

# Code of Student Conduct

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*This new Code of Student Conduct went into effect beginning May 8, 2012. Any information processed after this time will be held to this revised version.*

**Illinois State University  
Code of Student Conduct**

**TABLE OF CONTENTS**

I.	Preamble	2
II.	To Be An Illinois State University Student	2
III.	Definitions for the Purposes of This Document	2
IV.	Jurisdiction and Authority	4
V.	University Regulations	5
VI.	Interim Disciplinary Action	11
VII.	Student Rights	13
VIII.	Aggrieved Party's Rights	14
IX.	Student Organization Rights	15
X.	Disciplinary Bodies/Officers and Procedures	17
	A. Disciplinary Conferences	17
	B. Residence Hall Cases	18
	C. Academic Integrity Cases	19
	D. Registered Student Organization Cases	21
	E. Health and Safety Risk Cases	21
	F. Policy Violations	21
	G. University Hearing Panel Procedures	22
	H. Administrative Hearing Procedures	24
	I. Hearing Procedures for Student Organization Cases	26
	J. Appeals Procedures	28
	K. Negotiated Disciplinary Agreements	32
XI.	Disciplinary Sanctions	32
XII.	Disciplinary Records	35
XIII.	Parental and Public Notification	35
XIV.	University Hearing Panel	36
XV.	Student Grievance Committee	37
XVI.	Student Appeals Board	39
XVII.	Arbitration	40
XXIII.	Interpretation and Revision	41

## I. PREAMBLE

Illinois State University, as set forth in its Mission Statement, strives to “work as a diverse community of scholars...[and] promote the highest academic standards in our teaching, scholarship, public service, and the connections we build among them.” Illinois State University, therefore, believes in values that foster an environment where people can work, study, and recreate together as a community.

In establishing this community, it is necessary to communicate explicit behavioral expectations to members of the University community and ensure these standards are consistently enforced. A student attending Illinois State University agrees to be governed by this *Student Code*, as well as by other applicable University policies. The University, through authority given by the University President to the Vice President for Student Affairs and the Dean of Students Office, maintains the exclusive authority to impose sanctions for acts that violate the *Code of Student Conduct*.

## II. TO BE AN ILLINOIS STATE UNIVERSITY STUDENT

To be a student at Illinois State University, we expect you to recognize the strength of personal differences, while respecting institutional values. You are encouraged to think and act for yourself, as that is the purpose of higher education. However, we expect you to understand that the University has non-negotiable values in which it believes strongly. These values include:

- Character
- Conscience
- Civility
- Citizenship
- An Appreciation of Diversity
- Individual and Social Responsibility

These values are the hallmark of the University, and will be protected diligently. Each person has the right and ability to make decisions about his or her own conduct. Just as importantly, each person has the responsibility to accept the consequences of those decisions. When individual behavior conflicts with the values of the University, the individual must choose whether to adapt his or her behavior to meet the needs of the community or to leave the University. This decision, among others, assists each person to determine who he or she is with respect to the rest of society.

## III. DEFINITIONS FOR THE PURPOSES OF THIS DOCUMENT

- A. The term “University” means Illinois State University.
- B. The term “CR&R” means Community Rights and Responsibilities at Illinois State University, a functional unit within the Dean of Students Office.
- C. The term “student” means all persons taking courses at or through the University, both full-time and part-time, pursuing undergraduate or graduate studies, or those individuals who were students at the time of a violation of the Student Code, as well

- as individuals on University premises for any purpose relating to registration for enrollment.
- D. The term “faculty member” means any person employed by the University to conduct academic activities.
  - E. The term “University official” includes any person, including faculty members, employed by the University performing assigned administrative duties or professional responsibilities.
  - F. The term “member of the University community” includes any person who is a student, faculty member, University official, or any other person employed by or affiliated with the University.
  - G. The term “University premises” includes all land, buildings, facilities, or other property in the possession of or owned, used, or controlled by the University, including adjacent streets and sidewalks.
  - H. The term “University property” means all property owned, leased, or on loan to the University.
  - I. The term “private property” means anything of value to which a person has a legal possession or title.
  - J. The term “registered student organization” means an identifiable group of students who have complied with the formal requirements for University recognition and affiliation and have registered for affiliation with the Dean of Students Office.
  - K. The term “student publication” means any written or electronic materials, including but not limited to, brochures, newspapers, and special interest magazines published by students or registered student organizations and distributed to members of the University community.
  - L. The term, “case manager” means any person or persons authorized by the Code of Student Conduct to facilitate the informal resolution of incidents in which a student, students, or student organizations are accused of violating the Code of Student Conduct and to make sanction recommendations as necessary.
  - M. The term “University Hearing Panel advisor” means any individual assigned to advise the University Hearing Panel.
  - N. The term “administrative hearing officer” means the official assigned to hear a specific case by the Dean of Students or his/her designee, and/or the University Housing Services (UHS) professional staff member assigned by the UHS Director to supervise residence hall hearings.
  - O. The terms “complainant” and “aggrieved party” means any person or persons who have filed disciplinary charges against a student.
  - P. The term “accused student” means any student or students who have had disciplinary charges filed against them.
  - Q. The term “mediation” means a voluntary process in which two or more people are assisted by a neutral third party, a mediator, in identifying and satisfying their interests relative to a dispute.
  - R. The term “arbitration” means a voluntary process in which a dispute is heard by a neutral third party, an arbiter, who has the authority to make a decision after hearing arguments and reviewing evidence.
  - S. The term “University business day” means any weekday when school is in session or non-holiday business day when school is not in session.

- T. The term “shall” is used in the imperative sense.
- U. The term “may” is used in the permissive sense.
- V. The term “preponderance of evidence” means a standard of proof in which it is established that something is more likely than not to have taken place.
- W. The term “University-related event” means any activity on or off campus that is initiated, aided, authorized, or supervised by the University or by a registered student organization.
- X. The term “active member” means any person or persons who are formally affiliated with a registered student organization. This affiliation could involve but is not limited to being a paid member, being initiated (where applicable), and/or being included on the roster for the organization with the Student Involvement Center or Greek Affairs.
- Y. The term “alumni/ae member” means any person or persons who were formally affiliated with a registered student organization. This affiliation could involve but is not limited to being a paid member, being initiated (where applicable), or being in some other capacity recognized as a former/graduated member.
- Z. The term “Student Organization Discipline Committee” refers to the individuals appointed to review procedures related to registered student organization discipline. Membership on the Student Organization Discipline Committee includes representatives from CR&R, Greek Affairs, Student Involvement Center, Campus Involvement Ambassadors, Student Government Association, club sports, and academic student organizations.
- AA. The “University Hearing Panel” (UHP) is the formal disciplinary body at the University charged with hearing *Code of Student Conduct* violation cases.
- BB. The “Student Appeals Board” (SAB) serves as the appellate body for decisions other than cases where an accused student fails to meet with a case manager and an administrative decision is rendered.
- CC. The “Student Grievance Committee” (SGC) exists to review grievances concerning individual members of the University community and, when appropriate, attempt to facilitate the resolution of such cases.

#### IV. JURISDICTION AND AUTHORITY

- A. Generally, University jurisdiction and discipline is limited to conduct which occurs on University property, University-related events, or in on-line or hybrid courses connected to Illinois State University. Students and registered student organizations may also be held accountable for conduct off-campus when the conduct demonstrates disregard for person or persons; when the behavior of the student is deemed to threaten the health, safety, and/or property of any individual or group; or when the activity substantially affects the University community. For more information about jurisdiction related to registered student organizations, please refer to student organization procedures information.
- B. Students who are members of a student organization involved in a violation may be subject to the disciplinary process as defined by the *Code of Student Conduct* both as a member of the organization and as an individual.

- C. Students whose actions may violate public law may also be subject to the disciplinary process as defined by the *Code of Student Conduct*.
- D. Students attending a function as a representative of the University (including, but not limited to, students on academic or athletic teams, and students involved in off-campus internships or study) are subject to the *Code of Student Conduct*.
- E. Any person who willingly witnesses or observes a violation of the *Code of Student Conduct* may be subject to disciplinary action if that person chooses to remain present at the violation (passive participation).
- F. The Dean of Students or his/her designee shall develop procedures and policies for the administration of the disciplinary process that are consistent with the provisions of the *Code of Student Conduct*.
- G. Formal rules of due process, procedure, and/or technical rules of evidence such as are applied in criminal or civil courts are not used in the campus disciplinary process.
- H. Decisions made by an administrative hearing officer or the University Hearing Panel shall be final, pending any appropriate appeal process (see Section X).
- I. In some instances, when requested, CR&R may elect to serve as arbiter of disputes within the student community that do not involve a violation of the *Code of Student Conduct*. At these times, an arbiter may be appointed by the coordinator of CR&R. All parties must agree to arbitration and to be bound by the decision of the arbiter with no right to appeal.
- J. The University cannot foresee all violations of the *Code of Student Conduct* within the regulations (see Section V). As such, students may be subject to disciplinary action when their behavior is detrimental or disruptive of the goals and/or purposes of the University and not provided for in the *Code of Student Conduct*.
- K. The University may take interim disciplinary action as outlined in Section VI.

## V. UNIVERSITY REGULATIONS

### A. Protecting the rights, safety, and dignity of the individual

Illinois State University recognizes that it must create an environment where each person's rights, safety, and dignity will be valued and respected. In a University setting, it is particularly important that there be respect for diversity and for differences of opinion. Students deserve to be free from harassment or physical abuse in any form. Especially intolerable are acts directed against individuals based on race, religion, ethnicity, gender, age, disabled status, or sexual orientation. Therefore, any such acts shall subject the offender(s) to a more serious level of sanctioning. The University shall also impose those more serious sanctions upon individuals who direct misconduct at other individuals because they are carrying out duties assigned to them as University officials, on the basis that staff members deserve to be free to perform their duties. The following restrictions are designed to uphold the rights, safety and dignity of the individual. Their violation will result in disciplinary action.

1. **Safety Regulations**. Including such behaviors as:
  - a. falsely reporting a fire, bomb, or any other emergency by means of activating an alarm or by any other means.
  - b. engaging in unauthorized possession, use or alteration of any University-owned emergency or safety equipment.
  - c. failing to evacuate a building or other structure during an emergency, or during emergency drills.
  - d. taking or threatening any action that creates a substantial health or safety risk or reasonable fear of such health or safety risk. (Alleged violations of this Section 1.d. are processed under Section X.E.
  
2. **Damage to Property**. Including such behaviors as:

taking any action that causes damage or which would tend to cause damage to public or private property without the consent of the owner or person legally responsible.
  
3. **Theft**. Including such behaviors as:
  - a. appropriating or attempting to appropriate or possess public or private property without the consent of the owner or person legally responsible.
  - b. obtaining or attempting to obtain any service by devious means.
  - c. maintaining possession of public or private property that is stolen.
  
4. **Dangerous Objects**. Including such behaviors as:
  - a. possessing or using functioning or nonfunctioning firearms on University property or at any University-related event.
  - b. possessing or using fireworks or explosives on University property or at any University-related event.
  - c. possessing or using any device classified as a weapon by the State of Illinois on University property or at any University-related event.
  - d. utilizing any instrument to simulate a weapon in a manner that endangers or tends to endanger any person.

This policy is not intended to hinder organized and approved organizational activities that are in compliance with regulations and policies of Illinois State University and the laws of the State of Illinois.

5. **Hazing**. Including such behaviors as:
  - a. engaging in any act which endangers the mental, emotional, or physical health or safety of a student for the purpose of initiation, admission into,

- affiliation with, or continued membership in any organization or team whose members are or include students of Illinois State University.
- b. engaging in any action where an individual is encouraged to engage in conduct of an unbecoming or humiliating nature, or which in any way detracts from an individual's academic pursuits for the purpose of initiation, admission into, affiliation with, or continued membership in any organization or team whose members are or include students of Illinois State University.
  - c. engaging in any acts such as paddling (using a paddle to strike another individual), creating excessive fatigue, work sessions, physical or psychological shock, wearing apparel which is conspicuous and not in good taste, public stunts, morally degrading or humiliating games or events, or that encourage the illegal or abusive use of alcohol and/or other drugs.

For the purpose of this policy, hazing includes any activity that is inconsistent with regulations or policies of Illinois State University or the laws of the State of Illinois. Acts of this nature are considered hazing whether or not a person willingly participates in such activities.

6. **Misconduct.** Engaging in conduct that threatens or endangers the health or safety of any person, or creates in such person a reasonable fear that such a result will occur, including but not limited to:
  - a. threatening to subject another person to physical harm or unwanted physical contact.
  - b. engaging in any action which is unwanted and results in a reasonable fear for imminent bodily harm and/or the emotional/mental disruption of a person's daily life or educational environment.
  - c. following another person in or about a public place or places such that it creates in such person a reasonable fear for their health or safety.
  - d. inflicting bodily harm or unwanted physical contact upon any person.
  - e. taking any action for the purpose of inflicting harm upon any person.

7. **Sexual Misconduct.** Including such behaviors as:

Engaging in any physical act that is sexual in nature and which is committed under pressure, force, threat, or coercion, or without the full and informed consent of all persons involved.

For the purpose of this policy, consent must be freely and actively given through mutually understandable terms or actions. A person is deemed incapable of giving consent when that person is a minor, is mentally disabled, mentally incapacitated, physically helpless, under the influence of alcohol or drugs to the point of being unable to make a rational decision, unconscious or asleep. A person always retains the right to revoke consent at any time during a sexual act. Alleged



violations are processed under Section X.A; or if they proceed to a hearing, Section X.H.

8. **Arson.** Including such behaviors as:
  - a. setting fire to any public or private property.
  - b. creating a fire hazard or be in unauthorized possession of flammable or hazardous substances.

## **B. Protecting the rights of the University and the educational process**

Illinois State University recognizes that it must create an environment where each student will be free to pursue her or his academic interests without interference from others. This includes upholding the integrity of the academic process as well as providing a community free of disruptions. The following restrictions are designed to foster a healthy and peaceful learning community. Their violation will result in disciplinary action.

### **1. Academic Dishonesty.**

Students are expected to be honest in all academic work. A student's placement of his or her name on any academic exercise shall be regarded as assurance that the work is the result of the student's own thought, effort, and study. Violations include but are not limited to:

- a. possessing or utilizing any means of assistance (books, notes, papers, articles, etc.) in an attempt to succeed at any quiz or examination unless specifically authorized by the instructor.
- b. taking any action with intent to deceive the person in charge as to the student's acting without honesty to complete an assignment, such as falsifying data or sources, providing false information, etc. Students are prohibited from conversation or other communication in examinations except as authorized by the instructor.
- c. appropriating without acknowledgement and authorization another's computer program, or the results of the program (in whole or part) for a computer-related exercise or assignment.
- d. plagiarizing. For the purpose of this policy, plagiarism is the unacknowledged appropriation of another's work, words, or ideas in any themes, outlines, papers, reports, speeches, or other academic work. Students must ascertain from the instructor in each course the appropriate means of documentation.
- e. submitting the same paper for more than one University course without the prior approval of the instructors.
- f. willfully giving or receiving unauthorized or unacknowledged assistance on any assignment. This may include the reproduction and/or dissemination of test materials. Both parties to such collusion are considered responsible.

- g. substituting for another student in any quiz or examination.
  - h. being involved in the unauthorized collection, distribution advertisement, solicitation, or sale of term papers, research papers, or other academic materials completed by a third party.
2. **Disruption.** This policy is not intended to hinder organized, peaceful and orderly protests. Violations include but are not limited to:
- a. disrupting or obstructing teaching, research, administrative, or other University functions, including its public service functions on or off campus, or other authorized non-University activities when these activities occur on University property.
  - b. leading or inciting others to disrupt scheduled and/or normal non-academic activities associated with the operation of the University.
  - c. creating an intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular.
3. **University Records.** Violations include:
- forging, altering, or misusing any official University record or University-issued instrument of identification.
4. **Academic Materials.** Violations include but not limited to:
- knowingly altering, tearing, marking, rendering imperfect, or otherwise damaging or destroying or wrongfully appropriating University-owned or held academic materials.
5. **Other Regulations.** Violations include but not limited to:
- violating any University policies, rules or regulations.

### **C. Promoting personal responsibility and integrity**

The Illinois State University community strongly promotes the development of a personal values system that focuses on each person assuming responsibility for her/his own actions, and on maintaining dignity and truth. The following restrictions outline the parameters within which each individual shall be held responsible. Their violation will result in disciplinary action.

1. **Acts of Dishonesty.** Violations include but not limited to:
- a. knowingly providing false or inaccurate information to any University official or office.

- b. forging, altering, or misusing any document, record, or instrument of identification.
- c. aiding, abetting, or procuring another person to violate any University regulation or policy.
- d. engaging in any electronic exploitation of another person, including eavesdropping on, surveilling, recording and/or broadcasting acts.

2. **Failure to Comply**. Violations include but not limited to:

- a. failing to comply with the reasonable and lawful requests or directives of University officials or law enforcement officers acting in performance of their official duties.
- b. interfering with University officials or law enforcement officers acting in performance of their official duties. Students are required to show proper identification to University officials or law enforcement officers upon demand.

3. **Disorderly Conduct**. Violations include but not limited to:

engaging in conduct that is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community.

4. **Residence Hall Regulations**. Violations include but not limited to:

violating any regulation established within the housing contract, or any supplemental rules communicated by University Housing Services staff.

5. **Guest Policy**.

Students are expected to take reasonable action to prevent their guests from violating University regulations

6. **Alcohol Policy**. Violations include but not limited to:

- a. possessing, purchasing, distributing, selling, or consuming any alcoholic beverage unless that student is at least twenty-one years of age. Students of legal age may possess or consume alcoholic beverages only in specified areas and only in compliance with all other University regulations and guidelines related to alcohol consumption. Students of legal age may not distribute or sell alcohol without a license, and no student of legal age shall purchase, distribute or sell alcoholic beverages to anyone under twenty-one years of age.
- b. Registered Student Organizations must also abide by the University's Alcohol Policy, which provides the conditions by which organizations may host events with alcohol. Please refer to the University's policies web site for specific details.

7. **Drug Policy.** Violations include but not limited to:  
possessing, purchasing, distributing, selling, or consuming any illegal or controlled substance in crude or refined form except under the direction of a licensed physician.
8. **Drug Paraphernalia.** Violations include but not limited to:  
  
possessing any items that are designed for the use of drugs (bowls, bongs, etc.). Any items that are fashioned for the purpose of facilitating or disguising illegal drug or controlled substance use will also be considered a violation of this policy.
9. **Gambling.**  
  
Organized gambling is not allowed on campus. Social games of chance on equal terms with other participants are permitted.
10. **Abuse of the Disciplinary System.** Violations include but not limited to:
  - a. failing to attend meetings required by any case manager, administrative hearing officer or the UHP.
  - b. knowingly providing false, inaccurate, or misrepresented information to any case manager, administrative hearing officer, or the UHP.
  - c. disrupting or interfering with the orderly conduct of a disciplinary proceeding.
  - d. filing a false or inaccurate statement or accusation against another person.
  - e. attempting to discourage an individual's participation in, or use of, the student disciplinary process.
  - f. attempting to influence the impartiality of any case manager or member of UHP, during the course of a disciplinary proceeding.
  - g. intimidating or harassing any case manager or UHP member, prior to, during, and/or after a disciplinary proceeding.
  - h. failing to comply with sanctions imposed under the *Code of Student Conduct*.
  - i. influencing or attempting to influence another person to commit an abuse of the disciplinary system.

## **VI. INTERIM DISCIPLINARY ACTION**

### **A. Interim Disciplinary Action for Students**

1. In certain circumstances, the Vice President of Student Affairs or her/his designee may impose a Disciplinary Suspension or other restrictions. Those circumstances shall be directly related to the institutional concerns outlined below in Section VI, A, 3.

2. In certain circumstances, the Vice President of Student Affairs or her/his designee may impose a residence hall suspension, termination of housing contract, mandated room reassignment or other restrictions prior to the conduct of University disciplinary proceedings. Those circumstances shall be directly related to the institutional concerns outlined below in Section VI, A, 3.
3. In all cases, interim sanctions will be imposed only:
  - a. to ensure the safety and well-being of members of the community or preservation of University property; or
  - b. to ensure a student's own physical or emotional safety and well-being; or
  - c. if the student poses a threat of disruption of or interference with the normal operations of the University.
4. During an Interim Suspension, students shall be denied access to the residence halls and/or to the campus (including classes) and/or all University activities or privileges for which the student might otherwise be eligible, as the Vice President of Student Affairs or her/his designee may determine to be appropriate.
5. Whenever an interim sanction is imposed, a disciplinary proceeding and/or appeal proceeding shall be convened at the earliest possible time. The interim sanction may remain in effect until a final decision has been reached, including any appropriate appeals process, at the discretion of the Vice President of Student Affairs or her/his designee.

#### **B. Interim Disciplinary Action for Student Organizations**

1. In certain circumstances, the Vice President of Student Affairs or her/his designee may impose an Interim Disciplinary Suspension or other interim restrictions on a registered student organization prior to the conduct of University disciplinary proceedings. Those circumstances shall be directly related to the institutional concerns outlined in Section VII, Item D.
2. In all cases, interim sanctions will be imposed only:
  - a. to ensure the safety and well-being of members of the community or preservation of University property; or
  - b. if a registered student organization's continued recognition poses a threat to the safety and well-being of members of the community.
3. Types of interim sanctions for Registered Student Organizations:
  - a. Interim Suspension: Registered student organizations shall be denied official recognition by the University and are prohibited from participating in any University activity or any registered student organization sponsored activity without specific permission from the Vice President for Student Affairs or his/her designee.

- b. **Interim Activity Restriction:** The specific restriction must be specified at the time of notification. This type of restriction includes, but is not limited to, that registered student organizations may be prohibited from participating in any University activity or any registered student organization sponsored activity; restricted from sponsoring activities; prohibited from contact with members; and/or prohibited from holding an organization meeting, without specific permission from the Vice President for Student Affairs or his/her designee.
4. Whenever an interim sanction is imposed on a student organization, a disciplinary proceeding shall be convened at the earliest possible time, pending the normal process requirements. The interim sanction may remain in effect until a final decision has been reached, including any appropriate appeals process, at the discretion of the Vice President of Student Affairs or her/his designee.

## **VII. STUDENT RIGHTS**

Students have a right to expect that all disciplinary proceedings will be handled fairly. All Illinois State University students shall be granted the following due process rights:

- A. A student has the right to be treated with dignity and compassion by the UHP and by all persons involved in the disciplinary process.
- B. A student has the right to information pertaining to counseling assistance available to her/him.
- C. A student has the right to a hearing by an unbiased administrative hearing officer or UHP.
- D. A student has the right to have up to 3 advisors present at all disciplinary meetings or hearings. The advisor's role is limited to advising the student and the advisor may not actively directly participate in any proceedings.

It is the responsibility of the student to make sure his/her advisors are present at the hearing and hearings may not be rescheduled if an advisor is not present.

- E. A student has the right to written notice of the charges placed against her or him that also indicates the time and place of any disciplinary conference or hearing. Proper written notification shall be defined as delivery of mail to a student's University address, as reported by the student to the University Registrar or an e-mail message to the student's established University account (ULID). Students shall be held responsible for being cognizant of the contents of mail sent to reported addresses and for being cognizant of e-mail messages sent to their ULID account.

- F. A student has the right to receive a written copy of the report(s) stating the circumstances and allegations involved. This information shall generally be provided to the student when he or she is notified of the charges.
- G. A student has the right not to present information against herself/himself.
- H. A student has the right to hear and respond to all information presented against her/him. This includes the right to question all parties through the administrative hearing officer or UHP.
- I. A student has the right to present information and/or witnesses on her/his behalf. The number of witnesses who may be called may be determined by the administrative hearing officer or UHP.
- J. A student has the right to written notification of the results of the hearing no later than ten University business days after the hearing.
- K. A student has the right to be informed of his/her right to appeal, and the process for doing so. A student has the right to appeal the outcome of a hearing, except in cases of decisions reached in disciplinary conferences through the consent of all parties.

## **VIII. AGGRIEVED PARTY'S RIGHTS**

When a member of the Illinois State University community has been the victim of an alleged act of misconduct which violates the physical and/or mental welfare of an individual, the victim should expect that the University shall respond in a caring, sensitive manner that allows the victim to utilize the disciplinary process while also maintaining the due process rights of the accused student. In cases including, but not limited to, sexual assault, physical assault, hazing, harassment, and academic integrity, the following rights shall be provided to victims of alleged offenses.

- A. The aggrieved party has the right to be treated with dignity and compassion by the UHP, and by all persons involved in the disciplinary process.
- B. The aggrieved party has the right to information pertaining to the University disciplinary process and appropriate referrals for information on the criminal process.
- C. The aggrieved party has the right to information pertaining to counseling assistance available to her/him.
- D. The aggrieved party has the right to assistance throughout the disciplinary process, including the right to have up to three advisors at all disciplinary meetings and proceedings. It is the responsibility of the aggrieved party to make sure his/her advisors are present at the hearing and hearings may not be rescheduled if an advisor is not present.

- E. The aggrieved party has the right to protections provided to accused students, including the right to written notification of a hearing, the right to hear all information presented to the administrative hearing officer or UHP, the right to present information and witnesses, the right to verbal disclosure of the results of a hearing, and the right to appeal the sanctions imposed as a result of a hearing. Aggrieved parties are reminded that the outcome of any student disciplinary matter is subject to confidentiality.
- F. The aggrieved party has the right to provide information to the administrative hearing officer or UHP from a separate location as long as it does not infringe upon the right of the accused student to a fair hearing.
- G. The aggrieved party has the right to have any unrelated past behavior excluded from the disciplinary process. The administrative hearing officer or UHP shall determine what constitutes unrelated behavior.
- H. The aggrieved party has the right to deliver or submit a written impact statement to the administrative hearing officer or UHP that will be considered only in sanctioning, should there be a finding of violation against an accused student.
- I. The aggrieved party has the right to privacy throughout the disciplinary process with respect to campus and other media, and from all other uninvolved parties.
- J. The aggrieved party has the right to expect to be free from intimidation and harassment throughout the disciplinary process.
- K. The aggrieved party has the right, upon request, to have reasonable steps taken by Community Rights and Responsibilities or other University agencies to prevent any unnecessary or unwanted contact with the accused student(s).

## **IX. STUDENT ORGANIZATION RIGHTS**

Registered student organizations also have a right to expect that all disciplinary proceedings will be handled fairly. All Illinois State University registered student organizations shall be granted the following rights:

- A. Registered student organizations have the right to have their complaint heard by an unbiased disciplinary officer/ body. Registered student organizations have the right to object for cause to a disciplinary officer or member of a disciplinary body. The validity of the objection will be determined by the Dean of Students or his/her designee for discipline conferences; or by a University Hearing Panel advisor for hearings and by the Executive Secretary of SAB for appeal hearings.



- B. Registered student organizations have the right to have up to three advisors present at all disciplinary meetings or hearings. This does not have to be the organization's official faculty/staff advisor. The advisor's role is limited to advising the registered student organization and the advisor may not actively participate in any proceedings. Registered student organizations who are affiliated with an inter/national organization may have one additional advisor present. It is the responsibility of the registered student organization to insure the attendance of the advisor at any proceedings. Meetings and hearings will not be rescheduled to accommodate advisors.
- C. Registered student organizations have the right to written notice of the charges placed against them that also indicates the time and place of any disciplinary conference or hearing. Proper written notification shall be defined as delivery of mail to the registered student organization's address (if a residence is established) or to the registered student organization's mailbox in the Dean of Students Office. The University may also choose to utilize e-mail as a form of notification in disciplinary matters. If so, all e-mail communication will be directed to the registered student organization president's e-mail account established within the University (ULID), and a delivery confirmation will be used.
- D. Registered student organizations charged with violating the *Code of Student Conduct* are required to meet with a professional staff person to facilitate the resolution of the case. The registered student organization may have up to five (5) representatives in attendance at the meeting (including advisor(s)). In cases where the registered student organization is affiliated with an inter/national organization, the registered student organization may have one additional advisor present for a total of six (6) representatives in attendance. Failure to meet with a staff person will result in an additional charge of regulation C10 (abuse of the disciplinary system).
- E. Should the registered student organization decide to have the case heard by the University Hearing Panel, the registered student organization is required to send at least one representative to attend and participate in the hearing process. Failure to attend the hearing will result in an additional charge of regulation C10 (abuse of the discipline system).
- F. Registered student organizations have the right to receive a written copy of the report(s) stating the circumstances and allegations involved. This information shall be provided to the registered student organization when they receive written notice of the charges.
- G. Registered student organizations have the right to not have their status as an organization affected until a final disciplinary outcome is achieved, unless Interim Disciplinary Action is taken (see VI. B).
- H. Registered student organizations have the right to hear and respond to all information presented against them. This includes the right to question all parties through the disciplinary body.

- I. Registered student organizations have the right to present information and/or witnesses on their behalf. The number of witnesses who may be called may be determined by the UHP. Character statements for registered student organizations will only be accepted in written form, and will not be considered in the determining a finding of fact.
- J. Registered student organizations have the right to written notification of the results of the hearing no later than ten University business days after the hearing.
- K. Registered student organizations have the right to appeal the outcome of a hearing, except in cases of decisions reached in disciplinary conferences through the consent of all parties.

## **X. DISCIPLINARY BODIES/OFFICERS AND PROCEDURES**

The University has a number of disciplinary bodies and officers to hear alleged *Code* violations. In determining whether or not a student violated the *Code of Student Conduct*, all disciplinary officers and disciplinary bodies shall make a decision as to whether or not the information presented establishes a preponderance of evidence in support of the allegations, indicating that the information presented would lead a reasonable person to conclude that it was more likely than not that the student violated the cited University regulation(s). The following means shall be utilized to resolve allegations of allegations of student misconduct:

### **A. Disciplinary Conferences**

Alleged violations of the *Code of Student Conduct* shall result in a disciplinary conference with the accused student and a case manager. In the disciplinary conference, the case manager shall review all available information with the student to determine whether or not a decision can be made regarding the student's responsibility without a formal hearing. The following procedures apply to disciplinary conferences:

1. The accused student shall be notified at least five University business days prior to the disciplinary conference and shall be required to attend the scheduled disciplinary conference. The case manager may reschedule the conference when the student is able to demonstrate an appropriate cause for rescheduling a disciplinary conference.
2. If the accused student agrees to accept responsibility for the violation(s) and accepts the recommended disciplinary sanction, a disciplinary agreement may be prepared and agreed to by both. A disciplinary agreement shall constitute an acceptance of the finding and sanction(s), as well as a waiver of the right to a hearing and any appeals process.

3. The case manager may withdraw any charge deemed to be without basis.
4. If the accused student (s) disagrees with the charges and/or sanction(s), the matter shall be referred to a hearing for resolution.
5. If the accused student fails to attend the disciplinary conference, the case manager will review the evidence in support of the charges and render a decision.
6. If the case manager determines that the student's failure to appear at a scheduled disciplinary conference is for good cause, the case manager may reschedule the conference. The case manager shall determine the validity of any excuse.
7. Any student agreeing to a disciplinary suspension or disciplinary dismissal through a disciplinary conference retains the right to appeal the decision to the Student Appeals Board for a period of five University business days from the conference.
8. If the incident under review occurred during the Spring Semester but the case manager could not meet with the student prior to the end of the semester, the complaint will be mailed and e-mailed through the established University account (ULID) to the accused party and the accused party will have the choice to respond in writing, to respond by phone, or to meet with a case manager in person to resolve the situation.

#### **B. Residence Hall Cases**

Residence hall professional staff shall be empowered to hear minor cases of alleged student misconduct for incidents that take place in and immediately around the residence halls. The Assistant Director for Student Conduct or his/her designee from University Housing Services shall be empowered to hear the same types of cases as Community Rights and Responsibilities' staff members. Residence hall professional staff will therefore conduct disciplinary conferences as outlined in Section X, Item A, with the following amendments:

1. Any agreement reached between the residence hall professional staff member and the accused student is subject to review and approval by the Assistant Director for Student Conduct. If the Assistant Director for Student Conduct approves the finding and sanction, a formal letter or email through an established University account (ULID) will be sent to the student notifying them of the decision. If the Assistant Director for Student Conduct declines to approve the finding and/or sanction, the following may occur:
  - a. The Assistant Director for Student Conduct may determine that the finding and/or sanction require amending. If so, the Assistant Director for Student Conduct will notify the accused student of this decision, and

- provide the student with five University business days to appeal the decision.
- b. The Assistant Director for Student Conduct may determine that the case should not be reviewed at the residence hall level and may re-initiate the disciplinary process.
2. Residence hall professional staff shall only be empowered to hear minor cases. Residence hall professional staff may not hear cases involving physical or sexual assault, hazing, academic dishonesty, acts of intolerance and/or harassment, drug violations, or repeated alcohol violations. Any cases that might result in Disciplinary Probation, Disciplinary Suspension, or Disciplinary Dismissal are to be immediately referred to the Assistant Director for Student Conduct for review. Residence hall staff will receive guidance from the Assistant Director for Student Conduct as to what constitutes a minor disciplinary matter.
  3. Residence hall professional staff shall be empowered to impose a censure, but may not impose Disciplinary Probation, Disciplinary Suspension, or Disciplinary Dismissal. Residence hall professional staff shall also be empowered to utilize educational sanctions as provided for by CR&R.
  4. If the accused student fails to schedule or attend the disciplinary conference, the residence hall professional staff shall forward the case to the Assistant Director for Student Conduct for review.

### **C. Academic Integrity Cases**

Faculty members are encouraged to report all instances of academic dishonesty to Community Rights and Responsibilities. Faculty members retain authority to determine grade penalties, but should follow the following procedures in resolving disciplinary complaints:

1. Faculty members who discover academic dishonesty shall arrange to meet with an accused student as soon as possible to discuss the allegation. Prior to this meeting the faculty member may consult with CR&R.
2. If the student acknowledges academic dishonesty and the faculty member is satisfied that the incident has been resolved:
  - a. The faculty member will discuss the grade penalty to be applied and/or the reparation required of the student. Faculty members should adhere to the grade penalty policy, if any, noted in the course syllabus. Faculty members without such a policy in the course syllabus should develop grade penalties consistent with the nature of the offense.
  - b. A *Faculty Referral for Academic Dishonesty* form and the resolution may be forwarded by the faculty member to CR&R, along with recommendations for disciplinary action. A CR&R case manager will

determine if the faculty member's recommendations can be applied in the student's case.

1. If the student does not have previous academic dishonesty violations and is not on disciplinary probation, the case manager can accept the faculty member's recommendation of no disciplinary action.
  2. If the student does have previous academic dishonesty violations and/or is on disciplinary probation, the CR&R case manager cannot accept a faculty recommendation of no disciplinary action and must conduct a disciplinary conference with the student.
  3. If the faculty member recommends disciplinary action, the case manager must conduct a disciplinary conference with the student and determine appropriate disciplinary sanctions.
- c. When a disciplinary conference takes place, a CR&R staff member will determine whether an informal resolution can be reached.
  - d. If an informal resolution cannot be reached through a disciplinary conference, the case will be referred to a formal hearing of the University Hearing Panel.
3. If the student denies the allegation of academic dishonesty or the faculty member believes that the severity of the infraction may warrant a suspension or dismissal from the institution:
    - a. The faculty member will forward a *Faculty Referral for Academic Dishonesty* form to Community Rights and Responsibilities. This form should contain copies of all information to be utilized in the disciplinary process including the names of all parties involved. The student will have access to all information given to CR&R
    - b. A Community Rights and Responsibilities staff member shall conduct a disciplinary conference with the student to review the student's rights in the disciplinary process, the allegations against the student, and the hearing procedures.
    - c. A formal disciplinary hearing will be scheduled to determine if a violation of University regulations has taken place and, if so, the appropriate sanction to apply. In the event of a hearing, the faculty member will be provided the same basic due process rights as an aggrieved party.

- d. No grade penalty should be assigned by the instructor until the University Hearing Panel determines that an act of academic dishonesty has occurred. If the allegation cannot be resolved prior to the end of the current semester, a grade of “Incomplete” should be assigned pending the outcome of the hearing.
  - e. The faculty member will be notified of the outcome of the disciplinary case in order to assign grade penalties for violations.
4. Students receiving a grade penalty for alleged academic dishonesty violations without adherence to the above procedures may file a grievance with the Student Grievance Committee.

#### **D. Registered Student Organization Cases**

Student organizations are collectively responsible for any actions committed by members that serve to reflect upon the organization as a whole or upon the University community. Disciplinary action against organizations is separate from disciplinary action taken against individuals, and the facts of an incident may necessitate action against both an organization and its individual members. Please consult the *Student Organization Procedures Guide* for registered student organization conduct procedures.

#### **E. Health and Safety Risk Cases**

Health and Safety Procedures will be used when an alleged violation of the Code of Student Conduct V.A.1.d. occurs. Once a determination is made, the case will be reviewed by Health and Safety Risk Assessment Committee. The student will meet with a member of this committee at the first available time after the student has received notice that a Health and Safety Conference is necessary. If, during the conference, it is determined that the student accepts responsibility or is found responsible for the violation(s), the officer, in collaboration with Health and Safety Risk Assessment Committee will determine an appropriate intervention/sanction(s). The officer may impose any sanction provided for in this Code. A student found responsible for violating the Code as a result of a Health and Safety Conference may appeal the decision to the Health and Safety Risk Assessment Committee or designee. Please consult the *Health and Safety Procedures Guide* for specifics.

#### **F. Policy Violations**

Alleged Policy Violations under Code Section A.7. and/or V.B.5 will be considered using existing processes for determining whether the University policies, rules or regulations have been violated. (e.g., University Policy on Harassment and Discrimination, Policy for Unauthorized Release of Protected Health Information, etc.). Please consult the University Policy site for specifics.

### **G. University Hearing Panel Procedures**

The University Hearing Panel is the formal disciplinary body at the University charged with hearing *Code of Student Conduct* violation cases. Cases referred to the University Hearing Panel (UHP) shall be operated under the following procedures:

1. Students accused of violating University regulations shall be notified in writing at least ten University business days prior to the hearing. This notification will include the cited regulations, as well as the names of those people being asked to attend the hearing as witnesses, except where such disclosure would place a person's physical welfare in jeopardy.
2. Hearings shall be closed to the public.
3. Admission of any person to the hearing shall be at the discretion of the UHP and its advisor.
4. In hearings involving more than one accused student, the University Hearing Panel may permit the hearings concerning each student to be conducted separately.
5. The accused student(s) and the aggrieved party may be assisted by up to three advisors during the hearing, at their own expense. All persons appearing before the Panel, however, are responsible for presenting their own information. Advisors are not permitted to speak to the Panel or to participate directly in any hearing. No form of representation is allowed except in cases where assistance is required to present information based on a documented disability, as defined in the Americans with Disabilities Act (ADA).
6. University Hearing Panel members are randomly selected to hearing dates and times at the beginning of each semester. Each hearing panel shall consist of three members of the University community, drawn from a pool of at least twelve students, and twenty faculty and staff. A fourth panel member shall be appointed to each hearing as an alternate. In academic integrity cases, the fourth member will be selected from the pool of faculty. No hearing shall proceed with fewer than three panel members except with the explicit written consent of all accused student(s) and any aggrieved party. The composition of any specific panel is randomly determined, but each panel must have at least one student and one faculty member serve on the panel. Please refer to Section XVI for additional information about the University Hearing Panel. However:
  - a. All cases involving academic dishonesty will include one student, and two faculty members as panel members.

- b. All cases involving aggrieved parties will also take into account the panel composition request of the aggrieved party.

The accused student(s) and aggrieved party may request that a specific member of the UHP be excluded from the hearing for cause. The final decision on such requests shall be made by the CR&R coordinator. No student, faculty or staff member may serve on the UHP in a case where that person has a personal involvement or special interest in the case, or personal knowledge of participants in the case that would impede the impartiality of the panel member.

7. A trained professional staff member or graduate student shall be assigned to serve as the advisor to each hearing panel. The UHP advisor does not have a vote in the outcome of the proceedings.
8. At the beginning of each hearing, an opening statement will outline the procedures to be utilized during the hearing. The accused student(s) shall then be asked to respond to each alleged violation of University regulations by stating one of the following:
  - a. In Violation of the University regulation.
  - b. Not In Violation of the University regulation.
  - c. In violation of the University regulation with an explanation.
9. The complainant(s) and accused student(s) shall have the privilege of presenting witnesses, subject to the right of questioning by the UHP.
10. Both the accused student(s) and aggrieved party have the right to question all witnesses at the conclusion of such questioning by the UHP.
11. After the hearing, the UHP shall determine (by majority vote) whether the student has violated the specified University regulations. Accused students shall be found either In Violation or Not In Violation. Deliberations of the hearing are open only to the Panel and its advisor.

The UHP's determination shall be made on the basis of whether or not there is a preponderance of the evidence to support the finding of a violation, indicating that it is more likely than not that the student committed the violation.
12. When a student is found In Violation of any University regulations, the UHP shall then be informed of the student's previous disciplinary history. This information may then be considered in the development of a sanction.
13. At University Hearing Panel hearings, there shall be a single, verbatim record, such as a taped recording, of all hearings. The records shall be the exclusive property of the Dean of Students Office and Illinois State University. CR&R shall establish a written policy for an accused or aggrieved party to have access



to this record only for the purpose of filing an appeal. Tapes are only maintained by CR&R one week after the appellate process and are then erased. To gain access to a hearing tape the accused student or aggrieved party must contact CR&R.

14. If a student accused of violating University regulations fails to attend a scheduled hearing, the hearing will be held in the student's absence, and the student will be assumed to have entered a claim of Not In Violation to each cited regulation, but will have forfeited the opportunity to present any information and/or witnesses on her/his behalf. No student shall be found to have violated the Code solely because the student failed to appear before the UHP. If the case manager responsible for sending the case to the hearing determines that the student's failure to appear at the scheduled hearing is for good cause, the case manager may ask to have the hearing rescheduled. CR&R shall determine the validity of any excuse.
15. After each hearing, a written statement shall be produced, indicating the findings as well as a brief rationale for the decision. This information shall be mailed to the student in the form of a decision letter within ten University business days. The deadline for a student's appeal of the decision is ten University business days from the date noted on the letter of decision.

## **H. Administrative Hearing Procedures**

If it is determined that a hearing is warranted/needed, the University may decide to have the case heard in an administrative hearing led by a full-time staff member working in the Dean of Students Office or the Assistant Director for Student Conduct in University Housing Services instead of a hearing before the University Hearing Panel. Violations of Section A.7 and/or B.5 will be heard using the administrative hearing procedures. The only cases that cannot be heard administratively are cases involving Academic Integrity violations. Cases referred for an administrative hearing shall operate under the following procedures:

1. Students accused of violating University regulations shall be notified in writing at least ten University business days prior to the hearing. This notification will include the cited regulations, as well as the names of those people being asked to attend the hearing as witnesses, except where such disclosure would place a person's physical welfare in jeopardy.
2. Hearings shall be closed to the public.
3. In hearings involving more than one accused student, the administrative hearing officer may at his/her discretion permit the hearings concerning each student to be conducted separately.

4. The accused student(s) and the aggrieved party may be assisted by up to three advisors during the hearing, at their own expense. The accused student and aggrieved party, however, are responsible for presenting their own information. Advisors are not permitted to speak directly to the administrative hearing officer or to participate directly in any hearing. No form of representation is allowed except in cases where assistance is required to present information based on a documented disability, as defined in the Americans with Disabilities Act (ADA).
5. The administrative hearing officer selected shall be a full-time staff member within the Dean of Students Office or serve as the Assistant Director for Student Conduct in University Housing Services.
6. At the beginning of each hearing, an opening statement will outline the procedures to be utilized during the hearing. The accused student(s) shall then be asked to respond to each alleged violation of University regulations by stating one of the following:
  - a. In Violation of the University regulation.
  - b. Not In Violation of the University regulation.
  - c. In Violation of the University regulation with an explanation.
7. The complainant(s) and accused student(s), shall have the right to present witnesses, subject to the right of questioning by administrative hearing officer.
8. Both the accused student(s) and aggrieved party have the right to question all witnesses at the conclusion of such questioning by the administrative hearing officer. Those questions are directed through the administrative hearing officer.
9. The administrative hearing officer shall determine whether or not a student is In Violation or Not In Violation based on whether that person can conclude whether or not there is a preponderance of information to support the finding of a violation. When a student is found in violation of any University regulations, the student's previous disciplinary history can be considered in developing sanctions.
10. If a student accused of violating University regulations fails to attend a scheduled administrative hearing, the hearing will be held in the student's absence, and the student will be assumed to have entered a claim of Not In Violation to each cited regulation, but will have forfeited the opportunity to present any information and/or witnesses on her/his behalf. No student shall be found to have violated the Code solely because the student failed to appear at his/her scheduled administrative hearing. If the case manager responsible for sending the case to the hearing determines that the student's failure to appear at a scheduled disciplinary hearing is for good cause, the case manager may reschedule the hearing. The case manager shall determine the validity of any excuse.

11. After each hearing, a written statement shall be produced, indicating the findings, as well as a brief rationale for the decision. This information shall be mailed and emailed through a University ULID account, to the student in the form of a decision letter within five university business days. The deadline for a student's appeal of the decision is ten university business days from the date noted on the letter of decision.

## **I. Hearing Procedures for Student Organization Cases**

Student Organization Cases referred to a hearing shall be operated under the following procedures:

1. Registered student organization(s) accused of violating University regulations shall be notified in writing at least ten University business days prior to the hearing. This notification will include the cited regulations, as well as the names of those people being asked to attend the hearing as witnesses, except where such disclosure would place a person's physical welfare in jeopardy. RSO's shall determine which members will represent the organization during the hearing process.
2. Hearings shall be closed to the public.
3. Admission of any person to the hearing shall be at the discretion of the UHP and its disciplinary advisor.
4. The accused registered student organization(s) and the aggrieved party may be assisted by an advisor during the hearing. All persons appearing at a hearing, however, are responsible for presenting their own information. Advisors are not permitted to speak or to participate directly in any hearing. No form of representation is allowed except in cases where assistance is required to present information based on a documented disability, as defined in the Americans with Disabilities Act (ADA).
5. University Hearing Panel Members are randomly assigned to hearings dates and times and the beginning of each semester. The composition for student organization hearings is randomly determined with the following exception:
  - a. All cases involving registered student organization(s) will include at least one peer-type registered student organization member (i.e. Greek, Sport Club Member, etc.) and one general registered student organization member who is a non-peer group member.
6. In University Hearing Panel cases, the accused registered student organization(s) and aggrieved party may request that a specific member of the UHP be excluded from the hearing for cause. The final decision on such requests shall be made by the Dean of Students or his/her designee. No student, faculty or staff member may

serve on the UHP in a case where that person has a personal involvement or special interest in the case, or personal knowledge of participants in the case that would impede the impartiality of the panel member.

7. A trained professional staff member or graduate student shall be assigned to serve as a disciplinary advisor to each hearing panel. The disciplinary advisor does not have a vote in the outcome of the proceedings. No one may serve as disciplinary advisor in a case where that person has a personal involvement or special interest in the case.
8. At the beginning of each hearing, an opening statement will outline the procedures to be utilized during the hearing. The accused registered student organization(s) shall then be asked to respond to each alleged violation of University regulations by stating one of the following:
  - a. In Violation of the University regulation.
  - b. Not In Violation of the University regulation.
  - c. In violation of the University regulation with an explanation.
9. The complainant(s) and accused registered student organization(s) shall have the privilege of presenting witnesses, subject to the right of questioning by the Panel (in UHP cases) or the hearing officer (in administrative hearings).
10. Both the accused registered student organization(s) and aggrieved party have the right to question all witnesses at the conclusion of such questioning by the Panel.
11. Pertinent records, exhibits, and/or written statements may be accepted for consideration by the UHP at their discretion.
12. All procedural questions are subject to the final decision of the UHP.
13. In University Hearing Panel cases, the Panel shall determine (by majority vote) whether the student has violated the specified University regulations. Accused registered student organization(s) shall be found either In Violation or Not In Violation. Deliberations of the hearing are open only to the Panel and its advisor. The Panel's determination shall be made on the basis of whether or not there is a preponderance of the information to support the finding of a violation, indicating that it is more likely than not that the registered student organization(s) committed the violation. When a registered student organization(s) is found In Violation of any University regulations, the Panel shall then be informed of the registered student organization(s)' previous disciplinary history (up to, but not to exceed those incidents occurring within the last five (5) years). This information may then be considered in the development of a sanction.
14. For all hearings, there shall be a single, verbatim record, such as a taped recording. The records shall be the exclusive property of the Dean of Students

Office and Illinois State University. CR&R shall establish a written policy for an accused or aggrieved party to have access to this record only for the purpose of filing an appeal. Tapes are only maintained by CR&R one week after the appellate process and are then erased. The process for gaining access to a hearing tape is described on the CR&R web site.

15. If a registered student organization accused of violating University regulations fails to attend a scheduled hearing, the hearing will be held in the registered student organization's absence, and the registered student organization will be assumed to have entered a claim of Not In Violation to each cited regulation, but will have forfeited the opportunity to present any information and/or witnesses on their behalf. No registered student organization shall be found to have violated the Code solely because the registered student organization failed to appear at a hearing. If the case manager responsible for the hearing determines that the registered student organization's failure to appear at a scheduled disciplinary hearing is for good cause, that person may reschedule the conference. The case manager shall determine the validity of any excuse.
16. After each hearing, a written statement shall be produced, indicating the finding of fact and sanction rationale. This information shall be mailed to the registered student organization in the form of a decision letter within five University business days. The deadline for a registered student organization's appeal of the decision is ten class days from the date noted on the letter of decision.

## **J. Appeals Procedures**

All appeals other than cases where an accused student fails to meet with a case manager and an administrative decision is rendered shall be subject to the following procedures:

1. A decision may be appealed by the accused student and/or the aggrieved party to the Student Appeals Board (SAB) within ten University business days of the initial decision letter.
2. Appellants shall utilize the Appeals form (located on the CR&R website) and shall e-mail or deliver appeals for the Chairperson of SAB. The Chairperson of SAB should meet with the appealing party prior to the appeal hearing to review procedures and answer questions about the party's rights in the appeals process.
3. The appeal hearing shall be a formal proceeding. The appealing party shall provide a rationale for the appeal and be questioned by the members of SAB. Responding parties shall also be given an opportunity to provide a statement and be questioned by members of SAB.

4. Except as required to explain the basis of new information, an appeal shall be limited to the review of the record of the original proceeding and/or supporting documents for determining if one or more of the following conditions exist:

- a. Procedural Error

To determine whether or not the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures. Deprivation of due process rights shall be considered procedural error. Any error committed must be determined to have substantially impacted the fairness of the disciplinary process.

- b. Unsupported Conclusion

To determine whether or not the decision reached regarding the accused student was based on substantial evidence and a reasonable conclusion based on a preponderance of the evidence standard.

- c. Disproportionate Sanction

To determine whether the sanction(s) imposed were appropriate for the violation of the Code that the student was found to have committed.

- d. New Information

To consider new information, sufficient to alter a decision, or other relevant facts not brought out at the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

5. SAB may, after reviewing all available and relevant information, elect to:

- a. Affirm the finding and sanction originally determined.

- b. Affirm the finding and modify the sanction. In cases where the accused student is the appealing party, the sanction may not be increased. In cases where the aggrieved party is the appellant, the sanction may be increased or reduced by SAB as it deems appropriate.

- c. Remand the case for a new hearing.

- d. Dismiss the case.

6. The members of SAB shall not supplant their judgment over the decision of the original hearing body, but only review the original hearing process and outcome to determine if the appellant was given a fair hearing and to determine if the

outcome of the hearing was consistent with the information provided to the University Hearing Panel or administrative hearing officer.

- a. Sanctions should only be increased or reduced if found to be clearly disproportionate to the gravity of the violation, precedent for similar offenses and/or the accused student's prior disciplinary record.
  - b. Cases should be remanded to a new hearing if specified procedural errors were so substantial as to effectively deny the accused student a fair hearing.
  - c. Cases should only be dismissed if the finding of the UHP or the administrative hearing officer is held to be arbitrary and capricious.
7. The results of the appeal hearing shall be announced verbally to the appealing party at the close of the hearing and provided in writing to the appealing party within ten University business days of the decision by the SAB Chair.

All appeals involving cases where an accused student fails to meet with a case manager and an administrative decision is rendered shall be subject to the following procedures:

1. A decision may be appealed to the Dean of Students or his/her designee within ten University business days of the initial decision letter. Such appeals shall utilize the Appeals form and shall be e-mailed or delivered to CR&R.
2. The appeals form will be given to the Dean of Students or his/her designee.
3. The appeal meeting shall be an informal proceeding. The appealing party shall provide a rationale for the appeal and be questioned by Dean of Students or his/her designee.
4. Except as required to explain the basis of new information, an appeal shall be limited to the review of the record of the original proceeding and/or supporting documents for determining if one or more of the following conditions exist:

- a. Procedural Error

To determine whether or not the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures. Deprivation of rights shall be considered procedural error. The appeal body must determine if an error was committed and if so if this error had a substantial impact on the fairness of the disciplinary process.

- b. Unsupported Conclusion

To determine whether or not the decision reached regarding the accused student was based on evidence and a reasonable conclusion, such that a preponderance of evidence existed in support of the violation(s).

c. Disproportionate Sanction

To determine whether the sanction(s) imposed were appropriate for the violation of the Code that the student was found to have committed.

d. New Information

To consider new information, sufficient to alter a decision, or other relevant facts not brought out at the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

5. The Dean of Students or his/her designee may, after reviewing all available and relevant information, elect to:
  - a. Affirm the finding and sanction originally determined.
  - b. Affirm the finding and modify the sanction. In cases where the accused student is the appealing party, the sanction may not be increased. In cases where the aggrieved party is the appellant, the sanction may be increased or reduced by the Dean of Students or his/her designee as deemed appropriate.
  - c. Remand the case back to the case manager for hearing.
  - d. Dismiss the case.
6. Sanctions should only be increased or reduced if found to be clearly disproportionate to the gravity of the violation, precedent for similar offenses and/or the accused student's prior disciplinary record.
7. Cases should be remanded for a hearing if specified procedural errors were so substantial as to effectively deny the accused student a fair hearing.
8. Cases should only be dismissed if the finding of the case manager is held to be arbitrary and capricious.
9. The imposition of sanctions will normally be deferred during the appeals process.
10. The results of the appeal shall be announced verbally to the appealing party at the appeal meeting and provided in writing and email through an established



University account (ULID) to the appealing party within ten university business days of the decision.

### **K. Negotiated Disciplinary Agreements**

In disciplinary cases involving both an accused student and an aggrieved party, both parties may request that the case be referred to Community Rights and Responsibilities for alternative resolution. In such a case, the following procedures shall apply:

1. Both/all parties involved must agree to the referral.
2. The accused student shall not contest that the *Code of Student Conduct* was violated. Instead, the incident report and related charges shall appear in the student's disciplinary record with no formal finding of violation.
3. The goal of the dispute resolution session is to develop an agreement between the parties on an acceptable sanction. Any official written University sanction (Censure, or Disciplinary Probation) must be approved by CR&R staff before the decision is considered final. Cases that might result in Disciplinary Suspension or Disciplinary Dismissal, as well as those cases involving physical and/or sexual misconduct may not be referred to alternative dispute resolution.
4. If a mutual agreement cannot be reached, the case shall be referred to a hearing for resolution. No information regarding the alternative dispute resolution session may be provided to the UHP or administrative hearing officer.
5. If a mutual agreement is reached, it will be signed by both/all parties and maintained in the accused student's disciplinary record.
6. CR&R is responsible for insuring compliance with negotiated disciplinary agreements. Students failing to uphold an agreement shall be referred to the student disciplinary process for failing to complete a sanction.

## **XI. DISCIPLINARY SANCTIONS**

When students are found in violation of University regulations, sanctions shall be imposed. The purpose of sanctioning is to educate a student as to why her/his behavior is inappropriate, as well as to make the student aware of and sensitive to all the possible consequences of the behavior in question. Sanctions for misconduct will be determined on a case by case basis, utilizing three main criteria: a) the nature of the offense; b) the precedent established at the University for similar offenses, and; c) the previous disciplinary history of the student, as well as the student's attitude and behavior throughout the disciplinary process.

Sanctions shall always be comprised of two components: a) an "inactive sanction" or written sanction (Censure, Disciplinary Probation, Disciplinary Suspension, or Disciplinary Dismissal),

as well as; b) an “active sanction” or educational sanction, requiring the student to complete some form of service or assignment requiring the student’s active participation.

The sanctioning process is outlined in the “A Guide to Sanctioning” published regularly by CR&R and maintained on the CR&R web site.

A. The following sanctions may be imposed by a case manager, administrative hearing officer, or UHP upon any student found to have violated the Code:

1. Censure

A censure is an official statement that the student has violated a University regulation, and serves as a formal reprimand. A censure also indicates that future violations will likely result in more serious level of sanctioning.

2. Disciplinary Probation

Disciplinary Probation is a serious encumbrance on the student’s good standing in the University community, and serves as a “near removal” status. Disciplinary Probation will last at least one semester and any subsequent violations during the probationary will be viewed as both a violation of University regulations and a violation of the probation. No more than three Disciplinary Probation sanctions shall be imposed on a student prior to that student being removed from the University community, though the student may be removed prior to this condition.

A student on disciplinary probation may not hold any elected office at the University and is ineligible for a sophomore housing exemption to move to a fraternity or sorority house. At the end of the disciplinary probation period, all lost privileges shall be restored.

3. Deferred Suspension

Deferred Suspension is a notice to a student that his or her actions are of such a serious nature that removal from the University for a period of time is recommended. The University will defer the suspension as long as the student meets all requirements set by the University Hearing Panel, administrative hearing officer or case manager. Any additional incidents in which the student is found in violation of the Code of Student Conduct would result in immediate removal from the University for a period of time and the possibility of additional sanctions. No more than one deferred suspension shall be imposed on a student prior to the student being removed from the University community.

While a student is serving a deferred suspension, he or she may not hold elected office, is ineligible for a sophomore housing exemption to live in a fraternity or sorority house, and may not represent the University in any official capacity,

including intercollegiate athletics, major extracurricular activities (including forensics, debate, plays and musicals) or student exchange programs. At the end of the deferred suspension period, all lost privileges and eligibility shall be restored.

4. Disciplinary Suspension

Disciplinary Suspension establishes a fixed period of time during which the student may not participate in any academic or other activities of the University. At the end of the suspension period, the student may be readmitted only upon the recommendation of the Dean of Students or his or her designee.

5. Disciplinary Dismissal

Disciplinary Dismissal denies the student the right to participate in any academic or other activities of the University. This is a permanent exclusion from the University community.

6. Restrictions

A restriction takes away a privilege that the student may have.

7. Active/Educational Sanctions

Disciplinary bodies are strongly encouraged to impose “active” and educational sanctions that promote learning and understanding. These sanctions may be developed as necessary by a case manager, UHP or administrative hearing officer. Among the previously established educational sanctions are:

- A. Alcohol Education Program
- B. Attendance at Educational Programs
- C. Conflict Management Training
- D. Educational Service Hours
- E. Ethics Workshop
- F. Reflective Exercises
- G. Restitution

8. Disciplinary Fines

Fines are utilized as a deterrent to further student misconduct, and are most often employed in cases involving the use of alcohol and other drugs. Disciplinary fines are, however, also utilized for frequent offenders of University regulations.

- B. More than one sanction may be imposed for any violation.

- C. Case managers, UHP, and administrative hearing officers may impose other restrictions, such as restriction from class registration and other academic activities as is deemed necessary.

## **XII. DISCIPLINARY RECORDS**

- A. In compliance with the state law and University policy, records of disciplinary action are to be maintained for a minimum of five years. Records will be maintained by CR&R for a period of five years past the date at which the student returns to good standing in the University community. In cases of disciplinary suspension or disciplinary dismissal, the record will be maintained indefinitely.
- B. In compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), all disciplinary records are considered confidential records, except as otherwise provided by law. Only those persons authorized by the student or by CR&R may have access to these records.
- C. Exceptions for parental and public notification are provided in Section XIII.

## **XIII. PARENTAL AND PUBLIC NOTIFICATION**

- A. In cases where a student found in violation of University regulations is under the age of twenty-one and is also financially dependent (as noted on federal tax forms), parents and legal guardians will be notified when:
  - 1. The student is found in violation of alcohol or drug related regulations and is given the sanction of Deferred Suspension, Disciplinary Suspension, Disciplinary Dismissal, or if the student accrues two or more semesters of Disciplinary Probation.
  - 2. The student is found in violation of physical or sexual misconduct towards another person and is given the sanction of Deferred Suspension, Disciplinary Suspension, Disciplinary Dismissal, or if the student accrues two or more semesters of Disciplinary Probation.
- B. Parents and legal guardians will be notified of such decisions only after the conclusion of all appropriate appeal processes.
- C. Parents and legal guardians will be notified via a letter sent (by proof of mailing) to the student's permanent address.
- D. Once notified, parents and legal guardians will be provided full disclosure of the specific incident leading to the sanction upon written request. Requests for access to

previous or subsequent disciplinary action (except those cases meeting the criteria established in Section XIII, Item A, above) will require a signed consent form from the student.

- E. At no time will CR&R provide any information that divulges to the public the name, address, or other identifying personal information of anyone involved in the disciplinary process.

#### **XIV. UNIVERSITY HEARING PANEL**

Membership on the University Hearing Panel shall be governed by the following procedures:

- A. Each hearing panel shall consist of three members of the University community, drawn from a pool of at least twelve students, and twenty faculty and staff. A fourth panel member shall be assigned as an alternate in each case.
- B. Students serving on the UHP are first nominated by the coordinator of Community Rights and Responsibilities. They must be in both good academic and disciplinary standing with the University. Nominations are forwarded to the Rules Committee of the Academic Senate for their recommendation. Students are then elected by the Student Government Association based on the recommended list of nominees. Students may serve until graduation. A comprehensive recruitment campaign will be conducted at least once annually, with special recruitment campaigns being implemented as necessary to maintain an appropriate pool of members.
- C. Students selected to serve on the UHP must be in both good academic and disciplinary standing with the University. The Dean of Students or his or her designee reserves the right to establish more stringent requirements. A student's application will authorize the release of necessary records for verification purposes.
- D. Those students selected for UHP membership must complete an initial course of training before their service may begin. Mandatory additional training shall be offered at least twice each semester.
- E. Once selected, students may serve on the UHP until graduation. They may be removed from membership at the discretion of the CR&R coordinator for any of the following reasons: failure to participate in training activities, failure to attend scheduled hearings, poor performance appraisals, failure to maintain good academic standing, violation of University regulations, failure to uphold confidentiality requirements, or other issues as specified by the coordinator.

- F. Each semester the CR&R coordinator shall remove one student from the UHP to serve as a volunteer Student Advisor, offering information on the disciplinary process to students accused of violating University regulations. This service is not a part of due process requirements, but is a courtesy of CR&R. No student shall serve as Student Advisor for more than four consecutive semesters. The Student Advisor must serve as a member of the UHP for at least one semester before being eligible to serve as advisor.
- G. Faculty and staff members serving on the UHP are first nominated by the Rules Committee of the Academic Senate. They are then elected by the Faculty Caucus. Faculty and staff serve two year terms. Faculty and staff may be reappointed.
- H. Those faculty and staff appointed to UHP membership must complete an initial course of training before their service may begin. Mandatory additional training shall be offered as needed each semester. All training sessions shall be scheduled individually with CR&R staff, or the faculty or staff member may elect to attend student training programs.
- I. Faculty and staff members of the UHP may be removed from membership at the discretion of the CR&R coordinator for any of the following reasons: failure to participate in training activities, failure to attend scheduled hearings, poor performance appraisals, termination or expiration of employment, violation of University regulations, failure to uphold confidentiality requirements, or other issues as specified by the coordinator.
- J. The coordinator of CR&R will notify the Academic Senate of changes in faculty or staff membership, and will seek replacement appointments as necessary.

## **XV. STUDENT GRIEVANCE COMMITTEE**

The Student Grievance Committee (SGC) exists to review grievances concerning individual members of the University community and, when appropriate, attempt to facilitate the resolution of such cases. A grievance is defined as a complaint arising out of any unauthorized or unjustified act or decision by a member of the University community that adversely affects the status, rights or privileges of any student in a substantive way.

- A. Grievances shall be subject to the following procedures:
  - 1. If recommending that the case be referred to the University Mediation Program, the investigation of the case shall be delayed pending the mediation process.

2. The complaining party must attempt an informal resolution of the matter prior to initiating the grievance process. At minimum, this must include informal discussion with the accused party to seek an equitable solution to the problem. If this cannot be accomplished, the complaining party must then bring the matter to the attention of the department chair, administrative officer, or staff supervisor, allowing an opportunity for resolution at this level.
3. Any student alleging a violation of the *Code of Student Conduct* shall report the incident to Community Rights and Responsibilities, whose office has jurisdiction over such allegations.
4. Any student alleging violation of rights on the basis of race, color, religion, ancestry, sexual orientation, age, physical or mental disability, national origin, ethnicity, gender, veteran's status or marital status shall report the incident to the Office for Diversity and Affirmative Action (ODAA), whose office has jurisdiction over such allegations. The director of ODAA or a member of the Office for Diversity and Affirmative Action shall investigate the allegations.
5. The initial review of a case is a confidential blind review, in which all names and specific identifying references are removed from the written grievance. Before the Student Grievance Committee is given the case for blind review, the Executive Secretary for SGC will contact the person accused of a grievance to see if that person wishes to provide information to the SGC. That information should also be given to the SGC during the blind review. The Committee as a whole determines if there is sufficient cause within the petition to merit further investigation. If not, the grievance is denied and the complainant and the accused are both notified of this outcome.
6. If the SGC votes to investigate the matter further, both the complainant and the accused are notified and the case is assigned an investigation team of one student and one faculty member from the SGC.
7. At the conclusion of the investigation, the SGC will reconvene and consider the information obtained by the investigation team. At this point, the SGC may do the following:
  - A. Deny the grievance
  - B. Recommend that the case be referred to the University Mediation Program
  - C. Recommend a specific outcome to the accused with cause
  - D. Convene a formal hearing
8. If denying the grievance, all parties will be notified of the decision and the complainant may appeal this decision to the Student Appeals Board.

9. If the SGC recommends a specific outcome with cause, both/all parties will be notified of the decision. Either party may appeal this decision to SAB within ten University business days of the initial decision letter. Should the accused decline to act upon this recommendation within a specified period of time, the case shall be referred to the appropriate supervising Vice President, who is empowered to resolve the impasse and implement any appropriate resolution. Appeals of this decision by either party shall be referred to the President.
  10. If convening a formal hearing, the SGC will observe all rules for hearings of the University Hearing Panel. The SGC in its deliberations must either find cause against the accused and identify a specific resolution, or find no cause and dismiss the grievance. The results of any formal hearing are subject to appeal by both parties to SAB within ten University business days of the initial decision letter.
  11. All grievance files and records, including tapes, shall be maintained by CR&R for five years. A summary of the grievance will be maintained for an additional five years in accordance with state laws and University policy.
- B. Membership on the Student Grievance Committee shall be governed by the following procedures:
1. The members of the SGC shall be five faculty members and two alternate faculty members selected by the Rules Committee and nominated by the Faculty Caucus, five student members and two alternate student members nominated by the Student Government Association, all appointed by the President. The Dean of Students (or her/his designate) serves as the non-voting executive secretary to SGC. Faculty are appointed for three year staggered terms. Students are appointed on an annual basis. Undergraduate students serving on the committee must be full-time students. Graduate students must be admitted to an authorized degree or credential program and be a full-time student.
  2. Quorum will consist of two students, three faculty members, and the Executive Secretary or her/his designee.

## **XVI. STUDENT APPEALS BOARD**

The Student Appeals Board (SAB) serves as the appellate body for decisions other than cases where an accused student fails to meet with an administrative hearing officer and an administrative decision is rendered. SAB is charged with the responsibility for conducting a regular review of the *Code of Student Conduct*, as well as offering recommended revisions. SAB is also responsible for reviewing, upon written request of students or University agencies, the rules and regulations affecting students established by any University agency to determine if



such rules and regulations are consistent with the philosophy and intent of the *Code of Student Conduct*.

- A. Meetings of SAB shall be subject to the following procedures:
  - 1. All meetings to review appeals shall be closed to the public.
  - 2. Procedures for the review of appeals are outlined in Section X, Item H.
- B. Membership on the Student Appeals Board (SAB) shall be governed by the following procedures:
  - 1. The members of the SAB shall be five faculty members nominated by the Faculty Caucus, five students nominated by the Student Government Association, all appointed by the President. A professional staff member not employed by the Dean of Students Office shall be appointed by the Vice President of Student Affairs to serve as the non-voting Chair to SAB and shall not participate in the deliberations or in the appellate decision. Faculty members are appointed for three year staggered terms. Students are appointed on an annual basis. Undergraduate students serving on the committee must be full-time students. Graduate students must be admitted to an authorized degree or credential program and be a full-time student.
  - 2. A quorum will consist of five members, with a minimum of two students and two faculty.
  - 3. SAB reserves the right to conduct initial screenings of appeals through electronic meetings, assuring the confidentiality of all parties involved.

## **XVII. ARBITRATION**

In cases of non-disciplinary student conflicts with other students, CR&R shall maintain qualified faculty and staff to serve as arbiters of student conflicts. This process is primarily designed to assist students in dealing with private property or monetary disagreements that are not being referred to civil or criminal courts, such as utility bills, borrowed property, etc. In arbitration, a neutral third party reviews information offered by all disputants prior to rendering a decision. Arbitration shall be conducted as follows:

- A. CR&R shall maintain a list of qualified arbiters and assign a neutral third party to each case.
- B. Both/all parties involved must agree to the arbitration and the person selected as the arbiter.
- C. Both/all disputants must initially meet with CR&R staff to review the arbitration process and sign an agreement that they will abide by the decision of the arbiter.

All disputants must also agree that no information from the arbitration will later be introduced into any other public or private proceeding.

- D. The decision of the arbiter is final and binding, subject to enforcement by CR&R.

### **XVIII. INTERPRETATION AND REVISION**

- A. Any question of interpretation regarding the *Code of Student Conduct* shall be referred to the Student Appeals Board for final review and judgment.
- B. All proposed amendments to the *Code of Student Conduct* are to be initiated by SAB, in consultation with CR&R. Proposed changes shall then be reviewed and approved by the Student Government Association (SGA). Following SGA approval, the document will then proceed through the University governance procedures through the Academic Senate.