify be considered an
 1204 admission of responsibility. The burden of proving that the student has committed the offense or offenses,
 1205 as charged, shall be upon the university.

1206 (7) The decision of the hearing commission shall be based solely upon information introduced at the
 1207 hearing and must be based upon clear and convincing evidence. A decision shall be made by majority vote.

1208 (8) The hearing commission shall make a finding whether the student has committed the offense(s) as
 1209 charged. If the hearing commission finds that the student has committed the offense(s), it shall uphold the
 1210 summary suspension decision. If the hearing commission does not find the student to be responsible for
 1211 the offense(s), a recommendation to dismiss the case will be submitted to the chief administrative officer.

1212 (9) Within 10 calendar days after the conclusion of the hearing, the presiding officer of the hearing
 1213 commission shall render a written recommendation and include a brief explanation of the
 1214 recommendation and set forth the findings of fact upon which the recommendation is made. The
 1215 presiding officer shall furnish copies of the recommendation to the student, the Dean of Students, and the
 1216 chief administrative officer of the campus.

1217 (10) If a student fails to appear at the hearing commission, the student may explain the failure to appear in
 1218 writing within 10 days to the presiding officer of the hearing commission. Written documentation
 1219 supporting the cause of absence must be included. The presiding hearing commission officer will notify
 1220 the student within 10 days whether the formal hearing may be rescheduled.

1221 (11) If the student fails to appear at the hearing without good cause, the hearing commission is required to
 1222 uphold the summary suspension.

1223 (12) The chief administrative officer will decide whether to accept or reject the recommendation from the
 1224 hearing commission.

1225 (13) If the student does not consider the recommendation from the hearing commission to be acceptable,
 1226 he or she may submit a written appeal to the chief administrative officer, explaining the reasons for not
 1227 accepting the recommendation, which may include the length of time of the suspension; the chief
 1228 administrative officer will consider the student's written statement prior to making a final decision.

1229 (14) This is the final step in the appeal process for summary suspension.

1230 c. The student shall thereafter be permitted to enter the university campus only for the limited purpose of
 1231 participating in the disciplinary proceedings conducted under this section.

1232 d. The Dean of Students may require that the student be escorted to and from the disciplinary proceedings by
 1233 members of the university police department.

1234 e. At the student's request, the Dean of Students will expedite the formal hearing.

1235 **5. Time Limitations**

1236 a. Time limitations that are specified in the preceding sections of this code may be extended for a reasonable
 1237 period of time if an extension is justified by good cause under the totality of the circumstances.

- 1238 • An interested party to a proceeding may make a request for an extension of a specific time limitation.
- 1239 • A request for an extension must be submitted in writing to the person conducting the proceeding or
 1240 the presiding officer of the commission hearing the matter.

1241 b. If a time limitation is not specified for a particular action or proceeding under this code, the action or
 1242 proceeding must be taken or conducted promptly or within a reasonable period of time as determined from
 1243 a consideration of the totality of the circumstances.

- 1244 • An interested party to a proceeding may make an appropriate objection concerning the promptness or
 1245 reasonableness of the time within which an action is taken or a proceeding is conducted.
- 1246 • An objection must be made to the person conducting the proceeding or the presiding officer of the

- 1252 commission hearing the matter.
- 1253
- 1254 c. Any interested party to a proceeding may appeal a decision concerning an objection or request concerning
- 1255 a time limitation.
- 1256 • The appeal must be taken to the person or body that is authorized under this code to consider any
- 1257 other appeal from the person or body making the decision concerning the time limitation.
- 1258 • The decision concerning the appeal is a final decision and is not subject to a further appeal.
- 1259

1260 **6. Misconduct by Student Organizations**

1261

- 1262 a. A complaint that a student organization has committed an act of academic or personal misconduct may be
- 1263 filed against the student organization and/or against individual members of the organization. The
- 1264 complaint may be filed by any person.
- 1265
- 1266 b. A complaint against a student organization and/or individual members of the organization must be
- 1267 submitted in writing to the Dean of Students.
- 1268 1) If the complaint is against a student organization, the Dean of Students has the authority to initiate
- 1269 disciplinary proceedings against the organization.
- 1270
- 1271 2) Complaints against individuals are handled according to Section A. Academic Misconduct, and
- 1272 Section B. Personal Misconduct.
- 1273
- 1274 c. Disciplinary proceedings against a student organization are governed by the procedures established by the
- 1275 Dean of Students.
- 1276

1277 **APPENDIX A**

1278 **Campus Grievance Commission for Student Complaints**

1279 **Against Members of the University Faculty and**

1280 **Administration**

1281

- 1282 a. The ~~Dean of Faculties~~ **Provost or Designee** has the authority to appoint the members
- 1283 of the campus grievance commission to consider a particular complaint.
- 1284 b. The campus grievance commission must consist of five members, including three members of the
- 1285 administration or tenured faculty of the campus involved and two students from the campus. Nontenure-
- 1286 track faculty are eligible to serve on the grievance commission, but no more than one member may come
- 1287 from such an appointment category.
- 1288 c. The grievance commission shall be selected by the ~~Dean of Faculties~~ **Provost or**
- 1289 **Designee** from a grievance commission list containing names of students, faculty members, and
- 1290 members of the administration that are placed on the list as follows:
- 1291 (1) Four or more students appointed by the student body president upon recommendation of the student
- 1292 assembly or other appropriate representative body as determined by the student governing body; one
- 1293 or more students appointed by the graduate and professional student moderator upon
- 1294 recommendation of the representative assembly or other appropriate representative body as
- 1295 determined by the representative assembly;
- 1296 (2) Five or more faculty members, to be representative of the various academic disciplines, to be
- 1297 appointed by the presiding officer of the campus faculty council upon recommendation of the faculty
- 1298 council or other appropriate representative bodies as determined by the faculty council; and
- 1299 (3) Five or more members of the campus administration to be appointed by the President or designee.
- 1300 d. Students, faculty members, and members of the administration are to be appointed to membership on the
- 1301 grievance committee list for a one year period of time, beginning with the first day of the fall semester each
- 1302 year. A person may be appointed at any time during the year to fill a vacancy on the list. A person may also
- 1303 be reappointed to the list from year to year.
- 1304 e. If a person is selected to serve on a particular grievance commission by the ~~Dean of Faculties~~
- 1305 **Provost or Designee**, the person is authorized to serve on the commission until the
- 1306 commission completes the hearing of any case submitted to the commission even though this may require
- 1307 the person to serve beyond the one-year period of appointment.
- 1308 f. If a vacancy on the grievance commission list occurs and there is a failure or refusal of the appropriate
- 1309 authorities to make an appointment to fill the vacancy, the chief administrative officer of a campus may
- 1310 make appointments, fill vacancies, or take other action necessary to constitute the grievance commission.

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- g. The ~~Dean of Faculties~~ **Provost or Designee** appoints the presiding officer of the grievance commission, who must be a tenured member of the faculty not engaged in full-time administration.

APPENDIX-A B
Campus Review Board for Academic Misconduct Appeals

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

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

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

Student Appeals of Unit Hearing Board procedures:

1. Within seven (7) days of receiving the appeal, the presiding officer will consult with the members of the review board and set a date to hear the appeal.
2. The hearing will be closed unless the student requests an open hearing. If the student requests an open hearing, the presiding officer will conduct the hearing in a place that will accommodate a reasonable number of observers. The presiding officer will decide where the hearing will be held and how many observers will be accommodated.
3. The presiding officer will notify the student of the following:
 - a. The date, time, and place of the hearing, which shall not be earlier than seven (7) calendar days after the date of the notice;
 - b. That the student bears the burden of demonstrating that a procedural error occurred at the unit hearing board that prevented the board from full and fair consideration of the faculty member's misconduct finding and/or whether the academic sanction imposed by the faculty member was appropriate;
 - c. That if the Board finds that a procedural error occurred, it will send the matter back to the unit hearing board with instructions to conduct further proceedings to correct the error;
 - d. That the student is required to be present at the Campus Review and a failure to appear, without good cause in the Board's view, will justify dismissal of the appeal;
 - e. That the student may be represented at the hearing by an advisor of his or her choice, including an attorney, at his or her own expense. If the student chooses to be represented by an attorney this must be made known five days before the hearing, and the unit hearing board shall have the opportunity to be represented by the Office of University Counsel;
 - f. That the unit hearing board presiding officer involved will be present, and the faculty member involved may be present at his/her discretion;
 - g. That the student may testify at the hearing but is not required to do so, and any decision to not testify will not be held against the student in the Campus Review Board's deliberations;
 - h. That the hearing will be closed to the public unless the student notifies the presiding officer in writing by no later than five calendar days before the hearing that s/he wants the hearing to be open to the public.
4. When a hearing is to take place, the presiding officer will notify the faculty member and the unit hearing board presiding officer of the following:
 - a. The date, time, and place of the hearing;
 - b. That the student has alleged that a procedural error at the unit hearing board prevented the board's full and fair consideration of the student's objections to the misconduct finding and/or academic sanction;
 - c. The procedural error alleged by the student;
 - d. That the unit hearing board presiding officer must be present at the hearing and is entitled to an advisor or assistance from the Office of University Counsel, and that the faculty member may be present as well, at his/her discretion.
5. When a hearing is to take place, the presiding officer will notify the Office of the Dean of Students

- 1374 concerning the date, time, and place of the hearing.
 1375
 1376 6. The presiding officer, in consultation with the other members of the review board, is responsible for
 1377 conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the
 1378 fair, orderly, and expeditious consideration of the appeal.
 1379
 1380 7. A majority of the Campus Review Board members must be present for a hearing to be held.
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 1382 8. The decision must be based solely upon the evidence and information presented at the hearing or
 1383 contained in the record.
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1385 **Faculty Appeals of Unit Hearing Board procedures:**
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- 1387 1. Within seven (7) days of receiving the appeal, the presiding officer will consult with the members of the
 1388 review board and set a date to hear the appeal.
 1389
 1390 2. The hearing will be closed unless the student requests an open hearing. If the student requests an open
 1391 hearing, the presiding officer will conduct the hearing in a place that will accommodate a reasonable
 1392 number of observers. The presiding officer will decide where the hearing will be held and how many
 1393 observers will be accommodated.
 1394
 1395 3. The presiding officer will notify the faculty member of the following:
 1396
 1397 a. The date, time, and place of the hearing, which shall not be earlier than seven (7) calendar days after
 1398 the date of the notice;
 1399 b. That the faculty member bears the burden of demonstrating that a procedural error occurred at the
 1400 unit hearing board that prevented the board from full and fair consideration of the faculty member's
 1401 misconduct finding and/or whether the academic sanction imposed by the faculty member was
 1402 appropriate;
 1403 c. That if the Board finds that a procedural error occurred, it will send the matter back to the unit
 1404 hearing board with instructions to conduct further proceedings to correct the error;
 1405 d. That the faculty member is required to be present at the Campus Review and a failure to appear,
 1406 without good cause in the Board's view, will justify dismissal of the appeal;
 1407 e. That the unit hearing board presiding officer involved will be present, and the student involved may
 1408 be present at his/her discretion;
 1409 f. That the faculty member and student, if the student attends, may be represented at the hearing by an
 1410 advisor of his or her choice, including an attorney at his or her own expense. If the faculty member
 1411 chooses to be represented by an attorney this must be made known five days before the hearing, and
 1412 the unit hearing board shall have the opportunity to be represented by the Office of University
 1413 Counsel;
 1414 g. That the student may testify at the hearing but is not required to do so, and any decision to not testify
 1415 will not be held against the student in the Campus Review Board's deliberations;
 1416 h. That the hearing will be closed to the public unless the student notifies the presiding officer in writing
 1417 by no later than five calendar days before the hearing that s/he wants the hearing to be open to the
 1418 public.
 1419
 1420 4. When a hearing is to take place, the presiding officer will notify the student and presiding officer of the unit
 1421 hearing board of the following:
 1422
 1423 a. The date, time, and place of the hearing;
 1424 b. That the faculty member has alleged that a procedural error at the unit hearing board prevented the
 1425 board's full and fair consideration of the student's objections to the misconduct finding and/or
 1426 academic sanction;
 1427 c. The procedural error alleged by the faculty member;
 1428 d. That the unit hearing board presiding officer must be present at the hearing and is entitled to an
 1429 advisor or assistance from the Office of University Counsel, and that the student and his/her advisor
 1430 may be present as well, at the student's discretion.
 1431
 1432 5. When a hearing is to take place, the presiding officer will notify the Dean of Students concerning the date,
 1433 time, and place of the hearing.
 1434
 1435 6. The presiding officer, in consultation with the other members of the review board, is responsible for
 1436 conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the
 1437 fair, orderly, and expeditious consideration of the appeal.

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7. A majority of the Campus Review Board members must be present for a hearing to be held.
8. The decision must be based solely upon the evidence and information presented at the hearing or contained in the record.

Student Appeals of Dean of Students imposition of additional sanctions:

1. When the Campus Review Board is reviewing a decision by the Dean of Students to impose an additional sanction, the Dean of Students shall be called as a witness to state the reasons or justification for the additional sanction imposed. If the additional sanction was imposed because of any prior act or acts of misconduct by the student, the Dean of Students should inform the Review Board concerning the misconduct.
2. The student or his or her advisor shall be given the opportunity to question the Dean of Students concerning the reason or reasons for the additional sanction. The student or his or her advisor must be given the opportunity to present testimony, submit information, and make a statement or argument concerning the propriety of the additional sanction. If the additional sanction was imposed even in part because of any prior acts of misconduct by the student, the validity of the records maintained or relied upon by the Dean of Students may be questioned but the propriety of the decisions made by the university or university officials concerning any prior acts of misconduct may not be questioned as part of the appeal.
3. The decision of the Dean of Students to impose additional sanctions must be sustained unless a majority of the review board finds that the decision is arbitrary or disproportionate to the current misconduct and any prior act(s) of misconduct. If a majority of the board concludes that the sanction was arbitrary or disproportionate, it will impose either no sanction or a lesser sanction. The Review Board's decision on sanctions must be based solely upon the evidence and information presented at the hearing, and is final.
4. Within fourteen (14) calendar days after the hearing, the presiding officer of the Campus Review Board will prepare a written decision which includes a brief explanation of the Board's action and its reasoning. The presiding officer will submit the decision to the Office of the ~~Dean of Faculties~~ **Provost**, who will forward copies to the Office of the Dean of Students and the student, and take the necessary steps to implement the Board's decision.

APPENDIX B C
Hearing Commission

1. The hearing commission shall be selected by the Dean of Students from a hearing commission list containing names of students and faculty members placed on the list as follows:
 - (a) Four or more students appointed by the student body president upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body; one or more students appointed by the graduate and professional student moderator upon recommendation of the representative assembly or other appropriate representative body as determined by the representative assembly;
 - (b) Five or more faculty members (to be representative of the various academic disciplines) to be appointed by the faculty council president upon recommendation of the faculty council or other appropriate representative body as determined by the faculty council.
2. Students and faculty members are to be appointed to membership on the hearing commission list for a one year period of time, beginning with the first day of the fall semester each year. The student body president, the graduate and professional student moderator, and the faculty council president may appoint a person at any time during the year to fill a vacancy on the list. A person may be reappointed to the list from year to year.
3. If a person is selected to serve on a particular hearing commission by the Dean of Students, the person is authorized to serve on the commission until the commission completes the hearing of any case submitted to the commission even though this may require the person to serve beyond his or her one year period of appointment to the hearing commission list.
4. If a vacancy on the hearing commission list occurs and there is a failure or refusal of the appropriate

- 1501 authorities to make an appointment to fill the vacancy, the Provost of a campus may make appointments,
 1502 fill vacancies, or take such other action as is necessary to constitute the hearing commission list or any
 1503 hearing commission.
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 1505 5. No hearing shall be held unless all three members of the hearing commission are present. If any member of
 1506 a hearing commission is unable to be present or should request to be excused from serving for any good
 1507 cause, another commission member shall be selected from the hearing commission list. In scheduling
 1508 members of the hearing panel, care will be taken to avoid members who might have a conflict of interest.
 1509
 1510 6. The members of the hearing commission shall select a presiding officer who must be one of the faculty
 1511 members serving on the commission. The presiding officer, in consultation with other members, shall
 1512 maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct
 1513 of the hearing. The hearing commission may examine all witnesses. When it appears necessary to avoid
 1514 undue hardship or to avoid injustice, the hearing commission may, at its discretion, grant a reasonable
 1515 continuance of the hearing. The hearing commission shall provide an audio recording and that recording
 1516 shall be maintained for a period of one year.
 1517

1518 **APPENDIX D**

1519 **Review Board for Personal Misconduct Appeals**

- 1520
 1521 1. The review board shall be composed of three persons who are appointed as follows:
 1522
 1523 a. A student appointed by the president of the student body upon recommendation of the student
 1524 assembly or other appropriate representative body as determined by the student governing body;
 1525
 1526 b. A faculty member appointed by the faculty council president upon recommendation of the faculty
 1527 council or other appropriate representative body as determined by the faculty council; and
 1528
 1529 c. An administrative officer appointed by the president. The administrative member shall serve as the
 1530 presiding officer.
 1531
 1532 2. The members of the review board shall hold office from the first day of the fall semester for a term of one
 1533 year, but they shall complete the review of any case which they have begun to consider.
 1534
 1535 a. A member of the review board may be reappointed to the board, but no member may serve more than
 1536 two consecutive terms.
 1537
 1538 b. A member of the review board may be appointed at any time during the year to fill a vacancy on the
 1539 board.
 1540
 1541 c. If a vacancy on the review board occurs and there is a failure or refusal of the appropriate authority to
 1542 make an appointment to fill the vacancy, the president may make an appointment to fill the vacancy
 1543 or take such other action as may be necessary to constitute the review board.
 1544
 1545 3. No hearing shall be held unless all three of the members of the review board are present. If any member of
 1546 the review board is unable to be present or should request to be excused from serving for any good cause,
 1547 another review board member shall be appointed in accordance with the provisions of sections 1. and 2.
 1548 above.
 1549
 1550 4. The presiding officer of the review board, in consultation with other members, shall maintain necessary
 1551 order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the appeal
 1552 hearing. Decisions by the review board shall be by majority vote only.
 1553
 1554 5. The review board is required to listen to the audio recording of the hearing commission, consider any
 1555 written statements submitted by the student and the Dean of Students, and hear any oral arguments by the
 1556 parties or their representatives. The student requesting the appeal shall have the burden of proving that
 1557 the decision of the hearing commission was not based on clear and convincing evidence, or was
 1558 substantially deficient in providing the student due process.
 1559
 1560 6. The review board must render a decision within 10 calendar days of the hearing and may take any of the
 1561 following actions:
 1562
 1563 a. Affirm the original decision that the student did commit the alleged act of misconduct.
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- b. Affirm the original decision concerning the disciplinary sanction to be imposed.
 - c. Reverse the original decision that the student did commit the alleged act of misconduct and direct that the complaint be dismissed.
 - d. Set aside the original decision that the student did commit the alleged act of misconduct and order that a new hearing be held before a new hearing commission.
 - e. Set aside the original decision concerning the disciplinary sanction to be imposed and impose a less severe sanction.
- 7. The presiding officer of the review board is required to notify the Dean of Students concerning the board's decision.
 - 8. The Dean of Students is required to notify the student and to initiate the necessary procedures to effectuate the decision.