

Procedures for South Bend Campus

Approved by

**Academic Senate
Indiana University South Bend**

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STUDENT COMPLAINT PROCEDURES

Preamble

Indiana University has established procedures for students to follow when they believe that any of their rights, as defined in Part I of this Code, have been violated by a member of the university community. Part II establishes the procedures to be followed when a student complaint is filed against a member of the university faculty or administration. This part also specifies the procedures to be followed when student complaints are filed against other university employees, other university students, or student organizations. Finally, this part describes the supplementary procedures that may be followed when a student has a complaint against any member of the university community which involves discrimination or harassment. (Complaints against graduate students in their role as course instructors are considered in accordance with Part II Section A. Complaints against graduate students in their role as students are considered in accordance with Part II Section C.) Students employed by the university who wish to file complaints arising from their employment should consult the student employment office or personnel overseeing employment issues about the appropriate procedures. Part II of this Code is not used for grade disputes. For grade disputes, student should use the Grade Grievance procedures available from the Office of the Registrar.

A. COMPLAINTS AGAINST MEMBERS OF THE UNIVERSITY FACULTY AND ADMINISTRATION.

1. INFORMAL RESOLUTION

- a. When a student believes that any of his or her rights, as defined in Part I of this Code of Student Rights, Responsibilities and Conduct have been violated by a member of the university faculty or administration, the student should ordinarily attempt to resolve the matter by making an informal complaint to the person involved.
- b. If contacting the person involved does not resolve the problem to the complainant's satisfaction, the student may contact the Director of Judicial Affairs (DJA).

2. FORMAL COMPLAINTS

- a. A student who believes that his or her rights have been violated by a member of the university faculty or administration may make a formal complaint to an appropriate administrator under the following circumstances:
 - (1) A student may make a formal complaint after making

- an informal complaint and receiving a response from the person involved that is not satisfactory to the student (i.e., if informal resolution fails at that level).
- (2) A student may make a formal complaint without having made an informal complaint if the student has a justifiable basis for not going directly to the person involved.
- b. A formal complaint must be in writing and provide the date, time, place, and description of the alleged act of misconduct. The signed complaint is to be submitted to the appropriate official, who will provide a copy of the formal complaint to the individual(s) charged. The formal complaint must be filed within the following time limitations:
- (1) After making an informal complaint and receiving an unsatisfactory response, a student must file a formal complaint within 21 calendar days after the termination of discussions with the person charged in the complaint.
 - (2) If a formal complaint is made without the making of a prior informal complaint, the formal complaint must be filed within six months after the student should reasonably have learned about the event which is the basis of the complaint.
- c. A formal complaint should be made to the administrator who is the immediate supervisor of the person involved in the alleged violation. The appropriate administrator may be one of the following:
- (1) A department head or similar academic administrator, if one exists within the particular school or unit involved.
 - (2) The Dean or director of a school or unit, if the school or unit does not have a department head or similar academic administrator.
 - (3) Even if a school or unit has a department head or similar academic administrator, the Dean or director of the school or unit may adopt a rule that formal complaints are to be submitted directly to the Dean or director.
- d. A formal complaint must be considered within 21 calendar days by the appropriate administrator.
- (1) The administrator shall inquire into the facts of the complaint and discuss the matter individually with the student and the person charged.
 - (2) If the administrator considers it to be appropriate, the administrator may ask the student and the person charged in the complaint to meet together with the administrator in an effort to resolve the complaint.
 - (3) The administrator shall have the opportunity to remove himself or herself from considering a

complaint for reasons of bias or personal involvement.

- (4) If the complaint is not resolved within 21 calendar days from the day it was filed, the administrator must refer the complaint along with a written response concerning the incident to the Academic Dean. The response shall include all documents pertaining to the complaint.
- e. The Academic Dean shall inquire into the facts of the complaint and then discuss the matter individually with the student and the person charged in the complaint. If the complaint is not resolved within 21 calendar days of the date the complaint is received, the Academic Dean must submit the complaint to Vice Chancellor for Academic Affairs (VCAA)
- f. The VCAA shall inquire into the facts of the complaint and then discuss the matter individually with the student and the person charged.
 - (1) If the VCAA considers it to be appropriate, the VCAA may ask the student and the person charged to meet together with the VCAA in an effort to resolve the complaint.
 - (2) If the complaint is not resolved within 21 calendar days of the date the complaint is received, the VCAA must submit the complaint to a campus grievance commission for consideration.

3. CAMPUS GRIEVANCE COMMISSION.

- a. The Vice Chancellor for Academic Affairs (VCAA) has the authority to appoint the members of the campus grievance commission to consider a particular complaint.
- b. The campus grievance commission must consist of five members, including two students from the campus and a combination of three members from the administration and tenured faculty of the campus. Non-tenure-track faculty are eligible to serve on the grievance commission, but no more than one member may come from such an appointment category.
- c. The grievance commission shall be selected by the VCAA from a grievance commission list containing names of students, faculty members, and members of the administration that are placed on the list as follows:
 - (1) Five 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;
 - (2) Five or more faculty members, to be representative of

the various academic disciplines, to be appointed by the President of the Academic Senate upon recommendation of the Executive Committee of the Academic Senate; and

- (3) Five or more members of the campus administration to be appointed by the Chancellor of the campus.
- d. Students, faculty members, and members of the administration are to be appointed to membership on the grievance committee list for a one year period of time, beginning with the first day of the fall semester each year. A person may be appointed at any time during the year to fill a vacancy on the list. A person may also be reappointed to the list from year to year.
 - e. If a person is selected to serve on a particular grievance commission by the VCAA, the person is authorized to serve on the commission until the commission completes the hearing of any case submitted to the commission even though this may require the person to serve beyond the one-year period of appointment.
 - f. If a vacancy on the grievance commission list occurs and there is a failure or refusal of the appropriate authorities to make an appointment to fill the vacancy, the Chancellor may make appointments, fill vacancies, or take other action necessary to constitute the grievance commission.
 - g. The VCAA appoints the presiding officer of the grievance commission who must be a tenured member of the faculty not engaged in fulltime administration.

4. FORMAL HEARING.

- a. The campus grievance commission is required to conduct a formal hearing to consider the complaint.
 - (1) The presiding officer, in consultation with the other members of the grievance commission, must determine an appropriate time and place for the hearing.
 - (2) The presiding officer is required to make arrangements for a public hearing if requested to do so by the person charged in the complaint. These arrangements must be made at least seven calendar days before the date of the hearing. The presiding officer is required to conduct the hearing in a place that will accommodate a reasonable number of observers, but the presiding officer is authorized to make a final decision concerning the place where the hearing is to be held and the number of observers to be accommodated.
 - (3) The presiding officer has a duty, to the greatest extent

practical under the circumstances, to summon witnesses, compel the production of documents, and structure the hearing to afford all participating parties due process.

- (4) The presiding officer of the grievance commission is required to make record of the hearing before the commission which may be made by an electronic tape recorder or other appropriate means.
- b. When a hearing is to take place, the presiding officer is required to notify the person charged in the complaint concerning the following:
- (1) The date, time and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice.
 - (2) The date, time, and place of the alleged act of misconduct and a summary of the information upon which the allegation is based;
 - (3) The names of the witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;
 - (4) That the person charged in the complaint is required to provide to the presiding officer, no later than five calendar days prior to the hearing, all documents in his or her possession, pertinent to the complaint.
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- (5) That the person charged in the complaint may submit to the presiding officer, no later than five calendar days prior to the hearing, a request for any documents related to the complaint which the subject wishes the complaining student to produce;
 - (6) That the person charged in the complaint must submit to the presiding officer, no later than five calendar days prior to the hearing, a list of witnesses whom the subject may present at the hearing or whose statements may be offered as evidence;
 - (7) That the person charged in the complaint is required to be present at the hearing and is entitled to present witnesses and to cross-examine witnesses who appear unless the grievance commission decides to proceed in the subject's absence because of extraordinary circumstances;
 - (8) That the person charged in the complaint is entitled to be represented at the hearing by counsel or an adviser of his or her choice at his or her own expense, but the person charged is still required to be present,

- even if represented by counsel or an adviser;
 - (9) That the complaining student is entitled to be present at the hearing and may be represented by an adviser of his or her own choosing, including an attorney at his or her own expense;
 - (10) That the person charged in the complaint may testify but will not be required to testify at the hearing; and that a decision not to testify will not be considered as an admission of guilt;
 - (11) That the hearing will be closed to the public unless the person charged in the complaint notifies the presiding officer in writing by no later than seven calendar days before the hearing that he or she desires the hearing to be open to the public;
 - (12) The disciplinary sanctions that may be imposed for the alleged act of misconduct enumerated are in A.5 (below);
 - (13) That a failure by the person charged to appear at the hearing would be sufficient to justify the imposition of any disciplinary sanction without a right of further appeal if the grievance commission determines that the failure to attend was without good cause.
- c. When a hearing is to take place, the presiding officer is also required to notify the student who filed the complaint concerning the following:
 - (1) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice.
 - (2) That the complaining student must submit to the presiding officer, no later than two days prior to the hearing, a list of witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;
 - (3) That the complaining student's failure to attend the hearing would be sufficient to justify the dismissal of the complaint without any further action if the grievance commission should thereafter find that the failure to attend was without good cause.
- d. The formal hearing is to be conducted by the presiding officer of the grievance commission.
 - (1) The hearing may be held only if all members of the grievance commission are present, or a majority of the members, at least one of whom is a student, are present and both the student filing the grievance and subject of the grievance agree to proceed. A hearing may not be held without the presiding officer being present.
 - (2) The presiding officer, in consultation with the other

members of the grievance commission, is responsible for conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the fair, orderly, and expeditious consideration of the complaint.

- (3) The presiding officer shall call the complaining student as a witness to testify concerning the act of misconduct alleged in the student's complaint.
 - (a) The adviser for the student, if any, shall be given the opportunity to question the student.
 - (b) The presiding officer may question the student concerning the complaint. The other members of the commission may then be given the opportunity to question the student.
 - (c) The person charged in the complaint or his or her adviser shall be given the opportunity to question the student concerning the complaint.
- (4) The presiding officer shall also call any other persons to testify as witnesses as requested by the student or otherwise considered appropriate by the officer. The student or his or her adviser shall be given the opportunity to question these witnesses. The person charged in the complaint or his or her adviser shall also be given the opportunity to question these witnesses. The presiding officer and the other members of the commission may question any of these witnesses as they consider appropriate.
- (5) The presiding officer shall permit the student or his or her adviser to present any other information that is appropriate and relevant to the student's complaint.
- (6) After all of the testimony and information concerning the complaint has been submitted, the presiding officer must offer the person charged in the complaint the opportunity to testify concerning the matter.
 - (a) If the person charged in the complaint chooses to testify:
 - (i.) He or she may be questioned by his or her adviser.
 - (ii.) The complaining student or his or her adviser shall be entitled to question the person charged in the complaint.
 - (iii.) The presiding officer and the other members of the commission may question the person charged in the complaint as they consider appropriate.
 - (b) If the person charged in the complaint chooses not to testify, the grievance commission may not consider the decision not to testify as an admission of guilt.

- (7) The presiding officer must also offer the person charged in the complaint the opportunity to call other witnesses and to submit any information that is appropriate and relevant to the student's complaint.
 - (a) If any witnesses are called to testify, they may be questioned by the person charged in the complaint or his or her adviser, if any.
 - (b) The complaining student or his or her adviser may also question the witnesses.
 - (c) The presiding officer and the other members of the commission may question the witnesses as they consider appropriate.
- (8) After the grievance commission has heard all of the witnesses and any other information submitted by the parties, the presiding officer must offer the complaining student or his or her adviser the opportunity to make a concluding argument concerning the validity of the evidence in the complaint. The presiding officer must then offer the person charged in the complaint or his or her adviser a similar opportunity to make an argument to the commission.
- (9) After hearing any concluding arguments, the grievance commission is required to reach a conclusion concerning the validity of the allegations in the complaint.
 - (a) The grievance commission is required to conduct its deliberations concerning the complaint in a private, executive session. Decisions shall be by majority vote. Dissenters may choose to issue a dissenting opinion. The presiding officer shall require all persons other than the members of the grievance commission to leave the hearing room during the deliberations.
 - (b) The grievance commission must reach its conclusion or conclusions solely upon the basis of the testimony and information introduced at the hearing.
 - (c) A conclusion that the person charged in the complaint committed the alleged act must be based upon clear and convincing evidence.
- (10) If a majority of the members of the grievance commission conclude that the evidence is insufficient to sustain the allegations of the complaint, the grievance commission is required to recommend that the complaint be dismissed.

- (a) The presiding officer shall reconvene the hearing and inform the complaining student and the person charged in the complaint concerning the conclusion and recommendation of the commission or issue a written opinion signed by a majority of the participating members within seven calendar days.
 - (b) The presiding officer shall also advise the parties that the Vice Chancellor for Academic Affairs (VCAA) will be notified of the commission's conclusion and recommendation and that the VCAA dismiss the complaint unless the complaining student submits an appeal to the Chancellor of the campus under the provisions of this code.
- (11) If a majority of the members of the grievance commission concludes that the evidence is sufficient to sustain the allegations of the complaint, the grievance commission is required to conduct a hearing concerning an appropriate sanction.
- (a) The presiding officer shall reconvene the hearing and advise the complaining student and the person charged in the complaint concerning the conclusion of the commission.
 - (b) The presiding officer must then offer the person charged in the complaint and/or his or her adviser the opportunity to submit information and present an argument concerning an appropriate disciplinary sanction.
 - (c) The presiding officer shall also offer the complaining student or his or her adviser a similar opportunity with reference to the appropriate sanction.
- (12) After hearing from the parties concerning an appropriate sanction, the grievance commission is required to make a recommendation concerning an appropriate sanction.
- (a) The grievance commission is required to conduct its deliberations concerning the sanction in a private, executive session. The presiding officer must require persons other than the members of the grievance commission to leave the hearing room during the deliberations.
 - (b) A recommendation of the grievance commission must be based upon a vote by a majority of the members of the commission.

- (13) After the grievance commission has concluded its deliberations concerning an appropriate sanction, the presiding officer shall reconvene the hearing and inform the complaining student and the person charged in the complaint concerning the recommended sanction or issue a written opinion signed by a majority of the participating members within seven calendar days following the close of the hearing.
- (a) The parties must also be informed that the commission's conclusions concerning the validity of the complaint and the commission's recommendation concerning an appropriate sanction will be submitted to the VCAA for final action.
 - (b) In addition, the parties must be advised as follows:
 - (i) If the VCAA decides to reject the recommendations of the grievance commission and to dismiss the complaint, the complaint will be dismissed unless the complaining student submits an appeal to the Chancellor of the campus under the provisions of this code.
 - (ii) If the VCAA decides to accept the grievance commission's conclusions and decides to impose the recommended sanction or any other appropriate sanction, the person charged in the complaint may submit an appeal to the Chancellor of the campus under the provisions of this code.
- (14) Within seven calendar days after the hearing, the presiding officer must prepare a written report concerning the grievance commission's conclusions and recommendations with a brief explanation of the findings of fact upon which the commission's conclusions are based. The report must be submitted to the VCAA, the person charged in the complaint, and the complaining student.

5. DISCIPLINARY SANCTIONS.

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

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

6. ACTION BY THE VICE CHANCELLOR FOR ACADEMIC AFFAIRS.

- a. If the Vice Chancellor for Academic Affairs (VCAA) receives a report that a student's complaint has not been sustained by the grievance commission, the VCAA is required to notify the complaining student and the person charged that the complaint will be dismissed unless the student submits an appeal to the Chancellor of the campus within seven calendar days following the receipt of the decision.
- b. If the VCAA receives a report that a grievance commission has concluded that a student's complaint should be sustained, the VCAA is required to make a final decision concerning the validity of the complaint within seven calendar days following the receipt of the decision.
 - (1) The VCAA shall review the written report and the electronic recording of the hearing, but may consult with the presiding officer of the grievance commission to clarify any ambiguity in the record, but may not consult with other members of the commission, the complaining student, or any other person who has direct or indirect knowledge of the complaint.
 - (2) The VCAA may take the following action concerning the complaint:
 - (a) Reject the commission's conclusion concerning the validity of the complaint and dismiss the complaint upon a finding that there is not clear

and convincing evidence in the record to support the findings of the commission, or that procedural error has been committed which deprives the subject of the complaint of due process.

- (b) Accept the commission's conclusion concerning the validity of the complaint and impose the sanction recommended by the commission.
 - (c) Accept the commission's conclusion concerning the validity of the complaint and impose an appropriate sanction that was not recommended by the commission.
- (3) After the VCAA has made a final decision, the VCAA is required to notify the subject of the complaint and the complaining student within seven calendar days following the final decision.
 - (4) If the VCAA decides to dismiss the complaint, the complaining student may take an appeal to the Chancellor of the campus under the provisions of this code.
 - (5) If the VCAA decides that the complaint should be sustained and decides to impose the sanction recommended by the commission or any other appropriate sanction, the person charged in the complaint may take an appeal to the Chancellor of the campus under the provisions of this code.
 - (6) The VCAA is required to implement the decision in accordance with university procedures unless the person charged in the complaint appeals the decision as authorized by university procedures.

7. APPEALS TO THE CHANCELLOR OF THE CAMPUS.

- a. If the Vice Chancellor for Academic Affairs (VCAA) notifies a student that the student's complaint is to be dismissed, the student may submit an appeal to the Chancellor.
 - (1) The appeal must be submitted in writing.
 - (2) The appeal must be submitted within seven calendar days after the student receives notice from the VCAA concerning dismissal of the complaint.
 - (3) A copy of the appeal must be sent to the VCAA and to the person charged in the complaint.
- b. If the VCAA notifies the person charged in a complaint that the complaint has been sustained and that a sanction is to be imposed, the person may submit an appeal to the Chancellor.
 - (1) The appeal must be submitted in writing.

- (2) The appeal must be submitted within seven calendar days after the person charged receives notice from the VCAA concerning the decision.
 - (3) A copy of the appeal must be sent to the VCAA and to the complaining student.
- c. When the VCAA receives a notice of an appeal to the Chancellor, the VCAA is required to send the Chancellor a copy of the grievance commission's written report, the recording of the commission's hearing and any other written information pertinent to the student's complaint.
- d. The Chancellor should review the written report and the recording of the commission's hearing and may consult with the VCAA, but not other members of the grievance commission, the complaining student, or any other person who has direct or indirect knowledge of the complaint.
- e. The Chancellor may take the following action concerning an appeal:
 - (1) Sustain the dismissal of a complaint.
 - (2) Reject the decision of the VCAA concerning the validity of a complaint and dismiss the complaint.
 - (3) Accept the decision of the VCAA concerning the validity of a complaint and the sanction to be imposed.
 - (4) Accept the decision of the VCAA concerning the validity of the complaint and impose an appropriate sanction that differs from the sanction recommended by the VCAA.
- f. After the Chancellor has made a final decision, the Chancellor is required to notify the person charged in the complaint and the complaining student.
- g. The Chancellor may dismiss the case or sustain the complaint and impose a sanction against the person charged in the complaint. The Chancellor will inform the person charged in the complaint of the decision.

B. COMPLAINTS AGAINST OTHER UNIVERSITY EMPLOYEES.

- 1. A student who believes that his or her rights have been violated by a university employee, other than a member of the faculty or administration should ordinarily attempt to resolve the matter by making an informal complaint to the person involved.
 - a. An informal complaint should be made as soon as possible after the alleged violation.
 - b. A complaint must be initiated within 30 calendar days after the student should reasonably have learned about the event which is the basis of the complaint.
- 2. If the student is unable to resolve the matter on an informal basis,

the student may file a formal complaint against the person involved in accordance with the grievance procedures established by the university. The student should consult with the Associate Vice-Chancellor for Student Services or the Director of Human Resources concerning these procedures.

C. COMPLAINTS AGAINST MEMBERS OF THE UNIVERSITY FACULTY, ADMINISTRATION OR OTHER UNIVERSITY EMPLOYEES INVOLVING DISCRIMINATION, INCLUDING HARASSMENT.

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

D. COMPLAINT BY A STUDENT ORGANIZATION.

1. A Student Organization that believes its rights have been violated by a student, the university, a person working for the university, or another university affiliated organization may file a formal complaint for mediation by the Director of Judicial Affairs (DJA).
2. Prior to filing a formal complaint with the DJA, the organization must pass a resolution authorizing its highest elected officer to file a formal complaint. The resolution should state the efforts that the organization has taken to resolve its grievance informally.

E. COMPLAINTS AGAINST OTHER STUDENTS.

1. A student who believes that his or her rights have been violated by another student should ordinarily attempt to resolve the matter by making an informal complaint to the student involved.
2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint with the Director of Judicial Affairs (DJA) under the procedures of this code concerned with personal misconduct of students. The student should consult with the DJA concerning these procedures.

F. COMPLAINTS AGAINST STUDENT ORGANIZATIONS.

1. A student who believes that his or her rights have been violated by a student organization should ordinarily attempt to resolve the matter informally by discussing the matter with the group involved and the organization's adviser.
2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint with the Director of Judicial Affairs (DJA) in accordance with the grievance procedures established by the University for such Organizations. The student should consult with the DJA concerning these procedures.

STUDENT DISCIPLINARY PROCEDURES

Preamble

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

General Principles

1. At all stages during a formal hearing, advisers are allowed to participate in the proceedings with the clear understanding that the hearing will always remain under the control of the presiding officer. Further, while there may be times when the adviser speaks on behalf of the student, every effort will be made to ensure that students are encouraged to speak for themselves.
2. Except as provided in Section D.7 Summary Action and General Principle of these disciplinary procedures, no sanctions shall become effective until after opportunities for appeal under the Code have been exhausted. However, coursework performed during misconduct procedures shall be considered conditional. Conditional work may be affected or eliminated based on a final finding of misconduct or sanction imposed. This may result in loss of course credit, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the misconduct proceedings. If either academic or personal misconduct is discovered that may impact degree conferral or graduation, the Director of Judicial Affairs (DJA) may notify the student's academic dean, who may withhold conferral of the degree pending completion of misconduct proceedings.
3. A degree that has been conferred may be revoked upon determination that the student committed academic misconduct prior to the date of degree conferral. In such a case, the unit that awarded the degree shall conduct an investigation to determine whether misconduct occurred, and if so, whether to recommend revocation of the degree to the Board of Trustees. The unit, in consultation with the Vice Chancellor for Academic Affairs (VCAA) and the DJA shall determine the procedures to be followed in conducting its investigation. The unit shall make every reasonable effort to notify the person regarding the misconduct allegation and permit the person to respond to the allegation.
4. All formal hearings for both academic and personal misconduct shall be consistent with the following procedural requirements:
 - a. The presiding officer of the hearing body shall maintain necessary order and make all rulings necessary for the fair, orderly, and expeditious

conduct of the hearing. Normally, all parties must be present in person.

- b. The DJA and/or the VCAA may allow for presence in formal hearings by electronic means, when warranted by extenuating circumstances.
 - c. Both sides shall have the opportunity to make opening and closing remarks regarding the charge of misconduct.
 - d. Both sides may present witnesses and submit other information regarding the charge of misconduct, subject to the presiding officer's determination of relevance. At all times, the hearing body may question witnesses and ask for the submission of additional information.
 - e. A student's failure or refusal to testify on his or her own behalf at a hearing shall not be considered an admission of guilt.
 - f. The university bears the burden of proving, with clear and convincing evidence that the student engaged in misconduct. The hearing body's decision shall be based solely on information obtained prior to and during the hearing, except that, if the hearing body asks for additional information to be provided after the hearing, the hearing body may include that information in its decision making, as long as both sides have had a chance to review and respond to the additional information either in a resumption of the hearing or in writing.
5. When immediate action is needed, the faculty member in charge can summarily remove a student from an off-campus activity or program, including but not limited to clinical, field, internship, in-service experience, or overseas study programs, in those cases where the student poses serious and substantial risk of harm to self, to others, to property, or to the continuing function of the program. The summary removal becomes part of the student's disciplinary record only when he or she is found to have committed academic or personal misconduct under the procedures of this Code. If no other charge is filed, and the student wants the matter dismissed, the student should follow the Campus Grievance Commission procedures given in Part II. In addition, a student may be removed summarily based on the terms of any agreement between the university and a third party regarding student placement.
6. As used in Part IV, the term "faculty" or "faculty member" means all those who teach and/or do research at the university including (but not limited to) tenure-track faculty, librarians, holders of research or clinical ranks, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel including coaches, advisers or counselors.
7. As used in Part IV, the term "calendar days" is defined as all days, excluding those when the university officially is not in session. Non-session days are identified as those which occur between the last day of final examinations of one term and the first day of classes the following term, plus official closing days for Thanksgiving, Spring Break, Memorial Day, the Fourth of July, and other officially recognized university holidays.

A. Jurisdiction.

1. Academic Misconduct.

- a. Allegations of academic misconduct may consist of two basic types:
 - (1) Academic misconduct by a student who is enrolled in a particular course and commits an act of misconduct related to that course.
 - (2) Academic misconduct by a student that is not related to a particular course in which the student is enrolled, including but not limited to the following:
 - A student who provides another student with a paper to submit as his/her own.
 - A student who takes an examination for another student.
- b. When a student in a course commits an act of academic misconduct related to that particular course, the faculty member who is teaching the course has the authority to initiate academic misconduct proceedings against the student.
- c. When a student commits an act of academic misconduct that is not related to a course in which the student is enrolled, the Director of Judicial Affairs (DJA) has the authority to initiate academic misconduct proceedings against the student after consulting with the dean or director of the school or unit in which the student is enrolled.

2. Personal Misconduct.

- a. The DJA has the authority to initiate disciplinary proceedings against individual students in all cases involving allegations of personal misconduct.
- b. The DJA also has the authority to initiate disciplinary proceedings against groups of students or student organizations in any case involving allegations of misconduct.

3. Simultaneous Acts of Academic and Personal Misconduct

When a student commits an act of academic misconduct related to a course in which the student is enrolled and also commits a separate but simultaneous act of academic misconduct unrelated to that course and/or an act of personal misconduct, separate academic misconduct and disciplinary proceedings may be initiated by the faculty member involved and the DJA in accordance with these procedures. The faculty member and DJA have the discretion, however, to handle the matter jointly or to decide that the matter should be handled by only one of the officers.

B. Disciplinary Procedures for Academic Misconduct Related to a Course.

1. Action by a Faculty Member.

- a. A faculty member who has information that a student enrolled in a course being conducted by the faculty has committed an act of academic misconduct related to that course must meet with the student concerning the matter. This informal discussion must be a face-to-face meeting between the faculty member and student in a location closed to the public.
 - (1) The faculty member must advise the student of the alleged act of misconduct and the information upon which the allegation is based.
 - (2) The student must be given the opportunity to respond fully to the allegation, and the faculty member must consider the student's response carefully before reaching a conclusion as to whether or not misconduct occurred.
- b. If, despite the faculty member's good faith effort to schedule such a discussion, the student fails to meet, the faculty member should complete the investigation.
- c. If the faculty member concludes that the student did commit the act of misconduct as alleged, the faculty member is authorized to impose an appropriate academic sanction related to the particular course involved. The faculty member may consult with the department chair on an appropriate academic sanction.
 - (1) An appropriate academic sanction for such misconduct may include, but is not limited to, any one or a combination of the following:
 - (a) The student may be given a lower grade than the student would otherwise have received for any assignment, course work, examination, or paper involved in the act of misconduct.
 - (b) The student may be given a failing grade for any assignment, course work, examination, or paper involved in the act of misconduct.
 - (c) The student may be required to repeat or resubmit any assignment, course work, examination, or paper involved in the act of misconduct.
 - (d) The student may be required to complete some additional assignment, course work, examination, or paper as a substitute for any assignment, course work, examination, or paper involved in the act of misconduct.
 - (e) At any point in the semester, the student may be required to withdraw from the course with a grade of W or F, at the faculty member's discretion. If the grade imposed is F for

academic misconduct, the student may not have a grade of W on the transcript for that course.

- (f) The student may be given a lower grade than the student would otherwise have received for the course, including a failing grade.
 - (2) The penalty for a serious act of academic misconduct should ordinarily involve the recording of a failing grade for the course.
 - (3) An incomplete may be given in the course in the event that the matter cannot be resolved before final grades are due in the Office of the Registrar.
 - (4) If the penalty includes a failing grade for the course, the Registrar will be notified that the grade was given because of academic misconduct. The Registrar will record the grade of "F" on the student's permanent academic transcript without any notation concerning the reason for the grade. The Registrar must, however, follow procedures to ensure that the grade of "F" will not thereafter be removed from the transcript in accordance with other academic policies or procedures. A grade of "F" given because of academic misconduct must be calculated in a determination of the student's grade point average, but the grade will not prevent the student from repeating the same course for credit.
- d. At the conclusion of informal discussions with the student and any necessary investigation, if the student is found responsible for the academic misconduct, the faculty member is required to report the matter within 14 calendar days in writing to the Director of Judicial Affairs (DJA), who will send the report to the student, the dean or director of the school or unit in which the offense occurred, and the student's dean or director (if the student is not a major in the unit in which the offense occurred). The faculty member will also inform the dean or department chair.
- e. The notification of the DJA to the student must include the following:
- (1) The faculty member's report concerning the finding of misconduct and the terms of the sanction being imposed;
 - (2) A statement that the student may submit an appeal in writing to the dean or director of the school or unit within which the offense occurred within 14 calendar days after receiving the faculty member's written report;
 - (3) A statement that the DJA has the authority to impose an additional sanction if the DJA believes that such a sanction is justified because of the nature of the student's misconduct or because of any prior acts of misconduct that the student may have committed;
 - (4) A statement that the DJA has four options:
 - (a) No additional sanction;
 - (b) Disciplinary probation for a specified period of time;

- (c) Suspension from the university for a specified period of time; or
- (d) Expulsion from the university;
- (5) A statement that the DJA will notify the student within 14 calendar days of receipt of the faculty member's report if the DJA has decided not to impose an additional sanction or is still considering the propriety of imposing an additional sanction.

2. Action by the Director of Judicial Affairs (DJA)

- a. A student may not be placed on disciplinary probation or suspended or expelled from the university or a school or unit within the university because of an act of academic misconduct unless the Director of Judicial Affairs (DJA) concludes, in consultation with the dean of the school in which the student is enrolled, that such a sanction is justified by the nature of the act or because the student has committed previous acts of misconduct.
- b. The DJA is required to review a faculty member's report concerning a student's act of academic misconduct to determine if probation, suspension, or expulsion should be imposed upon the student because of the nature of the act of academic misconduct.
- c. In addition, the DJA is required to determine if the student has a record of any previous acts of academic or personal misconduct and to decide whether probation, suspension, or expulsion should be imposed on the student because of any previous acts of misconduct. In this regard, the DJA is required to maintain a confidential record of all academic sanctions imposed by faculty members and all sanctions imposed by the DJA in order to determine if a particular student is developing a record of repeated acts of misconduct.
- d. If the DJA considers that no additional sanctions are warranted, the DJA shall, within 14 calendar days following receipt of the faculty member's report, notify the student of the decision not to impose additional sanctions.
- e. If the DJA considers that additional sanctions may be warranted, the DJA shall, within 14 calendar days following the receipt of the faculty member's report, set a date for an informal hearing conference and inform the student by e-mail and/or by certified mail of the purpose and date of the conference.
- f. The notice shall inform the student of the following:
 - (1) That the DJA is considering the propriety of imposing an additional sanction upon the student;
 - (2) That the additional sanction may consist of probation, suspension, or expulsion from the university;
 - (3) That the student is required to appear in the Office of the DJA at a specified date and time for an informal conference to discuss the propriety of the additional sanction;

- (4) That the student may have an adviser or other counsel present during the conference; that an adviser or counsel is limited to the role of advising the student; and that an adviser or counsel may not participate in the informal conference or make any statements during the conference;
 - (5) That the informal conference will be limited to a consideration of the seriousness of the academic misconduct involved, the validity of any record of the student's previous acts of misconduct as maintained by the DJA, and the propriety of any additional sanction to be imposed;
 - (6) That the DJA has no authority to reconsider the validity or propriety of the decision of the faculty member concerning the act of academic misconduct;
 - (7) That the DJA will make a decision regarding additional sanctions if the student fails to appear for the informal conference and the DJA reasonably concludes that the failure to appear is without good cause; and
 - (8) That the student has the right to appeal a decision of the DJA to impose an additional sanction.
- g. When the student appears for the informal conference as required, the DJA shall inform the student concerning the purposes of the conference and the student's record of previous acts of misconduct, if any. The student shall be given an opportunity to discuss the nature of the act of academic misconduct, the accuracy of the record of the student's previous acts of misconduct, and the propriety of any additional sanction that the DJA proposes to impose on the student. In discussing the student's record of previous acts of misconduct, the student may not discuss the propriety of the decisions concerning such misconduct. After the informal conference, the DJA has the authority to decide that an additional sanction should be imposed, including any of the following:
- (1) Disciplinary probation for a specified period of time;
 - (2) Suspension from the university for a specified period of time; or
 - (3) Expulsion from the university.
- h. Upon conclusion of the informal conference, the DJA must inform the Dean of the academic unit(s) involved of the DJA dispensation of the case.
- i. If a sanction of suspension or expulsion from the university is imposed, the DJA is required to notify the Office of the Registrar to indicate the suspension or expulsion on all copies of the student's academic transcript. In cases of suspension, the notation will be removed from the transcript by the Registrar when the term of suspension has ended. A notation of expulsion will remain permanently on the transcript.

3. Right to Appeal.

A student has the right to appeal any of the following decisions concerning an alleged act of academic misconduct:

- a. The faculty member's decision that the student committed the act of misconduct.
- b. The faculty member's decision to impose a particular academic sanction.
- c. The decision of the Director of Judicial Affairs (DJA) to impose an additional sanction.

4. Appeals to the Dean or Director of a School or Degree Granting Unit.

- a. A student must initiate an appeal concerning a faculty member's decision by submitting a written notice to the dean or director of the school or unit within which the alleged offense occurred, within 14 calendar days after receiving a written report from the faculty member concerning the decision.
- b. After receiving a written appeal from a student concerning a faculty member's decision or sanction, the dean or director of the school or unit should discuss the matter individually with the student and the faculty member within 14 calendar days in an effort to resolve the matter.
- c. If the matter is not resolved, the dean or director should initiate one of the following procedures, within seven calendar days of having concluded individual meetings with the student and faculty member.
 - (1) For units that do not have a mechanism for holding their own board hearings, the dean or director is required to hold a formal conference.
 - (a.) The student and the faculty member must be given the opportunity to be present at the conference and to make whatever presentation and argument that they consider appropriate.
 - (b.) The dean or director of the school has the authority to sustain or reverse any decision of the faculty member concerning the student's alleged act of academic misconduct.
 - (i) If the dean or director concludes that the student did not commit the alleged act of misconduct, the dean or director is required to set aside the sanction or sanctions imposed. The decision of the dean or director to take this action is final.
 - (ii) The dean or director may conclude that the student did commit the alleged act of misconduct but may decide to impose a lesser sanction than the sanction or sanctions imposed by the faculty

member.

- (c) The dean or director is required to act within seven calendar days after the formal conference is concluded in making a decision concerning an appeal. The decision must be in writing.
 - (d) The dean or director has the authority to authorize the head of the appropriate department or similar academic officer to consider and decide the appeal.
 - (e) The dean or director is required to notify the Director of Judicial Affairs (DJA) that an appeal has been filed upon receipt of the appeal. The dean or director is required to notify the DJA of the decision concurrently with notice to the student.
 - (f) If the decision of the faculty member concerning the student's alleged act of misconduct is reversed in an appeal by the student to the dean or director of the unit in which the offense occurred, there will be no additional sanction by the DJA.
- (2) Academic units may establish their own mechanism for holding formal board hearings of appeals concerning charges of academic misconduct within the unit. The hearing board may be appointed to hear a specific appeal, or it may be a standing committee charged with hearing appeals.
- (a) An academic unit hearing board must consist of five members, including three members of the faculty of the unit involved and two students from that unit.
 - (b) The dean or director appoints the presiding officer of the unit hearing board, who must be a member of the faculty.
 - (c) Units will establish their own procedures for board hearings, which must be in general conformity with the guidelines provided for campus review boards in B (5) b (2) of these Student Disciplinary Procedures.
 - (d) The presiding officer is required to make a transcript of the hearing by voice recorder or other appropriate means.
 - (e) The presiding officer is required to inform, in writing, the dean or director of the unit, the student, the faculty member involved, and the DJA concerning any decision of the unit hearing board.
 - (i) The board has the authority to sustain or reverse any decision of the faculty member concerning the student's alleged act of academic misconduct.
 - (ii) If the board determines there is not clear and convincing evidence to support the conclusion the student committed the alleged act of academic misconduct, the dean or director of the unit is

required to set aside the sanction or sanctions imposed. The decision of the board to take this action is final.

- (iii) The board may conclude that the student did commit the alleged act of misconduct, but that the sanction should be reduced. Under the circumstances, the board will be authorized to direct the dean or director of the school or unit to impose a lesser sanction than that imposed by the faculty member.
 - (f) Within 14 calendar days after the hearing, the presiding officer must prepare a written decision which includes an explanation of the unit hearing board's action and the findings of fact upon which the action is based. The decision must be submitted to the dean or director, with copies to the DJA, the student, and the faculty member involved, as well as to the dean of the school in which the student is majoring.
- d. A student shall have the right to appeal the decision. The student has the burden of proving that the decision is not supported by clear and convincing evidence contained in the record, or that a procedural irregularity deprived the student of due process.

5. Appeals to the Vice Chancellor for Academic Affairs.

- a. Appeals of decisions of the dean or director of a school or unit may be made to the Vice Chancellor for Academic Affairs (VCAA) in cases where there has been no board hearing at the unit level.

(1) Notification of Appeal.

(a) A student may initiate an appeal of a decision of the dean or director of the school or unit by submitting a written notice to the VCAA within seven calendar days after receiving notice of the decision of the dean or director of the school or unit.

(b) When an appeal concerning a decision of a faculty member has been submitted to the VCAA, the VCAA must notify within seven calendar days the unit in which the offense occurred and the Director of Judicial Affairs (DJA) that a written appeal from a student has been received. The VCAA shall inquire into the facts of the appeal and shall discuss the matter individually with the student, the faculty member, the dean of the academic unit in which the offense occurred, and the DJA.

(i) If the VCAA considers it to be appropriate, the VCAA may ask the student, the faculty member, and/or the DJA to meet together with the VCAA in an effort to resolve the appeal.

(ii) If the appeal is not resolved within 14 calendar days, the VCAA must submit the appeal to a campus review board for consideration.

(2) Campus Review Board.

(a) The VCAA has the authority to appoint the members of the campus review board to consider a particular appeal.

(b) The campus review board must consist of five members, two students from the campus and a combination of three members from the administration and faculty of the campus.

(i) Faculty members must be appointed from a list submitted by the Academic Senate.

(ii) Students must be appointed from a list submitted by the Student Government Association President.

(c) The VCAA appoints the presiding officer of the review board who must be a member of the faculty or administration.

(d) If a vacancy on the review board list occurs and there is a failure or refusal of the appropriate authorities to make an appointment to fill the vacancy, the Chancellor may make appointments, fill vacancies, or take other action

necessary to constitute the review board.

(3) Formal Hearing.

(a) The campus review board is required to conduct a formal hearing to consider the appeal.

(i) The presiding officer, in consultation with the other members of the review board, must determine within seven calendar days from the date the appeal is received, an appropriate time and place for the hearing.

(ii.) The presiding officer is required to make arrangements for a closed hearing, unless the student requests an open hearing. If the student requests an open hearing, the presiding officer is required to conduct the hearing in a place that will accommodate a reasonable number of observers, but the officer is authorized to make a final decision concerning the place where the hearing is to be held and the number of observers to be accommodated.

(b) When a hearing is to take place, the presiding officer is required to notify the student concerning the following:

(i.) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice.

(ii.) The date, time, and place of the alleged act of misconduct and a summary of the information upon which the allegation is based;

(iii.) The names of any witnesses who may appear at the hearing and/or whose statements may be offered as evidence;

(iv.) That the student must prepare a list of the witnesses that he or she may present at the hearing and/or whose statements may be offered as evidence at the hearing; that the list must be submitted to the presiding officer and the faculty member involved by no later than three calendar days before the hearing, excluding Saturdays and Sundays, and that the student may be precluded from calling a person as a witness at the hearing if the person's name is not submitted on a list as required by this code and the presiding officer finds that the failure to submit the name is without good cause.

(v.) That the student is required to be present at the hearing and may be represented by an adviser of his or her choice, including an attorney at his or

her own expense. If the student chooses to be represented by an attorney, he/she must notify the presiding officer of the review board no later than five calendar days before the hearing and the faculty member should have the option of hiring an attorney.

- (vi.) That the faculty member involved will be present and that the DJA will also be present if the appeal is concerned with any additional sanctions imposed by the DJA;
 - (vii.) That the student may testify but will not be required to testify at the hearing and that a decision not to testify will not be considered as an admission of guilt;
 - (viii.) 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 he or she desires the hearing to be open to the public;
 - (ix.) That a failure to appear at the hearing shall be sufficient to justify the dismissal of the appeal if the review board determines that the failure to attend was without good cause.
- (c) When a hearing is to take place, the presiding officer is required to notify the faculty member involved concerning the following:
- (i.) The date, time, and place of the hearing;
 - (ii.) That the student's appeal relates to the faculty member's decision that the student committed the alleged act of misconduct and/or the faculty member's decision to impose a particular academic sanction;
 - (iii.) That the faculty member is required to be present at the hearing to testify concerning the matter;
 - (iv.) That the faculty member must prepare a list of any witnesses that he or she may present at the hearing and/or whose statements may be offered as evidence at the hearing; that the list must be submitted to the presiding officer and the student involved by no later than five calendar days before the hearing, and that the faculty member may be precluded from presenting a person as a witness at the hearing if the person's name is not submitted on a list as required by this code and the presiding officer finds that the failure to submit the name is without good cause.

- (d) When a hearing is to take place, the presiding officer is required to notify the DJA concerning the date, time, and place of the hearing if the appeal relates to a decision of the DJA to impose an additional sanction against the student.
- (e) The formal hearing is to be conducted by the presiding officer of the review board.
 - (i) No hearing may be held unless all of the members of the review board are present. If any member of the review board is unable to be present or should request to be excused from serving for any good cause, the member must be replaced by the VCAA in accordance with the regular procedures for appointing members of the board.
 - (ii) The presiding officer, in consultation with the other members of the review board, is responsible for conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the fair, orderly, and expeditious consideration of the complaint.
- (f) If the student is appealing the faculty member's decision that the student committed the alleged act of academic misconduct, the review board is required to follow the following procedures:
 - (i) The presiding officer shall call the faculty member as a witness to testify concerning the act of misconduct that the student is alleged to have committed.
 - a) The presiding officer and other members of the review board may question the faculty member concerning the alleged act of misconduct.
 - b) The student or his or her adviser shall be given the opportunity to question the faculty member concerning the allegations.
 - (ii) The presiding officer shall also call any other persons to testify as witnesses as requested by the faculty member or otherwise considered appropriate by the officer. The faculty member shall be given the opportunity to question these witnesses. The student or his or her adviser shall also be given the opportunity to question witnesses. The presiding officer may question any of these witnesses as the officer considers appropriate.
 - (iii) The presiding officer shall permit the faculty

member to present any other information that is appropriate and relevant to the allegations against the student.

- (iv) After all of the testimony and information concerning the alleged act of misconduct have been submitted, the presiding officer must offer the student the opportunity to testify concerning the matter.
 - a) If the student chooses to testify, he or she may be questioned by his or her adviser, if any, by the faculty member involved, and by the presiding officer and members of the review board.
 - b) If the student chooses not to testify, the review board may not consider the decision not to testify as an admission of guilt.
- (v) The presiding officer may allow the student or the faculty member the opportunity to call other witnesses and to submit any information that is appropriate and relevant to the student's appeal upon satisfactory explanation as to why it was not included in the pre-hearing documentation.
 - a) If any witnesses are called to testify, they may be questioned by the student or his or her adviser, if any.
 - b) The witnesses may also be questioned by the faculty member involved and by the presiding officer and members of the review board.
- (vi) The presiding officer must permit the student and/or his or her adviser to make a concluding statement or argument in support of the appeal. The presiding officer must likewise offer the faculty member involved the opportunity to make a statement or argument in reply to the statement or argument of the student and/or his or her adviser.
- (vii) The review board must make a decision concerning the merits of the appeal.
 - a) The review board is required to conduct its deliberations concerning the appeal in a private, executive session.
 - b) The decision must be based solely upon the testimony and information presented at the hearing, contained in the record.
 - c) A decision that the student committed the alleged act of misconduct must be based

- upon clear and convincing evidence.
- d) A decision that the student committed the alleged act of misconduct must be based upon a vote of a majority of the members of the review board.
- (viii) The review board may make any of the following decisions concerning the appeal:
- a) The evidence is sufficient to sustain the faculty member's decision that the student committed the alleged act of misconduct.
 - b) The evidence is not sufficient to sustain the faculty member's decision that the student committed the alleged act of misconduct.
- (ix) If a majority of the members of the review board conclude that the evidence is insufficient to sustain the allegations against the student, the decision is final and the finding of misconduct must be dismissed.
- (g) If a majority of the members of the review board conclude that the evidence is sufficient to sustain the faculty member's decision that the student committed the alleged act of misconduct and/or if the student is appealing the faculty member's decision concerning the academic sanction to be imposed, the review board is required to follow the following procedures:
- (i) The presiding officer is required to offer the student or his or her adviser the opportunity to present testimony, present other witnesses, submit information, and make a statement or an argument concerning the propriety of the academic sanction imposed by the faculty member involved.
 - (ii) The presiding officer shall also offer the faculty member the opportunity to testify, present other witnesses, submit information, and make a statement or an argument concerning the propriety of the academic sanction to be imposed.
 - (iii) The review board must make a decision concerning the propriety of the academic sanction imposed by the faculty member.
 - a) The decision must be based solely upon the evidence and information presented at the hearing, contained in the record.
 - b) The decision of the faculty member must be sustained unless the review board finds that the decision is not supported by clear and convincing evidence, or is arbitrary, and

unreasonable, or disproportionate to the nature of the student's act of misconduct.

c) A decision to sustain the faculty member's decision must be based upon a vote of a majority of the members of the review board.

(iv) If a majority of the members of the review board conclude that the faculty member's decision concerning the sanction to be imposed was not supported by clear and convincing evidence or was arbitrary, and unreasonable, or disproportionate to the nature of the student's act of misconduct, the review board must decide what sanction should be imposed. The board may impose only a lesser sanction than the sanction or sanctions imposed by the faculty member. This decision must be made by a vote of a majority of the members of the review board, and the decision is not subject to an appeal. This decision must be reported to the VCAA who is required to initiate the necessary procedures to effectuate the decision.

b. Appeals of decisions of a unit hearing board.

(1) A student may initiate an appeal of the decision of a unit hearing board by submitting a written notice to the VCAA within seven calendar days after receiving notice of the decision of the unit hearing board. The appeal must explain the grounds for the appeal and the student has the burden of showing that the decision of the unit hearing board is not supported by clear and convincing evidence contained in the record, or that a procedural error was committed which deprived the student of due process.

(2) When an appeal concerning a decision of a unit hearing board has been submitted to the VCAA, the VCAA must notify within seven calendar days the unit in which the offense occurred and the DJA that a written appeal from a student has been received. The VCAA shall inquire into the basis of the appeal and shall discuss the matter individually with the student and the presiding officer of the unit hearing board.

(3) If, as a result of the formal review, the VCAA decides there is reason to question the decision of the unit hearing board, the VCAA shall appoint a campus review board to review the student's appeal of the faculty member's decision, as prescribed in sections 5a (1), (2), and (3) above.

c. Appeal of a decision by the DJA.

(1) Notification of Appeal.

- (a) If the student decides to appeal only the sanction imposed by the DJA, the student must submit the appeal in writing to the VCAA within seven calendar days after receiving notice of the sanction imposed by the DJA.
 - (b) When an appeal concerning a decision of the DJA has been submitted to the VCAA, the VCAA must notify within seven calendar days the unit and the DJA that a written appeal from a student has been received. The VCAA shall inquire into the facts of the appeal and shall discuss the matter individually with the student and the DJA.
 - (i) If the VCAA considers it to be appropriate, the VCAA may ask the student and the DJA to meet together with the VCAA in an effort to resolve the appeal.
 - (ii) If the appeal is not resolved within 14 calendar days, the VCAA must submit the appeal to a campus review board.
- (2) Campus Review Board.
- (a) The Campus Review Board shall follow the procedures prescribed in sections 5a (1), (2) and (3)a. as well as the following procedures:
 - (i) The DJA 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 DJA should inform the review board concerning the misconduct.
 - (ii) The student or his or her adviser shall be given the opportunity to question the DJA concerning the reason or reasons for the additional sanction.
 - (iii) The student or his or her adviser must be given the opportunity to present testimony, submit information, and make a statement or argument concerning the propriety of the additional sanction.
 - (iv) If the additional sanction was imposed even in part because of any prior acts of misconduct by the student, the accuracy of the records maintained or relied upon by the DJA 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.
 - (v) The review board must make a decision concerning the propriety of the additional sanction imposed by the DJA.

- a) The decision must be based solely upon the evidence and information presented at the hearing.
 - b) A decision of the DJA to impose an additional sanction must be sustained unless the review board finds that the decision is not supported by clear and convincing evidence or is arbitrary, and unreasonable, or disproportionate to the nature of the student's act of misconduct and/or the student's record of previous misconduct.
 - c) A decision to sustain the decision of the DJA to impose an additional sanction must be based upon a vote of a majority of the members of the review board.
- (vi) If a majority of the members of the review board conclude that the decision of the DJA to impose an additional sanction was not supported by clear and convincing evidence or is arbitrary, and unreasonable, or disproportionate, the review board must decide what, if any, additional sanction should be imposed.
- a) If the DJA decided to impose expulsion from the university, the review board may decide to impose either disciplinary probation or suspension from the university or may decide not to impose any additional sanction at all.
 - b) If the DJA decided to impose a period of suspension from the university, the review board may decide to impose disciplinary probation or may decide not to impose any additional sanction.
 - c) If the DJA decided to impose disciplinary probation, the review board may decide not to impose any additional sanction.
 - d) A decision must be made by a vote of a majority of the members of the review board.
 - e) The decision of the review board is final and not subject to an appeal.
 - f) The decision must be reported to the VCAA who is required to notify the appropriate university officer to effectuate the decision in accordance with university procedures.

- (vii) If a majority of the members of the review board conclude that the decision of the DJA to impose an additional sanction was proper, the decision is not subject to an appeal. The decision must be reported to the VCSS who is required to notify the appropriate university officer to effectuate the decision in accordance with university procedures.
- (b) The presiding officer is required to advise the student, the faculty member involved, and the DJA, if the DJA is involved in the hearing, concerning any decision of the review board.
- (c) The presiding officer of the review board is required to make a transcript of the hearing before the board that may be made by a voice recorder or other appropriate means.
- (d) Within 14 calendar days after the hearing, the presiding officer must prepare a written decision which includes a brief explanation of the review board's action and the findings of fact upon which the action is based. The decision must be submitted to the VCAA with copies to the DJA, the student, and the faculty member involved.

C. Disciplinary Procedures for Academic Misconduct Unrelated to a Particular Course.

1. Disciplinary proceedings for an act of academic misconduct that is unrelated to a particular course in which the student is enrolled are governed by the same procedures that apply to acts of personal misconduct.
2. When the Director of Judicial Affairs (DJA) initiates separate disciplinary proceedings in cases involving simultaneous acts of academic and personal misconduct unrelated to a particular course, as provided in Student Disciplinary Procedures A.3, the proceedings are governed by the same procedures that apply to acts of personal misconduct.

D. Disciplinary Procedures for Personal Misconduct.

1. Applicability of Procedures.

- a. Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.
- b. Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic misconduct are governed by the following procedures unless the Associate Vice Chancellor for Student Services and the faculty member involved agree otherwise.
- c. The disciplinary procedures in this section do not govern proceedings involving the alleged violation of campus motor vehicle code and University Housing contractual provisions. The procedures likewise do not govern proceedings involving the university's use of a checklist to collect money from students.

2. Initiation of Proceedings.

- a. A report that a student has committed an act of personal misconduct may be filed by any person.
- b. A report that a student has committed an act of personal misconduct must be submitted in writing to the Director of Judicial Affairs (DJA).
- c. After reviewing a complaint, the DJA has the discretion to decide whether disciplinary proceedings should be instituted.

3. Notice.

- a. A disciplinary proceeding is initiated by the Director of Judicial Affairs (DJA) by sending a notice to the student who is the subject of the complaint. If disciplinary proceedings are initiated against a dependent student under the age of 18, the VCAA is required to make reasonable efforts to assure that the parent(s) or, when appropriate, the legal guardian of the student is notified concerning the proceedings and the nature of the complaint.
- b. The notice shall be sent by e-mail and/or certified mail to the student's

address as it appears in the official records of the University or shall be delivered personally to the student. Notice must be delivered in a manner University officials believe is most likely to inform the student that charges are pending and that a hearing has been scheduled. The notice shall quote the rule claimed to have been violated and shall fairly inform the student of the reported circumstances of the allegedly wrongful conduct. The notice shall require the student to appear in the Office of the Associate Vice Chancellor for Student Services at a time and on a date specified (which ordinarily will not be earlier than seven calendar days after the mailing of the notice) to discuss the alleged violations.

- c. The notice shall inform the student of the following:
- (1) The offense the student is alleged to have committed by citing the relevant section of these regulations;
 - (2) The date, time, and place of the alleged offense and other relevant circumstances;
 - (3) The date, time, and place of the informal conference to discuss the alleged violation;
 - (4) That the student may have an adviser present during the conference; that an adviser is limited to the role of advising the student; and that an adviser may not participate in presenting the case, questioning the witnesses, or making statements during the conference;
 - (5) That the student need not answer questions and that a choice to remain silent will not be taken as an admission that the student committed the alleged offense;
 - (6) That, if the student fails to appear for the conference, the Associate Vice Chancellor for Student Services may:
 - (a) reschedule the conference;
 - (b) dismiss the charges; or
 - (c) if the Associate Vice Chancellor for Student Services reasonably believes the failure to be without good cause, impose any of the disciplinary penalties described under D.4(e) of these Student Disciplinary Procedures.
 - (7) That any disciplinary penalties imposed under the circumstances noted in paragraph (6) above shall be subject to further hearing or appeal, but the fact of the student's failure to appear at the conference, if unjustified, may be weighed as a factor in future hearings.

4. Informal Disposition.

- a. When the student appears as required, the Director of Judicial Affairs (DJA) shall inform the student as fully as possible of the facts alleged. The student may, but need not, make responses and explanations.
- b. If, after discussion and such further investigation as may be necessary, the DJA determines that the violation alleged is not supported by clear and convincing evidence, the DJA shall dismiss the accusation and notify the student.
- c. If, after discussion, or if the student fails to appear, and if the DJA believes that the violation occurred as alleged, the DJA shall so notify the student and shall propose a penalty by means of a written notice. The student, by such notice, shall be offered the choice either of consenting to the determination and imposed penalty or of requesting a hearing before a hearing commission. Should a student desire a hearing before a hearing commission, the request shall be made in writing and delivered to the office of the DJA by no later than 10 calendar days after the date of the letter informing the student of the decision of the DJA.
 - (1) If a student fails to appear, the student may explain the failure to appear in writing within 10 days to the DJA. Written documentation supporting the cause of absence must be included. The DJA will notify the student within 10 days whether the informal disposition may be rescheduled.
 - (2) If a student fails to appear and that absence is not excused for good cause, the ADJA may decide, in the student's absence, whether the violation occurred as alleged. The student will be notified in writing of the decision by the DJA within 10 days of approval. Unless the sanction imposed is any one or a combination of expulsion from university housing, suspension from the university, or expulsion from the university, the student's right to any further hearings automatically will be forfeited, and the sanctions imposed in absentia will go into effect.
- d. If no written choice is received by the DJA within the time specified, no hearing shall be held, the sanction(s) proposed by the DJA shall be imposed, and the action shall be final.
- e. The DJA is authorized to impose any one or a combination of the following sanctions for acts of personal misconduct. Records will remain in a student's file as indicated in the "Disciplinary Procedures" table in Appendix 9. If a student has more than one incident in the file, the incident to be kept on file the longest will determine the length of time all records are kept.
 - (1) Reprimand and Warning. A student may be given a reprimand accompanied by a written warning that the student may receive additional sanctions if the student engages in the same

misconduct again or commits any other violation of this Code. A Reprimand and Warning will remain a part of a student's disciplinary record at least until he or she graduates.

- (2) Disciplinary Probation. A student may be placed on disciplinary probation for a specified period of time under conditions specified in writing by the DJA, with a warning that any violation of the conditions or any further acts of misconduct may result in additional disciplinary sanctions, including suspension or expulsion from the university. As a condition of probation, the student may be required to participate in a specific program, such as a counseling program or an alcohol education program, or to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. A record of any disciplinary probation will remain a part of a student's disciplinary record for five years after a student graduates.
- (3) Restitution. A student may be required to pay the cost for the replacement or repair of any property damaged by the student. If the student fails to pay the cost or make the repairs, the student may be subjected to additional sanctions, including suspension or expulsion. A record of any restitution that a student is required to pay will remain a part of a student's disciplinary record until he or she graduates.
- (4) Participation in a specific program. A student may be required to participate in a specific program, such as a counseling program, a program designed to stimulate good citizenship within the university community, an alcohol education program, or any other activity which would foster civic participation. If the student fails to participate in the program as directed, the student may be subjected to additional sanctions, including suspension or expulsion. A record of participation in any specific program that a student is required to complete will remain a part of a student's disciplinary record until he or she graduates.
- (5) Provision of a specific service. A student may be required to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. If the student fails to provide the service as directed, the student may be subjected to additional sanctions, including suspension or expulsion. Completion of a specific service that a student is required to complete will remain a part of a student's disciplinary record until he or she graduates.
- (6) Expulsion from University Housing. A student may be expelled from university housing, and the student's contract for such housing may be rescinded. Expulsion from university housing will remain a part of a student's disciplinary record until he or she graduates.
- (7) Transfer to a Different University Housing Unit. A student may

be required to transfer to a different university housing unit. If the student fails to transfer to a different university housing unit as directed, the student may be subjected to additional sanctions, including suspension or expulsion. A transfer to a different university housing unit will remain a part of a student's disciplinary record until he or she graduates.

- (8) Suspension. A student may be prohibited from participating in all aspects of university life for a specified period of time. When a student is suspended from the university, the suspension applies to all campuses of the university. The DJA is required to notify the Office of the Registrar to indicate the suspension on all copies of the student's academic transcript. When the term of the suspension has ended, the Registrar will remove the notation from the student's transcript. A record of the term of suspension will remain a permanent part of the student's disciplinary record. Suspension notations on transcripts remain for the term of the suspension.
- (9) Expulsion. A student may be dismissed from the university permanently. When a student is expelled from the university, the expulsion applies to all campuses of the university. The DJA is required to notify the Office of the Registrar to indicate the expulsion on all copies of the student's academic transcript. Furthermore, the student may not thereafter petition for readmission to the university. A record of expulsion will remain a permanent part of the student's disciplinary record. Expulsion notations on transcripts are permanent.
- (10) Deferred Sanction. A sanction of suspension from Indiana University, listed in D.4.e (8) of these Student Disciplinary Procedures, may be deferred for a period of time not to exceed one year, with the provision that a lesser sanction(s) be completed within that period of time. If the student does not consent to the determination of responsibility or the sanction imposed, the student may request a hearing before a hearing commission or review board, depending on the level at which the deferred and lesser sanctions were imposed. If the student does consent to the determination of responsibility and the sanction in the case where a deferred sanction is imposed, the following apply:
 - (a) If the lesser sanction(s) is/are completed in the time period assigned, the deferred sanction will not be implemented.
 - (b) If the lesser sanction(s) cannot be completed in the time period assigned due to medical, academic or personal reasons, the student may apply, in writing, to the DJA for an extension of that time period.
 - (i) Extensions to the time period required to complete

the lesser sanction(s) will be considered by the DJA, if submitted in writing at least five calendar days prior to the end of the time period.

- (ii) With their applications for an extension, students must present documentation of the personal, academic or medical reasons they were unable to meet the deadlines, and they must show that they have completed a significant portion of their lesser sanction(s).
 - (iii) The DJA will deliver a decision about the extension to the student within 10 calendar days.
- (c) If the lesser sanctions are not completed in the time period assigned and no extension to the time period is requested or granted, the deferred sanction will automatically go into effect, and the student will have no further opportunity to appeal the deferred sanction.

5. Formal Hearing.

- a. If a student requests a hearing, the DJA shall make arrangements for the hearing; but thereafter, with notice to the student, the DJA may request the hearing commission to dismiss the matter. If a hearing is to take place, notice from the DJA shall be sent by e-mail and/or certified mail to the student's address as it then appears in the official records of the university or shall be delivered personally to the student or delivered in a manner most likely to inform the student that a hearing date has been set and charges are pending. The notice shall inform the student of the following:
 - (1) The offense alleged to have been committed, by citing the relevant section of this code;
 - (2) The date, time, and place of the alleged offense, and other relevant circumstances, including a summary of the evidence upon which the charges are based, the names of those who may be presented as witnesses and/or whose statements would be offered as evidence at the hearing;
 - (3) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice;
 - (4) That the student must prepare a list of the persons that the student may present as witnesses and/or whose statements may be offered as evidence at the hearing and submit the list to the DJA by no later than seven calendar days before the hearing.
 - (5) That the student is required to be present at the hearing and is entitled to present witnesses unless the hearing commission decides to proceed in the absence of the student because of extraordinary circumstances.
 - (6) That the university may be represented by legal counsel if it so

- elects;
- (7) That the student need not answer questions, and that a choice to remain silent will not be taken as an admission of guilt;
 - (8) The sanctions that may be imposed by the hearing commission;
 - (9) That the hearing will be closed to the public, unless the student(s) indicates in writing to the DJA at least seven calendar days in advance of the hearing, a desire to open the hearing to the public. The DJA and the presiding officer of the hearing commission shall make arrangements satisfactory to the hearing commission to accommodate observers if a hearing is to be public, and the hearing commission's choice of the place and determination of the number of observers that can be conveniently accommodated are final;
- (10) That the failure to appear at the hearing will be action for which the hearing commission may impose the disciplinary sanction initially proposed by the DJA without right of further appeal if the hearing commission, upon diligent inquiry, finds such failure to be without good cause.
- b. A hearing shall be conducted before a hearing commission which shall consist of three members, including one student and two faculty members, one of the faculty members to serve also as the presiding officer of the commission.
- (1) The hearing commission shall be selected by the DJA from a hearing commission list containing names of students and faculty members placed on the list as follows:
 - (a) Five 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;
 - (b) Five or more faculty members (to be representative of the various academic disciplines) to be appointed by the President of the Academic Senate upon recommendation of the Academic Senate or other appropriate representative body as determined by the Academic Senate.
 - (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 and the President of the Academic Senate 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 DJA 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.

- c. If a vacancy on the hearing commission list occurs and there is a failure or refusal of the appropriate authorities to make an appointment to fill the vacancy, the Chancellor may make appointments, fill vacancies, or take such other action as is necessary to constitute the hearing commission list or any hearing commission.
- d. No hearing shall be held unless all three members of the hearing commission are present. If any member of a hearing commission is unable to be present or should request to be excused from serving for any good cause, another commission member shall be selected from the hearing commission list.
- e. The members of the hearing commission shall select a presiding officer who must be one of the faculty members serving on the commission. The presiding officer, in consultation with other members, shall maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the hearing. The hearing commission may examine all witnesses. When it appears necessary to avoid undue hardship or to avoid injustice, the hearing commission may, in its discretion, grant a reasonable continuance of the hearing. The hearing commission shall provide a taped transcript of all proceedings, which transcript shall be maintained for a period of one year.
- f. At the hearing, the DJA and the student may present and examine witnesses, and/or present other evidence. The student charged with an offense may testify, but shall not be ordered to testify by the hearing commission, nor shall failure to testify be considered an admission of guilt. The burden of proving that the student has committed the offense, or offenses as charged, shall be upon the university.
- g. The decision of the hearing commission shall be based solely upon matters introduced at the hearing and must be based upon clear and convincing evidence. A decision shall be made by majority vote.
- h. The hearing commission shall make a finding whether the student has committed the offense(s) as charged. If the hearing commission finds that the student has committed the offense(s), it shall, after a review of any disciplinary record the student may have, impose one, or a combination of the disciplinary sanctions enumerated under D.4(e) (above) of the Disciplinary Procedures for Academic Misconduct. Within ten calendar days after the conclusion of the hearing, the presiding officer of the hearing commission shall render a written decision and include a brief explanation of the decision and set forth the findings of fact upon which the decision is made. The presiding officer shall furnish copies of the decision to the student and the DJA.
- i. Failure to appear. If a student is notified to appear before a hearing commission and fails to appear, the hearing commission is required to

impose the disciplinary sanction initially proposed by the DJA, if the hearing commission, after diligent inquiry, finds that the failure to appear is without good cause and that there is clear and convincing evidence to believe that the violation occurred as alleged. The hearing commission is required to notify the student by means of a written notice that the sanction is imposed and that the student has no further right of appeal. When an extension of time appears necessary to avoid undue hardship or injustice, the hearing commission may extend the time to enable a student to respond to an accusation or prepare a defense.

6. Appeal.

- a. The student may appeal the decision of the hearing commission to the review board based on the standard established by paragraph b.6 below. An appeal may be initiated by filing a notice of appeal with the Director of Judicial Affairs (DJA), including a memorandum stating the reason(s) for believing the decision to be improper.
 - (1) The notice of appeal must be filed not later than seven calendar days after the date of the written decision of the hearing commission.
 - (2) The DJA shall immediately forward the notice to the presiding officer of the review board.
- b. The student shall be notified by the Office of the DJA of the following:
 - (1) The date, time, and place of the appeal hearing;
 - (2) That either the student or the DJA may submit a written statement to the review board before the appeal hearing, but that any such statement must also be submitted to the opposing party before the hearing;
 - (3) That, at the hearing, both the student and the DJA may make oral arguments based on the record to the review board, and that their respective advisers may also do so;
 - (4) That the appeal hearing will be closed to the public, unless otherwise requested by the student in writing at least three calendar days before the hearing;
 - (5) That the review board will not accept additional evidence, but will consider only the record of the hearing by the hearing commission.
 - (6) That the student requesting the appeal shall have the burden of proving that the decision of the hearing commission was not based on clear and convincing evidence or was substantially deficient in providing the student due process.
- c. The review board shall be composed of three persons who are appointed as follows:
 - (1) A student appointed by the president of the student body upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body;
 - (2) A faculty member appointed by the President of the Academic Senate upon recommendation of the Academic Senate or other appropriate representative body as determined by the Academic Senate; and
 - (3) An administrative officer appointed by the Chancellor. The administrative member shall serve as the presiding officer.
- d. The members of the review board shall hold office from the first day of the fall semester for a term of one year, but they shall complete the review of any case which they have begun to consider.
 - (1) A member of the review board may be reappointed to the board,

- but no member may serve more than two consecutive terms.
- (2) A member of the review board may be appointed at any time during the year to fill a vacancy on the board.
 - (3) If a vacancy on the review board occurs and there is a failure or refusal of the appropriate authority to make an appointment to fill the vacancy, the Chancellor may make an appointment to fill the vacancy or take such other action as may be necessary to constitute the review board.
- e. No hearing shall be held unless all three of the members of the review board are present. If any member of the review board is unable to be present or should request to be excused from serving for any good cause, another review board member shall be appointed in accordance with the provisions of sections (c) and (d) above.
 - f. The presiding officer of the review board, in consultation with other members, shall maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the appeal hearing. Decisions by the review board shall be by majority vote only.
 - g. The review board is required to listen to the recorded tape of the hearing commission, consider any written statements submitted by the student and the DJA, and hear any oral arguments by the parties or their representatives. The student requesting the appeal shall have the burden of proving that the decision of the hearing commission was not based on clear and convincing evidence, or was substantially deficient in providing the student due process.
 - h. The review board must render a decision within 10 calendar days of the hearing and may take any of the following actions:
 - (1) Affirm the original decision that the student did commit the alleged act of misconduct.
 - (2) Affirm the original decision concerning the disciplinary sanction to be imposed.
 - (3) Reverse the original decision that the student did commit the alleged act of misconduct and direct that the complaint be dismissed.
 - (4) 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.
 - (5) Set aside the original decision concerning the disciplinary sanction to be imposed and impose less severe sanction.
 - i. The presiding officer of the review board is required to notify the DJA concerning the board's decision.
 - (1) The DJA is required to notify the student and to initiate the necessary procedures to effectuate the decision.
 - (2) The student who filed the complaint may not take any further appeal from the decision of the review board.

7. Summary Action.

A student may be summarily suspended from the university and summarily excluded from university property and programs by the Chancellor.

- a. The Chancellor may act summarily without following the hearing procedures established by this section if the Chancellor is satisfied that the student's continued presence on the campus constitutes a serious threat of harm to the student or to any other person on the campus or to the property of the university or property of other persons on the university campus.
- b. A student who is summarily suspended and excluded from the university shall be required to leave the property of the university immediately and shall be notified that he or she will thereafter be treated as a trespasser if he or she returns to university property. Within 24 hours after the student is excluded, a written notice must be sent to the student by certified mail informing the student of the following:
 - (1) That the student has been suspended from the university;
 - (2) That the student has been excluded from being on university property;
 - (3) That the student will be considered a trespasser if he or she returns to university property;
 - (4) The reasons for the suspension from the university and the exclusion from university property;
 - (5) That the student, within 14 calendar days after being excluded, may request a hearing before a hearing commission to review the information upon which the summary action was based and to determine whether the information was sufficient and reliable enough to justify the summary action; and
 - (6) That the Director of Judicial Affairs (DJA) will be initiating disciplinary action against the student within seven calendar days after the summary action was taken.
- c. The DJA must initiate disciplinary proceedings against a student who is summarily suspended and excluded from the university within seven calendar days after the summary action is taken.
 - (1) The student shall thereafter be permitted to enter the university campus only for the limited purpose of participating in the disciplinary proceedings conducted under this section.
 - (2) The DJA may require that the student be escorted to and from the disciplinary proceedings by members of the university police department.
- d. Within 14 calendar days after being summarily suspended and excluded from university property, a student may request a hearing before a hearing commission to determine whether the summary action was justified and whether the student should be reinstated and

allowed to return to university property.

- (1) The request must be submitted in writing to the DJA.
- (2) The DJA shall select a hearing commission as provided in D.5(b) of these Student Disciplinary Procedures (above).
- (3) The hearing commission shall hold a hearing within seven calendar days after being selected by the DJA.
- (4) The hearing commission is required to review the information upon which the summary action was based and to decide whether the information was sufficient and reliable enough to justify the summary action.
- (5) The student is required to be present at the hearing and is entitled to be represented by an adviser at the student's expense.
- (6) The student shall be permitted to enter the university campus for the limited purpose of this hearing in accordance with D.7(c), Student Disciplinary Procedures (above).
- (7) The hearing commission is required to make a decision by the end of the hearing and to notify the student, the DJA, and the Chancellor concerning the decision.
- (8) The hearing commission may affirm the decision and advise the student that the temporary suspension and temporary exclusion will continue until the student is notified otherwise in the course of subsequent disciplinary proceedings.
- (9) If the hearing commission concludes that the summary action was not justified, the presiding officer is required to notify the Chancellor.
- (10) The Chancellor is required to consider the decision of the hearing commission but is not bound by the decision. The Chancellor shall thereafter notify the student that the student is reinstated or that the temporary suspension and temporary exclusion are to be continued pending the outcome of the disciplinary proceedings.

E. Time Limitations.

1. Time limitations that are specified in the preceding sections of this code may be extended for a reasonable period of time if an extension is justified by good cause under the totality of the circumstances.
 - a. An interested party to a proceeding may make a request for an extension of a specific time limitation.
 - b. A request for an extension must be submitted in writing to the person conducting the proceeding or the presiding officer of the commission hearing the matter.
2. If a time limitation is not specified for a particular action or proceeding under this code, the action or proceeding must be taken or conducted promptly or within a reasonable period of time as determined from a consideration of the totality of the circumstances.
 - a. An interested party to a proceeding may make an appropriate objection concerning the promptness or reasonableness of the time within which an action is taken or a proceeding is conducted.
 - b. An objection must be made to the person conducting the proceeding or the presiding officer of the commission hearing the matter.
3. Any interested party to a proceeding may appeal a decision concerning an objection or request concerning a time limitation.
 - a. The appeal must be taken to the person or body that is authorized under this code to consider any other appeal from the person or body making the decision concerning the time limitation.
 - b. The decision concerning the appeal is a final decision and is not subject to a further appeal.

F. Misconduct by Student Organizations.

1. A complaint that a student organization has committed an act of academic or personal misconduct may be filed against the student organization, against individual members of the organization, or against the organization and individual members of the organization. The complaint may be filed by any person.
2. A complaint against a student organization and/or individual members of the organization must be submitted in writing to the Director of Judicial Affairs (DJA).
 - a. If the complaint is against a student organization, the DJA has the authority to initiate disciplinary proceedings against the organization.
 - b. If the complaint involves an allegation of academic misconduct by an individual student member of the organization which is related to a particular course in which the student is enrolled, the DJA must refer the complaint against the student to the faculty member who is

teaching the course. The faculty member has the authority to initiate academic misconduct proceedings against the student as provided in this code.

- c. If the complaint involves an allegation of academic misconduct by an individual student member of the organization which is not related to a course in which the student is enrolled, the DJA has the authority to initiate academic misconduct proceedings against the student after consulting with the dean or director of the appropriate school or unit in which the student is enrolled.
 - d. If the complaint involves an allegation of personal misconduct by an individual student member of the organization, the DJA has the authority to initiate disciplinary proceedings against the student.
 - e. If the complaint involves an allegation that an individual student member of the organization has committed simultaneous acts of academic and personal misconduct, proceedings against the student may be initiated as provided in this code (see A.3 of these Student Disciplinary Procedures (above)).
3. Disciplinary proceedings against a student organization are governed by this code.
 4. Academic misconduct proceedings against individual members of a student organization are governed by the procedures otherwise applicable to students alleged to have committed acts of academic misconduct.
 5. Disciplinary proceedings against individual members of a student organization are governed by the procedures otherwise applicable to students alleged to have committed acts of personal misconduct.