

## MEMORANDUM

To: University Faculty Council Student Affairs Committee  
 From: Richard N. McKaig, Vice Provost for Student Affairs and Dean of Students, IUB  
 Date: April 3, 2008  
 Subject: Proposed Changes in *Code of Student Rights, Responsibilities, and Conduct*

Major changes in the Indiana University *Code of Student Rights, Responsibilities, and Conduct* were approved by the UFC and the IU Board of Trustees for implementation on August 15, 2005. After completion of two academic years using the new code, we have identified the sections listed below as worthy of further revision. The UFC Student Affairs Committee is asked to consider these changes for submission to the UFC and IU Board of Trustees. Final approval is requested in time for implementation in August 2008.

1. **Preamble and Part I: Student Rights (Pages 1-2 in current code)** – A new bullet point has been added in the Preamble to underscore that learning as an important student responsibility. In Part I, information from the “Code of Academic Ethics” that had been removed in the last revision of the Code has been reinstated with an updated version of nondiscrimination policy. Academic administrators who work with such issues as academic integrity, classroom management, and grade appeals found it to be helpful in the past as a readily accessible source of information for students and faculty.
2. **Part I: Student Rights (Pages 2-3 in current code)** – Gender identity would be added in all places in the code that list protected categories from discrimination. After consulting with the Director of the IU Affirmative Action Office, it appears prudent to plan for inclusion of this term as IU considers updating its nondiscrimination clauses to be in line with other universities, businesses, and government agencies.
3. **Part III: Procedures for Implementation of the Code (Page 13 in current code)** – Individual campuses currently are given the option of allowing advisors to speak on behalf of students at final appeal hearings. The proposed revision would enable campuses to more actively involve advisors at both the formal hearing (Hearing Commission) and final appeal levels of the campus judicial process. Campuses could also allow advisors to make statements at the judicial conference level. By not allowing such participation of advisors, persons who assist students in understanding and preparing for their judicial hearings report that some students have found the process to be intimidating and not conducive to attaining the intended educational outcome.
4. **Part IV: General Provisions, Definitions, Adoption Provisions, and Appendices (Page 14 in current code)** -- Definition of student would be revised to include persons

admitted to any university program. This change would facilitate holding participants in such programs as Hoosier Link, in which students are taking classes alternately at both Ivy Tech and IU Bloomington in order to gain full admission to IU, accountable if they violate IU policy.

Thank you for considering these proposed changes. Any questions may be directed to us via the Faculty Council Office at (812) 855-5408.

cc: Craig R. Dethloff, Chief of Staff, Faculty Council Office  
Pamela W. Freeman, Associate Dean of Students and Director, Office of Student Ethics and Anti-harassment Programs

1 **Pages 1-2 – Recommended by Bloomington Faculty Council Student Affairs Committee 2-**  
2 **14-08**

# 3 **Indiana University Code of Student Rights,** 4 **Responsibilities, and Conduct**

## 5 **Preamble**

6 The purposes of Indiana University include the advancement of knowledge, the pursuit of truth,  
7 the development of students, and the promotion of the general well-being of society. As a  
8 community, we share a dedication to maintaining an environment that supports trust, respect,  
9 honesty, civility, free inquiry, creativity, and an open exchange of ideas.

10 Individual rights are best protected by a collective commitment to mutual respect. A student who  
11 accepts admission to Indiana University agrees to:

- 12 • be ethical in his or her participation in the academic community,
- 13 • take responsibility for what he or she says and does,
- 14 • behave in a manner that is respectful of the dignity of others, treating others with civility  
15 and understanding,
- 16 • use university resources and facilities in appropriate ways consistent with their purpose  
17 and in accordance with applicable polices,
- 18 • **take appropriate advantage of the educational**  
19 **opportunities to participate in the learning process in a**  
20 **serious and conscientious manner.**

21 Every Indiana University student is responsible for reading and understanding this Statement, as  
22 well as other expectations identified by individual schools or organizations relevant to an  
23 academic major, professional field, or on-campus residence. This Code of Student Rights,  
24 Responsibilities, and Conduct is intended to identify the basic rights, responsibilities, and  
25 expectations of all students and student groups to serve as a guide for the overall student  
26 experience at Indiana University.

## 27 **Part I: Student Rights**

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

### 30 **A. Rights in the Pursuit of Education**

31 The classrooms, laboratories, libraries, and studios are the essential learning environments of the  
32 university, and the freedom to learn in these environments should be promoted and encouraged  
33 by instructors. The following statements have been developed in support of a student's right in  
34 the classroom or other learning environment. Students shall have the right to:

- 35 • Have access to faculty, academic technology, classrooms, libraries, presentations, and  
36 other resources necessary for the learning process.
- 37 • Have access to academic advising and clear expectations for degree and graduation  
38 requirements.
- 39 • Have decisions related to the pursuit of their education made in a clear manner.

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- Learn in an environment that supports the freedom of self-expression and association.
  - Participate in an exchange of ideas, pursuant with his or her constitutional rights and the Preamble of this Code, free of conduct that impedes either an instructor's ability to teach or the student's ability to learn. (See Guidelines for Dealing with Disruptive Students in Academic Settings, University Faculty Council, April 12, 2005)
  - Receive either a paper or an electronic class syllabus in a timely manner. **The syllabus should provide clear expectations for class performance and evaluation.**
  - ~~Expect to interact with faculty who act professionally; provide clearly stated class goals; provide clear expectations for class performance and evaluation; meet classes as scheduled; are accessible for office hours, appointments or consultation; and maintain a clear connection between course content and the most recently approved course description.~~
  - Expect a faculty member will be sensitive to the student's religious beliefs and observances, including an expectation that instructors will make reasonable arrangements upon notice that the student must miss an exam or other academic exercise resulting from the observance of a religious holiday. (See Policy on Accommodations for Religious Observances, University Faculty Council, March 28, 2000)
  - Have the freedom to raise relevant issues pertaining to classroom discussion (including personal and political beliefs), offer reasonable doubts about data presented, and express alternative opinions without concern for any academic penalty. Students have the right to expect that their work will be evaluated by academic standards alone.
  - Study, work, and interact in an environment of professionalism and of mutual trust and respect that is free of amorous or sexual advances by a faculty member. All amorous or sexual relationships between faculty members and students are unacceptable when the faculty member has any professional responsibility for the student, even when both parties have consented or appear to have consented to the relationship. Such professional responsibility encompasses both instructional and noninstructional contexts. A faculty member shall not have an amorous or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose performance is being supervised or evaluated by the faculty member. A faculty member should be careful to distance himself or herself from any decisions that may reward or penalize a student with whom he or she has or has had an amorous or sexual relationship, even outside the instructional context, especially when the faculty member and student are in the same academic unit or in units that are allied academically. (From the University Code of Academic Ethics, Part A.1, Relations with students). See definition of "faculty member" in Part IV of the Code.
  - **A student has the right to have university classes conducted in accordance with the following provisions of the Indiana University non-discrimination policy and the University Code of Academic Ethics (§§ A.II. 1 - 7):**
    - a. **A teacher will maintain a clear connection between the advance description and the conduct and content of each course presented to ensure efficient subject selection by students.**
    - b. **A teacher will clearly state the course goals and will inform students of testing and grading systems; moreover, these systems should be intellectually**

- 88                   **justifiable and consistent with the rules and regulations**  
89                   **of the academic division.**
- 90                   **c. A teacher will plan and regulate class time with an**  
91                   **awareness of its value for every student and will meet**  
92                   **classes regularly.**
- 93                   **d. A teacher will remain available to students and will**  
94                   **announce and keep liberal office hours at hours**  
95                   **convenient to students.**
- 96                   **e. A teacher will strive to develop among students respect**  
97                   **for others and their opinions by demonstrating his or**  
98                   **her own respect for each student as an individual,**  
99                   **regardless of race, color, ethnicity, sex, gender identity,**  
100                   **marital status, national origin, religion, age, veteran**  
101                   **status, disability, or sexual orientation.**
- 102                   **f. A teacher will strive to generate a proper respect for an**  
103                   **understanding of academic freedom by students. At the**  
104                   **same time, a teacher will emphasize high standards and**  
105                   **strive to protect students from irrelevant and trivial**  
106                   **interruptions or diversions.**
- 107                   **g. Since letters of evaluation written by a teacher may be**  
108                   **uniquely important documents in both the academic and**  
109                   **post-university life of a student, each teacher will strive**  
110                   **to make such letters both candid and fair.**

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## Part I: Student Rights

### B. Right to Freedom from Discrimination

Students have the right to study, work, and interact in an environment that is free from discrimination in violation of law or university policy by any member of the university community. Students at Indiana University are expected to respect the rights and dignity of other students, faculty, and staff.

The university will not exclude any person from participation in its programs or activities on the basis of arbitrary considerations of such characteristics as age, color, disability, ethnicity, sex or gender, **gender identity**, marital status, national origin, race, religion, sexual orientation, or veteran status.

A student has the right to be free from such discrimination by other students that has the effect of interfering with the student's ability to participate in programs or activities of the university.

Students wishing more information regarding these statements should consult the following Board of Trustees documents: Resolution on the Elimination of Discrimination (July 3, 1967, November 21, 1969), Student Affirmative Action Policy Statement (June 29, 1974), Statement concerning Disabled Veterans, Veterans of the Vietnam Era, and Handicapped Individuals (March 3, 1979), and Equal Opportunity/Affirmative Action Policy of Indiana University (December 4, 1992).

Indiana University administrators are responsible for publicizing and implementing the university's affirmative action policy in their respective areas of jurisdiction. Students who believe that they are victims of discrimination may obtain information concerning the university's affirmative action policy and complaint procedures from the campus affirmative action officer or the Dean of Students office.

## Part I: Student Rights

### C. Right to Freedom from Harassment

A student has the right to be free from sexual or discriminatory harassment a) in any building or at any location on any university property, or b) that occurs in a building or on property that is not university property if the harassment arises from university activities that are being conducted off the university campus or if the harassment compromises the security of the university community or the integrity of the educational process.

Sexual harassment is defined as unwelcome sexual advances, including requests for sexual favors and other unwelcome conduct of a sexual nature, when submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's education, or submission to or rejection of such conduct by a student is used as the basis for academic conditions affecting the student; or the conduct has the effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive learning environment.

Discriminatory harassment is defined as conduct that targets an individual based upon age, color, religion, disability, race, ethnicity, national origin, sex or gender, **gender identity**, sexual orientation, marital status, or veteran's status and that adversely affects a term or condition of an individual's education, housing, or participation in a university activity; or has the purpose or effect of unreasonably creating an intimidating, hostile, or offensive environment for academic pursuits, housing, or participation in university activities.

The Indiana University Policy against Sexual Harassment, as adopted by the Board of Trustees June 15, 1998, provides procedures for handling complaints concerning sexual harassment. Violations of discriminatory harassment policy are handled under existing procedures for handling complaints of discrimination.

Indiana University administrators are responsible for publicizing and implementing the university's affirmative action and harassment policies in their respective areas of jurisdiction. Students who believe that they are victims of discriminatory harassment may obtain information concerning the university's affirmative action policy and complaint procedures from the campus affirmative action officer or the Dean of Students office.

**Page 13 – Recommended Changes from Bloomington Faculty Council Student Affairs Committee 2-14-08**

### **Part III: Procedures for Implementation of the Code**

This Code governs activities on all campuses of Indiana University. Specific procedures are to be developed by each campus and made available to students, faculty, and staff on the campus.

These procedures will provide for:

*Student Grievances*—Students are to have clear procedures to follow when they believe that any of their rights, as defined in earlier sections of this Code, have been violated by a member of the university community. The local campus offices of the dean of students, affirmative action, and faculty affairs, as appropriate, will assist students in addressing their complaints.

*Academic and Personal Misconduct*—Clear procedures with specific information about the persons who are involved, timelines, and disciplinary sanctions are to be created and maintained at the campus level. These procedures are to be designed to provide students with procedural fairness and to ensure equal protection for all students and appropriate sanctions.

*Advisors*—A person charged, a victim or anyone providing testimony is entitled, at his or her expense, to be accompanied by an advisor or support person of his or her choice. An advisor or support person is limited to the role of advising. The advisor or support person may not participate in the proceeding, may not question witnesses, and may not make any statements during the proceeding. Campuses may, however, create procedures to allow a student to have an advisor or support person to speak on the student's behalf at the final appeal hearing.

**Campuses may also allow advisors to make statements before decisions of responsibility and sanctioning are determined at any personal misconduct conference or hearing.**

A student with a disability affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the office of the dean of students to allow an advisor or interpreter to present or translate the proceedings.

*Notification of a Victim*—A person who is a victim of any specific misconduct for which disciplinary proceedings are conducted under this Code is entitled to participate in proceedings relating to evidence, but not the deliberative process in which the hearing officer or panel weigh the evidence presented and arrive at a decision. If the subject matter of the disciplinary proceeding involves crimes of violence or a sex offense and the accused is determined to have committed the act, the dean of students is required to notify the victim of the outcome of disciplinary proceedings in a timely manner.

Campus procedures are to be reviewed and approved periodically through the local campus faculty council. Any revision should also be reviewed by University Counsel. It is recommended that campus procedures remain fairly similar across all campuses in an effort to assist students transferring among IU campuses.

5 **Part IV: General Provisions, Definitions, Adoption Provisions, and**  
6 **Appendices**  
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8 **A. Definitions**  
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10 **Student.** For purposes of this Code, the term “student” includes the following:

- 11 1. A person who is admitted or enrolled in any credit-bearing course or program in any  
12 school or division of Indiana University.
- 13 2. A person who is admitted to Indiana University ~~and is present on a campus~~ **or any**  
14 **Indiana University program** for the purpose of being enrolled in any credit-  
15 bearing course or program in any school or division of Indiana University.
- 16 3. A person who has been admitted and enrolled in any credit-bearing course or program in  
17 any school or division of Indiana University and continues to be associated with Indiana  
18 University because of failure to complete the course or the program in which the person  
19 was enrolled.
- 20 4. A person who is not admitted to the university, but who is taking classes to transfer to  
21 another university, for personal enrichment, or in preparation to apply to a graduate  
22 program.
- 23 5. For the purposes of this Code, “student” includes all students enrolled on the campuses of  
24 Indiana University-Purdue University Indianapolis (IUPUI) or Columbus.  
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26 **Faculty or Faculty Member.** In this Code, the terms “faculty” or “faculty members” include  
27 all who teach and/or do research at the university, including (but not limited to ) tenure-track  
28 faculty, librarians, holders of research or clinical ranks, lecturers, graduate students with  
29 teaching responsibilities, visiting and part-time faculty, and other instructional personnel  
30 including coaches, advisors, and counselors.  
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