

**Illinois State University
Code of Student Conduct**

Effective August 14, 2020

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1 **I. Preamble**

2
3 Illinois State University, as set forth in its Constitution, is committed to the transmission of knowledge,
4 the development of its members, and improvement of the general well-being of society. Consistent with
5 these goals, the University expects students and student organizations to exhibit “conduct which shows
6 respect for the opinions and rights of all” and expects that students will be committed to being “good
7 citizens” who comply with both the law and University expectations.
8

9 Students at Illinois State University are expected to practice good citizenship in all of their interactions
10 with the University, with one another, and in the broader community. As outlined in Educating Illinois,
11 the University is committed to creating a community that exhibits respect for differences, ethical
12 behavior, and social justice. This Code reflects these expectations in both the regulations set forth for,
13 and in the processes designed to address student conduct.
14

15 In order to achieve these goals and to provide students with appropriate guidance for making decisions,
16 it is necessary to communicate explicit behavioral expectations to students and to ensure that these
17 standards are consistently enforced. A student attending Illinois State University agrees to be governed
18 by this *Code of Student Conduct*, hereafter referred to as *Code*, as well as by other applicable University
19 policies. The University, through authority given by the University President to the Vice President for
20 Student Affairs and the Dean of Students Office, maintains the exclusive authority to determine
21 violations of the *Code* and to impose sanctions.
22

23 Students should be aware that the student conduct process is fundamentally different from criminal and
24 civil court processes. For the purpose of this *Code*, the procedures used to enforce University
25 expectations assure written notice and a hearing before an objective decision-maker. No student will be
26 found in violation of University regulations without information demonstrating that there is a
27 preponderance of information that a policy violation occurred and, if found in violation, sanctions
28 imposed will be proportionate to the severity of the violation and cumulative conduct record of the
29 student.
30
31

32 **II. Definitions for the Purpose of This Document**

33
34 The following definitions apply to the terms utilized in this document:
35

- 36 a) The term “student” means all persons admitted for enrollment at or through the University,
37 both full-time and part-time, pursuing undergraduate or graduate degrees (including those
38 enrolled at Illinois State University who are seeking degrees from other institutions, or those
39 individuals who are enrolled students at the time of a violation of the *Code*, as well as
40 individuals on University premises for any purpose relating to registration for enrollment), as
41 well as certificate and other educational programs. Individuals are still considered students for
42 the purpose of this *Code* between academic sessions, until such time that a student’s degree has
43 been awarded. Once enrolled, students with interruptions in active enrollment may be subject
44 to this *Code* until the point at which the student is required by the Office of Admissions to
45 reapply for enrollment.
- 46 b) The terms “registered student organization” and “student organization” means a group of
47 students who have met the formal requirements for University recognition and affiliation
48 through registration with the Dean of Students Office.

- 1 c) The term “University Official” means any faculty, instructor, or staff member employed by the
- 2 University performing assigned administrative duties or professional responsibilities.
- 3 d) The term “University community” refers to all students, faculty, and staff members at Illinois
- 4 State University, including those individuals who maintain a formal connection to the University
- 5 through part-time employment or the supervision of students in academic endeavors such as
- 6 student teaching or internships.
- 7 e) The term “University business days” means weekdays when the University is open for business,
- 8 whether or not classes are in session.
- 9 f) The term “assignment” means any material submitted to an instructor for the purpose of
- 10 academic credit and/or degree fulfillment, whether or not a grade is assigned. This includes, but
- 11 is not limited to: homework, lab assignments, quizzes, examinations, proposals, thesis,
- 12 dissertations, publications, and other materials.
- 13 g) The terms “shall” and “will” are used in the imperative sense.
- 14 h) The term “may” is used in the voluntary sense.
- 15 i) The term “preponderance of information” is the standard of proof in all *Code* cases. A
- 16 preponderance of information means that upon consideration of the evidence available, it is
- 17 more likely than not that the alleged violation of the *Code* occurred.
- 18
- 19

20 III. Jurisdiction

21
22 Students at Illinois State University are annually provided with a link to the *Code* electronically. Hard
23 copies are available upon individual request from Student Conduct and Community Responsibilities
24 (SCCR). Students are responsible for reading and abiding by the provisions of the *Code*.

25
26 The *Code* and the student conduct process shall apply to the academic and social conduct of individual
27 Students, both undergraduate and graduate, and all Registered Student Organizations. If sanctioned, a
28 hold may be placed on the student’s ability to re-enroll, register for classes, and/or obtain official
29 transcripts and degrees until the conduct matter has been resolved and all sanctions have been
30 satisfied. The University will resolve all cases involving alleged violations of the *Code*, and will not defer
31 proceedings pending any external criminal or civil review. Students who are members of registered
32 student organizations may be subject to jurisdiction both as an individual student and as a member of
33 the student organization.

34
35 The *Code* applies to behaviors that take place on-campus, at University sponsored events and activities,
36 in online or hybrid courses connected to Illinois State University, and off-campus, when the off-campus
37 behavior impacts University interests. Students attending a function as a representative of the
38 University (including, but not limited to, students on academic or athletic teams, students involved in
39 internships, and students participating in exchange or study abroad programs) are subject to the *Code*.

40
41 For the purpose of the *Code*, a University interest is impacted when situations including but not limited
42 to the following occur:

- 43
- 44 a) Any situation where it appears that the student’s conduct may present a danger or threat to the
- 45 health or safety of themselves or others; and/or
- 46 b) Any situation that significantly impinges upon the rights, property or achievements of self or
- 47 others or significantly breaches the peace and/or causes social disorder; and/or
- 48 c) Any situation that is detrimental to the educational mission of the University.

1 The Vice President for Student Affairs (VPSA) is the final arbiter of jurisdiction.

2

3 The *Code* may be applied to behavior conducted online (whether on-campus or off-campus), via email,
4 text messages, or other electronic medium. Students should be aware that online postings such as social
5 media sites, blogs, web posting, and chat rooms are in the public sphere and are not private. Action may
6 be taken for online activity when the behavior violates the *Code*.

7

8 Students who host guests on campus and/or at University events may be held responsible for the
9 actions of their guests under the *Code*. Visitors to and guests of the University may seek resolution of
10 violations of the *Code* committed against them by students.

11

12 There is no time limit on reporting violations of the *Code*; however, the longer someone waits to report
13 an offense, the more difficult it becomes for the University to obtain information and statements and to
14 make determinations regarding alleged violations. Finally, the University accepts anonymous complaints
15 regarding student conduct, but anonymity may limit the University's ability to investigate and respond
16 to a complaint. Those who are aware of misconduct are encouraged to file reports as quickly as possible
17 with the Illinois State University Police Department, or with SCCR. If an individual does not meet the
18 definition of a student, the University has no jurisdiction.

19

20 The University cannot foresee all violations of the *Code* within the regulations (see Section VI). As such,
21 students may be subject to the student conduct process when their behavior is detrimental or disruptive
22 to the goals and/or purposes of the University and/or may violate federal, state, or local
23 laws/regulations and are otherwise not provided for in the *Code*. Furthermore, the University reserves
24 the right, in keeping with its commitment to offer a fundamentally fair process for all students involved
25 in the Student Conduct Process, to adapt certain aspects of the Student Conduct Process in specific
26 circumstances, in order to meet the interests of all involved parties, including the University.

27

28

29 **IV. Interim Actions**

30

31 **A. Interim Actions for Individuals**

32

33 The University reserves the right to impose an interim disciplinary suspension and/or other
34 restrictions when the interim action is needed to:

35

36 a) Ensure the safety and well-being of members of the University community or preservation
37 of University property; and/or

38 b) Ensure a student's own physical or emotional safety and well-being; and/or

39 c) Alleviate a threat that a student poses to the normal operations of the University through
40 behavior that disrupts or interferes with those operations.

41

42 The Vice President for Student Affairs or designee shall be responsible for the determination of
43 interim suspensions and/or residence hall suspensions. During an interim suspension, the
44 suspended student shall be denied access to all campus facilities, including residence halls and
45 classes, and to all University-related activities or privileges for which the student might otherwise be
46 eligible, as the Vice President or designee may determine to be appropriate. The Vice President or
47 designee shall also be responsible for the terminations of housing contracts and mandated room
48 reassignments.

1 The Vice President for Student Affairs (VPSA) or designee shall be responsible for the determination
2 of any other interim restrictions, including but not limited to restrictions from contacting specific
3 individuals, residence hall restriction, and/or restrictions from other specific University locations.
4

5 Whenever an interim action is taken, a proceeding to resolve alleged violations of the *Code* shall be
6 convened at the earliest possible time. The interim actions may remain in effect until a final decision
7 has been reached, including any appropriate appeals process, at the discretion of the VPSA or
8 designee. In cases where an interim suspension is removed or a suspension is not a sanction
9 following the student conduct process, effort will be made to restore the student formerly on
10 interim suspension to academic wholeness. Steps can include, but not be limited to, communicating
11 with professors, assisting in obtaining course materials, and assisting in identifying academic
12 assistance resources.
13

14 B. Interim Actions for Student Organizations

15
16 The University reserves the right to impose an interim disciplinary suspension on a registered
17 student organization when the interim action is needed to:
18

- 19 a) Ensure the safety and well-being of members of the University community or preservation of
20 University property; and/or
- 21 b) Alleviate a threat that a student organization poses to the disruption of or interference with the
22 normal operations of the University.
23

24 The Vice President for Student Affairs (VPSA) or designee shall be responsible for the determination
25 of interim suspensions and any other interim restrictions, including but not limited to activity
26 restrictions, restrictions from contacting specific individuals and/or restrictions from specific
27 University locations. During an interim suspension, a student organization may not engage in any
28 organized activities.
29

30 Whenever an interim action is taken, a proceeding to resolve alleged violations of the *Code* shall be
31 convened at the earliest possible time. The interim actions may remain in effect until a final decision
32 has been reached, including any appropriate appeals process, at the discretion of the VPSA or
33 designee and/or the Assistant Vice President/Dean of Students or designee.
34
35

36 V. Violations of the Law

37
38 The student conduct process is responsible for reviewing alleged violations of the *Code*, and is not
39 responsible for the determination of public law violations. These processes are distinctly different from
40 one another. Nevertheless, allegations of *Code* violations from an incident may also be reviewed by
41 external legal authorities. The formal rules of due process, procedure, and/or technical rules of evidence
42 that are applied in criminal or civil courts do not apply to the student conduct process.
43
44

45 VI. University Regulations

46
47 Standards for student behavior are articulated through University regulations.
48

1 A. University Values and Expectations

2
3 Behavior that violates the *Code* includes, but is not limited to the following regulations.

4
5 1. Academic Dishonesty

6
7 Students are expected to be honest in all academic work. A student's attachment of their name on
8 any academic exercise shall be regarded as assurance that the work is the result of the student's
9 own thought, effort, and study.

10
11 Violations include such behavior as:

- 12
13 a) Possessing or utilizing any means of assistance (books, notes, papers, articles, third parties, etc.)
14 to complete any assignment, quiz, or examination unless specifically authorized by the
15 instructor. Students are prohibited from conversation or other communication in examinations
16 except as authorized by the instructor.
- 17 b) Acting with the intent to deceive the person in charge, such as falsifying data or sources,
18 providing false information, etc.
- 19 c) Plagiarizing. For the purpose of this policy, plagiarism is the unacknowledged appropriation of
20 another's work, words, or ideas in any themes, outlines, papers, reports, speeches, computer
21 programs, artwork, musical scores, performance, or other academic work, regardless of intent.
22 This includes all forms of intellectual property that can be copyrighted, patented, or
23 trademarked, whether published or unpublished. Students must ascertain from the instructor in
24 each course the appropriate means of documentation and/or attribution.
- 25 d) Submitting the same paper for more than one University course or academic requirement
26 without the prior approval of the instructors. A student may only submit an assignment once
27 during their affiliation with the University unless provided explicit permission of the instructors.
- 28 e) Willfully giving or receiving unauthorized or unacknowledged assistance on any assignment. This
29 may include the reproduction and/or dissemination of test materials. Both parties to such
30 collusion are considered responsible.
- 31 f) Substituting for another student in any academic assignment.
- 32 g) Being involved in the unauthorized collection, distribution advertisement, solicitation, or sale of
33 term papers, research papers, or other academic materials completed by a third party.

34
35 In cases of group assignments, unless otherwise indicated by the instructor, all parties to the
36 assignment are responsible for the submission of any final product, and bear responsibility for the
37 integrity of the product. Students participating in group projects may be held responsible for the
38 actions of other group members unless it can be established that a group member was not aware,
39 and reasonably could not have been aware, of any material that violates University expectations.

40
41 Academic integrity expectations apply to all forums used for the collection and dissemination of
42 knowledge, including in the classroom, written and electronic assignments, online participation,
43 field work, and publications.

44
45 For the purpose of this policy, it should be noted that the University holds graduate students to a
46 higher standard given the academic rigor of graduate programs and the fact that students in
47 graduate programs are already degreed students. As such, graduate students may face more severe

1 levels of sanctioning for academic misconduct, and may also face repercussions in their academic
2 departments and assistantships.

3
4 2. Disruption

5
6 Students are free to assemble and to express their free speech in a peaceful and orderly manner,
7 provided that doing so does not hinder the normal operations of the University.

8
9 Violations include such behavior as:

- 10
11 a) Disrupting or obstructing teaching, research, administrative, or other University functions,
12 including its public service functions on or off campus, or other authorized non-University
13 activities when these activities take place on University property.
14 b) Leading or inciting others to disrupt scheduled and/or normal non-academic activities
15 associated with the operation of the University.
16 c) Creating an intentional obstruction which unreasonably interferes with freedom of movement,
17 either pedestrian or vehicular.
18 d) Disrupting the operation of any Illinois State University information technology resources,
19 computers, networking systems, information and data.
20 e) Tampering with the elections process of any Registered Student Organization.

21
22 3. University Records

23
24 Violations include such behavior as:

25
26 Forging, altering, or misusing any official University record or University-issued instrument of
27 identification.

28
29 4. Academic Records

30
31 Violations include such behavior as:

32
33 Knowingly altering, tearing, marking, rendering imperfect, or otherwise damaging or destroying
34 University owned or University held academic materials.

35
36 5. Acts of Dishonesty

37
38 Violations include such behavior as:

- 39
40 a) Knowingly providing false or inaccurate information to any University or public official or office,
41 whether in person, through correspondence, via electronic means, or through official forms.
42 b) Forging, altering, or misusing any official document, record, or instrument of identification,
43 regardless of origin.
44 c) Aiding, abetting, influencing, or procuring another person or persons to violate any University
45 regulation or policy.
46 d) Engaging in any electronic exploitation of another person, including eavesdropping on,
47 surveillance of, and/or the recording and/or broadcasting non-public actions, in any forum. For
48 the purpose of this policy, people have a reasonable expectation of privacy when not in public

1 areas, and the dissemination of visual or audio transmissions of the actions of a person without
2 that person's consent are prohibited.

3
4 6. Failure to Comply

5
6 Violations include such behavior as:

- 7
8 a) Failing to comply with the reasonable and lawful requests or directives of University officials
9 and/or law enforcement officers acting in performance of their official duties.
10 b) Interfering with University officials and/or law enforcement officers acting in performance of
11 their official duties. Students are required to show proper identification to University officials
12 and/or law enforcement officers upon request.

13
14 7. Theft

15
16 Violations include such behavior as:

- 17
18 a) Appropriating or attempting to appropriate or possess public or private property without the
19 consent of the owner or person legally responsible.
20 b) Obtaining or attempting to obtain any service by devious means.
21 c) Maintaining possession of public or private property that is stolen.

22
23 8. Unauthorized Possession of Property

24
25 Violations include such behavior as:

26
27 Maintaining possession of public or private property, and/or utilizing goods or services without the
28 consent of the owner or the person legally responsible. Students must take reasonable measures to
29 know that property, goods, or services being transferred to their possession have been obtained
30 legally.

31
32 9. Damage to Property

33
34 Violations include such behavior as:

35
36 Taking any action that causes damage or which would reasonably be anticipated to cause damage to
37 public or private property without the consent of the owner or the person legally responsible.

38
39 10. Disorderly Conduct

40
41 Violations include such behavior as:

42
43 Engaging in behavior that is disruptive or indecent, regardless of intent, which is unwanted and
44 breaches the peace of one or more members of the community. Examples of disorderly conduct
45 include but are not limited to: inappropriately disruptive arguments or celebrations, overly loud
46 amplified sound, deliberately and publicly exposing one's intimate body parts, public urination,
47 public defecation, and public sex acts.

1 11. Abuse of the Conduct Process
2

3 Students are expected to comply fully and honestly with the student conduct process at all times.
4

5 Violations include such behavior as:
6

- 7 a) Failing to attend meetings designated as required in the student conduct process.
- 8 b) Knowingly providing false, inaccurate, misleading information to any case manager,
9 administrative hearing officer, the University Hearing Panel, or any other University official
10 during any formal or informal meetings or hearings, including investigations.
- 11 c) Disrupting or interfering with the orderly operation of any student conduct proceeding or
12 investigation.
- 13 d) Knowingly filing a false or inaccurate statement or accusation against another person.
- 14 e) Attempting to discourage an individual's participation in, or use of, the student conduct process.
- 15 f) Attempting to influence the impartiality of any case manager or any member of the University
16 Hearing Panel during the student conduct process.
- 17 g) Intimidating or harassing any member of the student conduct process prior to, during, and/or
18 following any student conduct proceeding.
- 19 h) Failing to comply with sanctions and/or interim actions imposed under the *Code*. (Alleged
20 violations of this aspect of the policy are processed under Section VIII.F).
21

22 12. Other University Rules and Regulations
23

24 Students are expected to comply with other University policies, rules, and regulations not
25 specifically detailed in the *Code*. Such policies include but are not limited to: the University Anti-
26 Harassment and Non-Discrimination Policy, posting policies, smoking policy, rules relating to the
27 payment of financial obligations, policies regarding University trademarks and copyrights, and rules
28 regarding the appropriate use of technology. For more information on other University rules and
29 regulations, visit <http://policy.illinoisstate.edu/>.
30

31 B. Social Justice Values and Expectations
32

33 Behavior that violates the *Code* includes, but is not limited to the following regulations.
34

35 1. General Safety
36

37 Violations include such behavior as:
38

- 39 a) Setting fire to any public or private property.
- 40 b) Creating a fire hazard or be in possession of flammable or hazardous substances.
- 41 c) Falsely reporting a fire, bomb, or other emergency by activating an alarm or by any other
42 means.
- 43 d) Engaging in authorized possession, use, or alteration of any University-owned emergency or
44 safety equipment.
- 45 e) Failing to evacuate a building or other structure during an emergency, or during emergency
46 drills.
- 47 f) Taking or threatening any action that creates a substantial health or safety risk, or reasonable
48 fear of such health or safety risk. (Alleged violations of this aspect of the policy may be

1 processed under Section VIII.G.3, at the discretion of the Assistant Vice President/Dean of
2 Students or designee).

3
4 2. Unauthorized Entry

5
6 Violations include such behavior as:

7
8 Misusing access privileges to University, public, or private premises or unauthorized entry to or use
9 of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or
10 exit from a facility or space.

11
12 3. Dangerous Objects

13
14 Dangerous Objects include but are not limited to:

- 15
16 i) Firearm, Handgun, Firearm ammunition, BB gun, pellet gun, paintball gun (except with prior
17 written approval from the Chief of Police), tear gas gun, stun, taser, or other dangerous or deadly
18 device of similar type;
19 ii) Knife with a blade of at least 3 inches in length (except an ordinary eating utensil), dagger, dirk,
20 switchblade knife, stiletto, ax, hatchet, or other deadly or dangerous weapon or instrument of
21 similar type;
22 iii) Bludgeon, blackjack, slingshot, sandbag, sand club, metal knuckles, billy club, throwing star,
23 nunchaku, or other dangerous or deadly weapon of similar type;
24 iv) Bomb, bombshell, grenade, firework, bottle, or other container containing an explosive, toxic, or
25 noxious substance, unless under academic/classroom supervision, (other than an object containing
26 a nonlethal noxious liquid, gas, or substance designed solely for personal defense possessed by a
27 person 18 years of age or older);
28 v) Souvenir weapon or other weapon that has been rendered permanently inoperative; and any
29 weapons outlined in the Illinois Compiled Statutes on Armed Violence (720 ILCA 5/33A-1, et seq.)

30
31 Violations include such behavior as:

- 32
33 a) Possessing, storing, carrying, or unlawfully using any weapon or firearm on University property
34 or in any vehicle owned, leased or controlled by the University, even if that person has a valid
35 federal or state license to possess or carry a firearm unless a valid exception applies.
36 b) Displaying, brandishing, discharging, or otherwise using any and all weapons or firearms,
37 including concealed weapons or firearms.
38 c) Utilizing any instrument to simulate a weapon in a manner that endangers or tends to endanger
39 any person.

40
41 Exceptions to this policy are outlined in Policy 5.1.1 found at [http://policy.illinoisstate.edu/health-](http://policy.illinoisstate.edu/health-safety/general/5.1.1Concealed%20Carry.shtml)
42 [safety/general/5.1.1Concealed%20Carry.shtml](http://policy.illinoisstate.edu/health-safety/general/5.1.1Concealed%20Carry.shtml).

43
44 4. Threatening and Intimidation

45
46 Violations include such behavior as:
47

- 1 a) Threatening to subject another person to physical harm or unwanted physical contact that
- 2 causes a reasonable fear of injury to the health or safety of any person or damage to any
- 3 property.
- 4 b) Engaging in any action which is unwanted and results in a reasonable fear for imminent bodily
- 5 harm and/or the emotional/mental disruption of a person's daily life or educational
- 6 environment.
- 7 c) Engaging in any acts of intimidation that unreasonably impairs the security or privacy of another
- 8 person.
- 9 d) Following another person in or about a public place or places such that it creates a reasonable
- 10 fear for a person's health or safety.
- 11

12 For the purpose of his policy, such behavior can be considered threatening and/or intimidating
13 whether this behavior takes place in person, through third parties, or by any remote means,
14 including electronic and online communication.

15 5. Physical Misconduct

16 Violations include such behavior as:

- 17
- 18
- 19
- 20 a) Intentionally or recklessly causing physical harm, or attempting to cause harm, to another
- 21 person or persons.
- 22 b) Intentionally or recklessly endangering the health or safety of any persons by creating a
- 23 situation where such harm is foreseeable and/or likely.
- 24

25 6. Hazing

26 Violations include such behavior as:

- 27
- 28
- 29 a) Engaging in any act that endangers the mental, emotional, or physical health or safety of a
- 30 student for the purpose of initiation into, affiliation with, or continued membership in any
- 31 group, organization, or team whose members are or include students of Illinois State University.
- 32 b) Engaging in any act where an individual is encouraged to engage in conduct of an unbecoming
- 33 or humiliating nature, or which in any way detracts from an individual's academic pursuits for
- 34 the purpose of initiation into, affiliation with, or continued membership in any group,
- 35 organization, or team whose members are or include students of Illinois State University.
- 36 c) Engaging in any acts such as paddling (using a paddle to strike another individual), physical
- 37 punishments, creating excessive fatigue, work sessions, physical or emotional shock, wearing
- 38 apparel which is conspicuous and not in good taste, public stunts, morally degrading or
- 39 humiliating games or events, of that encourage the illegal and/or abusive use of alcohol and/or
- 40 other drugs.
- 41 d) Failing to prevent, and/or failing to discourage, and/or failing to report known acts of hazing as a
- 42 member of an organization participating in such activities when these activities are known to be
- 43 taking place, or where it should be reasonably known that such activities are taking place.
- 44

45 For the purpose of this policy, hazing includes any activity that is inconsistent with regulations or
46 policies of Illinois State University or the laws of the State of Illinois for the purpose of initiation into,
47 affiliation with, or continued membership in any group, organization, or team whose members are

1 or include students of Illinois State University. Acts of this nature are considered to be hazing
2 whether or not a person willingly participates in such activities.

3
4 C. Personal Responsibility Values and Expectations

5
6 Behavior that violates the *Code* includes, but is not limited to the following regulations.

7
8 1. Alcohol

9
10 Violations include such behavior as:

- 11
12 a) Possessing, purchasing, distributing, manufacturing, or consuming any alcoholic beverage unless
13 that student is at least twenty-one years of age. Students of legal age may possess or consume
14 alcoholic beverages only in specified areas and only in compliance with all other University
15 regulations and guidelines related to alcohol consumption.
16 b) Selling alcohol. Students may not sell alcohol at any time without possessing an appropriate
17 license.
18 c) Providing alcohol to minors. No student may provide alcohol to another person who is under the
19 age of twenty-one.
20 d) Public intoxication and/or abusive consumption of alcohol, defined as that which results in
21 violations of the rights of others, leads to disorderly or dangerous behavior, or that impairs
22 personal health or safety.
23 e) Open container, defined as a bottle, can, or other receptacle that contains any amount of
24 alcohol, and that is open or has a broken seal, or the contents of which are partially removed.
25 f) Operating motor vehicles under the influence of alcohol.

26
27 For the purpose of this policy, registered student organizations must also abide by procedures for
28 the use of alcohol established by the Dean of Students Office.

29
30 2. Drugs

31
32 Violations include such behavior as:

- 33
34 a) Possessing, purchasing, distributing, manufacturing, selling, or using any illegal or controlled
35 substance in crude or refined form is prohibited. It is not a violation of this policy to be using a
36 controlled substance if under the direction of a licensed physician and not in violation of state or
37 federal law.
38 b) Abusing, misusing, selling, or distributing prescription or over the counter medications.
39 c) Operating motor vehicles under the influence of illegal drugs.

40
41 3. Drug Paraphernalia

42
43 Violations include such behavior as:

44
45 Possessing any items that are designed for the use of illegal drugs (blunts, bowls, one-hitters, bongos,
46 etc.). Any items that are adapted for the purpose of facilitating or disguising illegal drug or
47 controlled substance use (vaporizers, blow tubes, etc.) will also be considered a violation of this
48 policy.

1 4. Residence Hall Regulations

2
3 Violations include such behavior as:

4
5 Taking any action that violates a regulation established within the housing contract, or any
6 supplemental rules communicated by University Housing Services staff.

7
8 5. Gambling

9
10 Violations include such behavior as:

11
12 Wagering on games of chance or skill, outcomes of games, contests or other public events for
13 money or another thing of value. Raffles, charitable games, pull tabs and jar games are permissible
14 only in compliance with State of Illinois law and local ordinance.

15
16 6. Guests

17
18 Students are responsible for the behavior of their non-student guests on campus and at University
19 events, in that they are expected to make guests aware of behavioral expectations, to take
20 reasonable preventive measures to avoid guest violations of the *Code*, and to take immediate action
21 to end violations of the *Code* when they do take place.

22
23 Violations include such behavior as:

- 24
25 a) *Code* violations by guests who were not properly informed of University regulations by the
26 student host.
27 b) *Code* violations by guests who were encouraged to commit violations by the student host.
28 c) *Code* violations by guests who were undeterred by the student host when the violations were
29 discovered.

30
31
32 **VII. Rights and Responsibilities**

33
34 A. Responding Student Rights and Responsibilities in the Student Conduct Process

35
36 Students responding to allegations have the right to be heard and to be treated fairly throughout
37 the student conduct process. Students also bear the responsibility for participating in the student
38 conduct process in a manner that demonstrates respect for the student conduct process and all
39 people participating in that process. The following rights and responsibilities have been established
40 to reflect the mutual responsibility that exists between the student and the student conduct
41 process.

42
43 Student respondents are entitled to the following rights in the student conduct process:

- 44
45 1. A student has the right to be treated with respect and dignity by all representatives of the
46 student conduct process.
47 2. A student has the right upon request to information pertaining to availability of interim
48 measures and support assistance available to the student.

- 1 3. A student has the right to a hearing by an unbiased administrative hearing officer or University
2 Hearing Panel.
- 3 4. A student has the right to have an advisor present at all meetings or hearings in the student
4 conduct process. The advisor's role is non-participatory, limited only to advising the student,
5 and the advisor may not actively participate in the proceedings, nor serve as a witness.
- 6 5. A list of conduct consultants (students, faculty and staff who have volunteered and received
7 basic training in the student conduct process) is provided by SCCR as an optional resource to
8 offer assistance in the student conduct process.
- 9 6. A student has the right to written notice of any student conduct charges under review. This
10 notice shall indicate the time and place of any student conduct meeting or hearing. Proper
11 written notification shall be defined as delivery of email to a student's University account (ilstu).
12 When not enrolled, individuals shall be notified via their permanent mailing address provided to
13 the University unless an alternative electronic or physical address is provided in writing.
- 14 7. A student has the right to receive a written summary of the incident stating the circumstances
15 and allegations involved.
- 16 8. A student has the right not to present information against themselves.
- 17 9. A student has the right to hear and respond to all information presented against the student.
18 This includes the right to question all involved parties through an administrative hearing officer
19 or the University Hearing Panel.
- 20 10. A student has the right to present information and/or witnesses on their behalf. Only witnesses
21 able to speak to the substance of an allegation may be called. The number of witnesses who
22 may be called may be subject to the discretion of the administrative hearing officer or the
23 University Hearing Panel.
- 24 11. A student has the right to written notification of the outcome of a hearing no later than five
25 University business days after the hearing. This may be delayed if an administrative hearing
26 officer or University Hearing Panel needs additional time to review the information provided at
27 the hearing. Notifications of any delay will be sent to a student by email.
- 28 12. A student has the right to request to participate in the student conduct process via electronic
29 means (email, telephone, video conference, etc.). Requests for this accommodation must be
30 submitted to SCCR at least 48 hours prior to a scheduled proceeding. The student is responsible
31 for providing appropriate contact information to SCCR as a part of the request. Determinations
32 regarding these requests will be made by the coordinator of the student conduct case and
33 communicated to the student in advance of any meeting or hearing.
- 34 13. A student has the right to appeal any student conduct outcome under Section VIII.H and shall be
35 informed of this right, as well as the process and timeframes for doing so. A student has the
36 right to appeal voluntary resolutions from a SCCR case management conference (Section VIII.A)
37 that involves disciplinary suspension or disciplinary dismissal as a sanction.

38
39 Student respondents are expected to adhere to the following responsibilities in the student conduct
40 process:

- 41
- 42 1. A student has the responsibility to take the student conduct process seriously, to act in good
43 faith, and to treat everyone involved in the process with respect and dignity.
- 44 2. A student has the responsibility to educate themselves on the *Code* and its expectations.
- 45 3. A student giving testimony or evidence is expected to tell the full and complete truth
46 throughout the student conduct process.
- 47 4. A student has the responsibility to represent themselves at all meetings or hearings in the
48 student conduct process. Students will not take direction from advisors during the course of a

1 proceeding, nor will advisors be permitted to script student responses and/or questions during a
2 meeting or hearing.

- 3 5. A student is responsible for ensuring that their advisors attend meetings and hearings,
4 understanding that meetings and hearings may be rescheduled to accommodate advisors at the
5 discretion of the Assistant Vice President/Dean of Students or designee.
- 6 6. A student has the option to meet with an SCCR conduct consultant in advance of meetings or
7 hearings if the student is choosing to take advantage of this service.
- 8 7. A student is responsible for regularly checking their University email account (ilstu) and is
9 responsible for the contents of any notices sent to their account, whether or not the student
10 chooses to open them. When not enrolled, the student has the responsibility to provide the
11 University with an accurate permanent mailing address.
- 12 8. A student has the responsibility to participate in student conduct proceedings at the time they
13 are originally convened. Students are not obligated to provide information against themselves in
14 student conduct proceedings, but may not later utilize this as a basis for appeal on the grounds
15 of new information.
- 16 9. A student has the responsibility to abide by all interim actions, if any are in place, and to abide
17 by the conditions and sanctions of any final decision reached.
- 18 10. A student in an administrative hearing or appearing before the University Hearing Panel has the
19 responsibility to present only those witnesses that can speak to the substance of the allegations
20 made. Character witnesses may submit written statements for inclusion at the hearing, but may
21 not be called as a witness.
- 22 11. A student has the responsibility to keep confidential all information pertaining to the student
23 conduct process.

24 25 B. Complainant Rights and Responsibilities in the Student Conduct Process

26
27 Complainants have the right to bring forward allegations of misconduct against students and to have
28 those allegations taken seriously. Complainants also bear the responsibility for participating in the
29 student conduct process in a manner that demonstrates respect for the student conduct process
30 and all people participating in that process. The following rights and responsibilities have been
31 established to reflect the mutual responsibility that exists between the complainant and the student
32 conduct process.

33
34 Complainants are entitled to the following rights in the student conduct process:

- 35
36 1. A complainant has the right to be treated with respect and dignity by all representatives of the
37 student conduct process.
- 38 2. A complainant has the right upon request to the availability of information pertaining to interim
39 measures and support assistance available to them.
- 40 3. A complainant has the right to a review of their complaint by an unbiased conduct staff member
41 and/or hearing body.
- 42 4. A complainant has the right to have an advisor present at all meetings or hearings in the student
43 conduct process. The advisor's role is non-participatory, limited only to advising the
44 complainant, and the advisor may not actively participate in the proceedings, nor serve as a
45 witness.
- 46 5. A list of conduct consultants (students, faculty and staff who have volunteered and received
47 basic training in the student conduct process) is provided by SCCR as an optional resource to
48 offer assistance in the student conduct process.

- 1 6. A complainant has the right to appear at any formal hearing to resolve the substance of the
2 complaint. The time and location of any hearing will be provided to the complainant in writing
3 (email). If the complainant does not maintain an active ilstu email account, the complainant is
4 responsible for providing the University (via SCCR) an active email and/or mailing address.
- 5 7. A complainant has the right to present information and/or witnesses in support of the
6 complaint. Only witnesses able to speak to the substance of an allegation may be called. The
7 number of witnesses who may be called may be subject to the discretion of the administrative
8 hearing officer or the University Hearing Panel.
- 9 8. A complainant has the right to written notification of the outcome of a hearing as it pertains
10 specifically to the complainant no later than five University business days after the hearing. This
11 may be delayed if an administrative hearing officer of University Hearing Panel needs additional
12 time to review the information provided at the hearing. Notifications of any delay will be sent to
13 a complainant by email.
- 14 9. A complainant has the right to request to participate in the student conduct process via
15 electronic means (email, telephone, video conference, etc.). Requests for this accommodation
16 must be submitted to SCCR at least 48 hours prior to a scheduled proceeding. The complainant
17 is responsible for providing appropriate contact information to SCCR as a part of the request.
18 Determinations regarding these requests will be made by the coordinator of the student
19 conduct case and communicated to the complainant in advance of any meeting or hearing.
- 20 10. A complainant has the right to know the outcome of any appropriate appeals process as it
21 applies to the respondent.

22
23 Complainants are expected to adhere to the following responsibilities in the student conduct
24 process:

- 25
26 1. A complainant has the responsibility to take the student conduct process seriously, to act in
27 good faith, and to treat everyone involved in the process with respect and dignity.
- 28 2. A complainant has the responsibility to educate themselves on the *Code* and its expectations.
- 29 3. A complainant giving testimony or evidence is expected to tell the full and complete truth
30 throughout the student conduct process.
- 31 4. A complainant has the responsibility to represent themselves at all meetings or hearings in the
32 student conduct process. Complainants will not take direction from advisors during the course
33 of a proceeding, nor will advisors be permitted to script complainant responses and/or
34 questions during a meeting or hearing.
- 35 5. A complainant is responsible for ensuring that their advisors attend meetings and hearings,
36 understanding that meetings and hearings will not be rescheduled to accommodate advisors.
- 37 6. A complainant is responsible for regularly checking their University email account (ilstu) and is
38 responsible for the contents of any notices sent to their account, whether or not the
39 complainant chooses to open them.
- 40 7. A complainant in an administrative hearing or appearing before the University Hearing Panel has
41 the responsibility to present only those witnesses that can speak to the substance of the
42 allegations that have been made.
- 43 8. A complainant has the responsibility to keep confidential all information pertaining to the
44 student conduct process.

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1 C. Aggrieved Party Rights and Responsibilities in the Student Conduct Process

2
3 Aggrieved parties are those members of the University community who have been identified as
4 someone who has been caused personal harm by the alleged actions of a responding student.
5 Aggrieved party status shall be limited to cases involving physical misconduct, threats and
6 intimidation, hazing, and theft. The Assistant Vice President/Dean of Students or designee shall
7 determine when the status of aggrieved party shall apply. Once a member of the University
8 community is given a designation of aggrieved party status, a SCCR professional staff member shall
9 invite the aggrieved party to a meeting to review rights and responsibilities provided under the
10 *Code*. Invitations shall be issued within three University business days of the Dean's (or designee's)
11 decision.

12
13 Aggrieved parties have the right to bring forward allegations of misconduct against students and to
14 have those allegations taken seriously. Aggrieved parties also bear the responsibility for
15 participating in the student conduct process in a manner that demonstrates respect for the student
16 conduct process and all people participating in that process. The following rights and
17 responsibilities have been established to reflect the mutual responsibility that exists between the
18 aggrieved party and the student conduct process.

19
20 Aggrieved parties are entitled to the following rights in the student conduct process:

- 21
- 22 1. An aggrieved party has the right to be treated with respect and dignity by all representatives of
 - 23 the student conduct process.
 - 24 2. An aggrieved party has the right upon request to the availability of information pertaining to
 - 25 interim measures and support assistance available to them.
 - 26 3. An aggrieved party has the right to a hearing by an unbiased administrative hearing officer or
 - 27 University Hearing Panel.
 - 28 4. An aggrieved party has the right to have an advisor present at all meetings or hearings in the
 - 29 student conduct process. The advisor's role is non-participatory, limited only to advising the
 - 30 aggrieved party, and the advisor may not actively participate in the proceedings, nor serve as a
 - 31 witness.
 - 32 5. A list of conduct consultants (students, faculty and staff who have volunteered and received
 - 33 basic training in the student conduct process) is provided by SCCR as an optional resource to
 - 34 offer assistance in the student conduct process.
 - 35 6. An aggrieved party has the right to request to participate in the student conduct process via
 - 36 electronic means (email, telephone, video conference, etc.). Requests for this accommodation
 - 37 must be submitted to SCCR at least 48 hours prior to a scheduled proceeding. The aggrieved
 - 38 party is responsible for providing appropriate contact information to SCCR as a part of the
 - 39 request. Determinations regarding these requests will be made by the coordinator of the
 - 40 student conduct case and communicated to the aggrieved party in advance of any meeting or
 - 41 hearing.
 - 42 7. An aggrieved party has the right to have any unrelated past behavior excluded from the student
 - 43 conduct process. The administrative hearing officer or UHP shall determine what constitutes
 - 44 unrelated behavior.
 - 45 8. An aggrieved party has the right to deliver or submit a written impact statement to the case
 - 46 manager, administrative hearing officer or UHP that will be considered only in sanctioning,
 - 47 should there be a finding of violation against a responding student. The impact statement may
 - 48 be filed at any time in the student conduct process prior to the conclusion of a formal hearing.

- 1 9. An aggrieved party has the right to expect to be free from intimidation and harassment
2 throughout the conduct process.
- 3 10. An aggrieved party has the right, upon request, to have reasonable steps taken by SCCR or other
4 University agencies to prevent any unnecessary or unwanted contact with the responding
5 student(s).
- 6 11. An aggrieved party has the right to written notification of the outcome of a hearing as it pertains
7 specifically to the complainant no later than five University business days after the hearing. This
8 may be delayed if an administrative hearing officer of University Hearing Panel needs additional
9 time to review the information provided at the hearing. Notifications of any delay will be sent to
10 an aggrieved party by email.
- 11 12. An aggrieved party has the right to appeal any student conduct outcome under Section VIII.H
12 and shall be informed of this right, as well as the process and timeframes for doing so. A student
13 has the right to appeal voluntary resolutions from a SCCR case management conference (Section
14 VIII.A) that involves disciplinary suspension or disciplinary dismissal as a sanction.
- 15 13. An aggrieved party has the right to know the outcome of any appropriate appeals process as it
16 applies to the respondent.

17
18 Aggrieved parties are expected to adhere to the following responsibilities in the student conduct
19 process:

- 20
21 1. An aggrieved party has the responsibility to take the student conduct process seriously, to act in
22 good faith, and to treat everyone involved in the process with respect and dignity.
- 23 2. An aggrieved party has the responsibility to educate themselves on the *Code* and its
24 expectations.
- 25 3. An aggrieved party giving testimony or evidence is expected to tell the full and complete truth
26 throughout the student conduct process.
- 27 4. An aggrieved party has the responsibility to represent themselves at all meetings or hearings in
28 the student conduct process. Aggrieved parties will not take direction from advisors during the
29 course of a proceeding, nor will advisors be permitted to script aggrieved party responses
30 and/or questions during a meeting or hearing.
- 31 5. An aggrieved party is responsible for ensuring that their advisors attend meetings and hearings,
32 understanding that meetings and hearings will not be rescheduled to accommodate advisors.
- 33 6. An aggrieved party is responsible for regularly checking their University email account (ilstu) and
34 is responsible for the contents of any notices sent to their account, whether or not the
35 aggrieved party chooses to open them.
- 36 7. An aggrieved party in an administrative hearing or appearing before the University Hearing
37 Panel has the responsibility to present only those witnesses that can speak to the substance of
38 the allegations that have been made.
- 39 8. An aggrieved party has the responsibility to keep confidential all information pertaining to the
40 student conduct process.

41
42 D. Student Organization Rights and Responsibilities in the Student Conduct Process

43
44 Registered student organizations have the right to be heard and to be treated fairly throughout the
45 student conduct process. Student organizations also bear the responsibility for participating in the
46 student conduct process in a manner that demonstrates respect for the student conduct process
47 and all people participating in that process. The following rights and responsibilities have been

1 established to reflect the mutual responsibility that exists between the student organization and the
2 student conduct process.

3
4 Student organizations are entitled to the following rights in the student conduct process:

- 5
6 1. A student organization has the right to be treated with respect and dignity by all representatives
7 of the student conduct process.
- 8 2. A student organization has the right to a hearing by an unbiased administrative hearing officer
9 or University Hearing Panel.
- 10 3. A student organization may be represented by up to three student members of the organization
11 during the student conduct process. The Assistant Vice President/Dean of Students or designee
12 may allow additional representatives during any investigations processes.
- 13 4. A student organization has the right to have up to two advisors present at all meetings or
14 hearings in the student conduct process. The advisor's role is non-participatory, limited only to
15 advising the student members, and the advisor may not actively participate in the proceedings,
16 nor serve as a witness.
- 17 5. A list of conduct consultants (students, faculty and staff who have volunteered and received
18 basic training in the student conduct process) is provided by SCCR as an optional resource to
19 offer assistance in the student conduct process.
- 20 6. A student organization has the right to written notice of any student organization conduct
21 charges filed against it. This notice shall indicate the time and place of any conduct meeting or
22 hearing. Proper written notification shall be defined as delivery of email to the President (or
23 other recognized student leader) or the organization's University account (ilstu).
- 24 7. A student organization has the right to receive a written copy of the incident report(s) stating
25 the circumstances and allegations involved. This information shall generally be provided to the
26 organization's President when they are notified of the charges.
- 27 8. A student organization has the right to hear and respond to all information presented against it.
28 This includes the right to questions all involved parties through an administrative hearing officer
29 or the University Hearing Panel.
- 30 9. A student organization has the right to present information and/or witnesses on its behalf. Only
31 witnesses able to speak to the substance of an allegation may be called. The number of
32 witnesses who may be called may be subject to the discretion of the administrative hearing
33 officer or the University Hearing Panel.
- 34 10. A student organization has the right to request to participate in the student conduct process via
35 electronic means (email, telephone, video conference, etc.). Requests for this accommodation
36 must be submitted to SCCR at least 48 hours prior to a scheduled proceeding. The student
37 organization is responsible for providing appropriate contact information to SCCR as a part of
38 the request. Determinations regarding these requests will be made by the Assistant Dean and
39 communicated to the student organization in advance of any meeting or hearing.
- 40 11. A student organization has the right to written notification of the outcome of a hearing no later
41 than five University business days after the hearing. This may be delayed if an administrative
42 hearing officer of University Hearing Panel needs additional time to review the information
43 provided at the hearing. Notifications of any delay will be sent to the organization's President by
44 email.
- 45 12. A student organization has the right to appeal any student conduct outcome and shall be
46 informed of this right, as well as the process for doing so. A student organization has the right to
47 appeal voluntary resolutions from a SCCR case management conference (Section VIII.H) that
48 involves disciplinary suspension or disciplinary dismissal as a sanction.

1 Student organizations are expected to adhere to the following responsibilities in the student
2 conduct process:

- 3 1. The members of a student organization have the responsibility to take the student conduct
4 process seriously, to act in good faith, and to treat everyone involved in the process with respect
5 and dignity.
- 6 2. The members of a student organization have the responsibility to educate themselves on the
7 *Code* and its expectations.
- 8 3. The members of a student organization giving testimony or evidence are expected to tell the full
9 and complete truth throughout the student conduct process.
- 10 4. The members of a student organization have the responsibility to represent themselves at all
11 meetings or hearings in the student conduct process. Students will not take direction from
12 advisors during the course of a proceeding, nor will advisors be permitted to script student
13 responses and/or questions during a meeting or hearing.
- 14 5. Members of a student organization are responsible for ensuring that their advisors attend
15 meetings and hearings, understanding that meetings and hearings may be rescheduled to
16 accommodate advisors at the discretion of the Assistant Vice President/Dean of Students or
17 designee.
- 18 6. Members of a student organization have the responsibility to meet with a SCCR conduct
19 consultant in advance of meetings or hearings if choosing to take advantage of this service.
- 20 7. Members of a student organization are responsible for regularly checking their University email
21 accounts (ilstu) and are responsible for the contents of any notices sent to their accounts,
22 whether or not the student chooses to open them.
- 23 8. Members of a student organization have the responsibility to participate in student conduct
24 proceedings at the time they are originally convened. Students are not obligated to provide
25 information against themselves in student conduct proceedings, but may not utilize this later to
26 appeal on the grounds of new information.
- 27 9. Members of a student organization have the responsibility to abide by all interim actions, if any
28 are in place, and to abide by the conditions and sanctions of any final decision reached.
- 29 10. Members of a student organization in an administrative hearing or appearing before the
30 University Hearing Panel have the responsibility to present only those witnesses that can speak
31 to the substance of the allegations that have been made. Character witnesses may submit
32 written statements for inclusion at the hearing, but may not be called as a witness.

33 34 35 **VIII. Forums of Resolution**

36
37 This section provides a general overview of how the student conduct process operates for cases
38 involving allegations of student misconduct (adjudicatory processes), for cases involving no allegations
39 of student misconduct (non-adjudicatory processes), and for cases involving allegations of student
40 misconduct where additional factors provide a possibility of a combination of adjudicatory (formal) and
41 non-adjudicatory (informal) processes. In some cases, a deferral of adjudicatory processes may be
42 granted pending a successful non-adjudicatory outcome. While the University endeavors to operate
43 with consistency in its management of student conduct matters, these procedures are flexible, given
44 that not all situations are of the same severity or complexity. The Assistant Dean of SCCR, operating in
45 consultation with the Assistant Vice President/Dean of Students or designee, will have the final
46 authority over the processing of each student conduct case.

Illinois State University Code of Student Conduct

1 What follows is a description of the formal and informal methods of resolving student conduct cases
2 with SCCR.

3

4 A. Formal Resolutions

5

6 Step One: Receipt of Incident

7

8 The student conduct process is initiated with the reporting of an incident to Student Conduct and
9 Community Responsibilities. A case manager shall be assigned to review the information available to
10 determine if SCCR will pursue a formal or informal means for resolving the case.

11

12 Step Two: Notification

13

14 If the case manager determines that the case should be resolved through the formal conduct process,
15 the student will be notified by email to attend a case management conference with the case manager.
16 The initial email will include a copy of the incident report. Students shall be provided two University
17 business days' notice of a case management conference, and are provided the option of meeting with a
18 conduct consultant at any point during the conduct process.

19

20 Step Three: Case Management Conference

21

22 The case manager and the student meet to review the incident report and determine the University
23 regulations that may have been violated, as well as any sanctions that would be imposed as a result of
24 the behavior. The case management conference is also used to identify affected parties of the behavior.
25 In cases where a party has been granted aggrieved party rights, the aggrieved party will be provided
26 with the option to meet with the case manager prior to the respondent's case management conference.

27

28 The following outcomes may result from a case management conference:

29

- 30 a) The student and case manager may agree on the University violations for which the student is
31 responsible and the sanctions to be imposed. In this case, a decision letter is generated within
32 five University business days and the case is resolved. There is no right to appeal, unless the
33 student has agreed to a disciplinary suspension or disciplinary dismissal, in which case the
34 student maintains limited appeal rights (see Section VIII.H). In cases where multiple students
35 face possible violations, no agreement is considered final until all involved students have
36 attended case management conferences and reached decisions about their cases.
- 37 b) In cases where the student acknowledges University violations and where the student and the
38 complainant or aggrieved party have expressed a desire to jointly bring resolution to the
39 incident, the case will be referred to a restorative conference (see Section VIII.D). Any inactive
40 sanctions will be imposed by the case manager, but the active sanctions will be determined as
41 an outcome of the restorative conference. See Section IX for more information on sanctions.
- 42 c) The student and case manager may not agree on the University violations and/or sanctions to
43 be imposed. The case will then be forwarded to a formal hearing.
- 44 d) If a student fails to attend a required case management conference, the case manager may
45 make a decision on the information provided, and may add an additional charge of University
46 Regulation Section VI.A.11, Abuse of the Conduct Process. A student failing to appear at a case
47 management conference retains the right of appeal, as outlined in Section VIII.H.

- 1 e) If a student fails to attend a required case management conference and the case manager
- 2 believes that the case may result in disciplinary suspension or disciplinary dismissal, the case
- 3 may be referred to a formal hearing.
- 4 f) In cases where a resolution can be reached between the student and the case manager, and
- 5 there is an identified aggrieved party, the case manager will consult with the aggrieved party to
- 6 review the proposed outcome. If the outcome is satisfactory to all involved parties, a decision
- 7 letter will be generated and the case will be resolved. If the aggrieved party does not support
- 8 the proposed outcome, the case will be referred to a formal hearing.

9
10 Step Four: Formal Hearing

11
12 In cases where a resolution cannot be achieved in a case management conference, the case will be
13 forwarded to a formal hearing. The hearing will consist of either a single administrative hearing officer
14 (see Section VIII.E) or the University Hearing Panel (see Section VIII.F). Students shall be provided five
15 University business days' notice of a formal hearing, except in cases involving an interim suspension,
16 where students will be provided three University business days' notice.

17
18 Unless otherwise prescribed in this *Code*, the Case Manager shall determine the formal hearing body to
19 hear a case. A priority of scheduling formal hearings shall be minimizing the waiting period.

20
21 At the conclusion of the hearing, the hearing body will deliberate to determine if a violation of the *Code*
22 occurred and, if so, determine appropriate sanctions. A decision letter will be emailed to the student by
23 no later than five business after the hearing. This may be delayed if an administrative hearing officer or
24 the University Hearing Panel needs additional time to review the information provided at the hearing.
25 Notifications of any delay will be sent to a student by email.

26
27 Step Five: Appeal

28
29 Should a student wish to appeal a decision reached in a hearing, they may do so under Section VIII.H.

30
31 B. Informal Resolutions

32
33 Step One: Receipt of Incident

34
35 The student conduct process is initiated with the reporting of an incident to Student Conduct and
36 Community Responsibilities. A case manager shall be assigned to review the information available to
37 determine if SCCR will pursue a formal or informal means for resolving the case.

38
39 Step Two: Notification

40
41 If the case manager determines that the case should be resolved through the informal conduct process,
42 the student will be notified by email to attend an intake meeting with a student conflict specialist. The
43 initial email will include a copy of the incident report. Students shall be provided two University business
44 days' notice of an intake meeting.

1 Step Three: Intake Meeting

2

3 At the intake meeting, the student and the specialist will review the incident and discuss possible
4 avenues of resolution. Should the student wish for the formal process to be utilized, the case will be
5 referred back to the case manager for formal resolution (see Section VIII.A). The case may also be
6 referred back to formal resolution if the student conflict specialist becomes aware of information that
7 would otherwise make the case inappropriate for informal resolution.

8

9 The following outcomes may result from an intake meeting:

10

- 11 a) The case may be referred to the formal resolution process, as described above.
- 12 b) The case may be referred to the case manager for a restorative conference or informal
13 facilitation, pending consultation with other involved parties.
- 14 c) The case may be referred to the mediation process, pending consultation with other parties.
- 15 d) The case may be referred to arbitration by an administrative hearing officer, pending
16 consultation with other parties.
- 17 e) The case may be withdrawn, with the student conflict specialist offering guidance to the student
18 on how to remedy the current situation as well as future conflicts.

19

20 In some cases, formal conduct processes are deferred pending the outcome of informal processes. In
21 such cases, formal student conduct may be waived in the interest of an informal outcome. However, in
22 all cases the case manager retains the right to invoke the formal process at any time prior to final
23 resolution. Informal processes may also be used as a supplement to the formal conduct process at the
24 discretion of the case manager.

25

26 C. Residence Hall Cases

27

28 Residence hall professional staff members shall be empowered to hear minor student conduct cases for
29 incidents of alleged student misconduct that take place in the residence halls. The Assistant Director of
30 University Housing Services for Student Conduct or designee shall be empowered to hear the same
31 types of cases as SCCR staff members, with the same sanctioning authority. All processes for resolving
32 minor disciplinary matters shall reflect the formal process described in Section VIII.A, with the following
33 amendments:

34

- 35 1. Any agreement reached between a residence hall professional staff member and a student in a
36 case management conference is subject to review and approval by the UHS Assistant Director
37 for Student Conduct. If the Assistant Director approves the finding and sanction, a formal
38 decision will be sent to the student via email. The Assistant Director has five University business
39 days to act upon the recommendation and issue a decision.
- 40 2. If the Assistant Director declines the recommendation of the residence hall professional staff
41 member, or if the student fails to attend the scheduled case management conference, the
42 Assistant Director may:
 - 43 a. Notify the student that a case management meeting will be held with the Assistant
44 Director. The case management meeting shall reflect the formal process described in
45 Section VIII.A.
 - 46
 - 47

- 1 b. Render an administrative decision. Students may choose to appeal these decisions
2 under Section VIII.H.3.B.
- 3 c. Notify the student that the case is being forwarded to SCCR for review. SCCR may then
4 choose to retain jurisdiction over the case, or to return the case to the Assistant Director
5 for review.
- 6
- 7 3. Residence hall professional staff members, with the exception of the Assistant Director, shall
8 only hear minor cases involving allegations of violations of University regulations. Residence hall
9 professional staff may not hear cases involving physical misconduct, hazing, academic
10 dishonesty, threats and intimidation, and repeated alcohol policy or drug policy violations.. Any
11 cases that might result in Disciplinary Probation, Restrictive Disciplinary Probation, Disciplinary
12 Suspension, or Disciplinary Dismissal are to be immediately referred to the Assistant Director for
13 review. Residence hall staff will receive guidance from the Assistant Director as to what
14 constitutes a minor conduct case. Cases involving allegations of drug distribution, hazing, and
15 academic integrity. shall be referred to SCCR. The Assistant Director will consult with the SCCR
16 Assistant Dean as to what cases must be referred to SCCR.
- 17
- 18 4. Residence hall professional staff may seek the assistance of SCCR to conduct restorative
19 conferences as a means of formal resolution of a residence hall case. In cases where residence
20 hall professional staff, SCCR, and all involved parties agree to a restorative conference, the
21 conference will be conducted as outlined in Section VIII.D (below), with the Assistant Director
22 determining the inactive sanction to be imposed.
- 23
- 24 5. Residence hall professional staff may refer cases to SCCR staff for informal resolutions, as well as
25 request informal processes to supplement formal student conduct proceedings. Residence hall
26 professional staff shall consult with the Assistant Director and/or SCCR on a case to case basis
27 when considering informal options.
- 28

29 D. Restorative Conferences

30

31 In cases where a student’s conduct has resulted in an identifiable harm to a member of the Illinois State
32 University community and/or to the community itself, restorative conferences may be utilized to resolve
33 the conditions of the conflict and to determine active sanctions that will be imposed for violations of
34 University regulations. The following conditions apply to restorative conferences:

- 35
- 36 1. A restorative conference is founded on the concept that a student is acknowledging
37 responsibility for violations of the *Code*. As a result, the finding(s) of violation and the inactive
38 sanction must be resolved as a precondition for the conference.
- 39
- 40 2. A restorative conference will seek to bring together those parties who have been harmed,
41 directly or indirectly, with the student acknowledging responsibility.
- 42
- 43 3. A restorative conference will be facilitated by a trained staff member, who will allow all parties
44 the opportunity to speak, and who will aid the conference participants in arriving at active
45 sanctions to be imposed for the violations.
- 46

- 1 4. Should an agreement be reached, a final decision letter will be sent by the case manager to the
2 student within five University business days. The case is then considered closed, with no right of
3 appeal for any parties involved.
4
- 5 5. If no agreement can be achieved through a restorative conference, the case will be referred
6 back to the case manager for sanctioning. The student acknowledging responsibility and any
7 aggrieved parties would maintain a limited right of appeal on the criteria of disproportionate
8 sanction, as described in Section VIII.H.
9

10 E. Administrative Hearings
11

12 In some cases where a student is unable to reach a resolution in a case management conference.
13

- 14 1. Parties to the hearing shall be provided five University business days' notice of a formal hearing,
15 except in cases involving an interim suspension, where parties will be provided three University
16 business days' notice.
17
- 18 2. Hearings will be closed to the public.
19
- 20 3. Admission to the hearing of persons other than the parties involved will be at the discretion of
21 the hearing officer.
22
- 23 4. In hearings involving more than one responding student, the standard procedure will be to hear
24 the case jointly, providing that other respondents have not previously accepted a finding
25 through a case management conference. The administrative hearing officer may grant separate
26 hearings at their discretion if the hearing officer finds sufficient cause to do so.
27
- 28 5. The primary parties (responding party, complainant, and/or aggrieved party) all have the right to
29 have an advisor of their choosing present at the hearing. The advisor may not participate in the
30 hearing process and may not actively direct the participation of any party.
31
- 32 6. The hearing officer will first hear information and witnesses presented on behalf of the
33 complaint. Once the complaint information has been heard, the responding student will then be
34 given the opportunity to provide information and witnesses. All people appearing at a hearing
35 are subject to questioning, with the hearing officer receiving priority in asking questions. Any
36 questions asked by the parties must be directed to the hearing officer. Unduly repetitive
37 information and witnesses can be limited at the discretion of the hearing officer. Only witnesses
38 who can speak to the substance of the allegations will be considered by a hearing officer.
39
- 40 7. All procedural questions are subject to the final decision of the hearing officer.
41
- 42 8. At the conclusion of the hearing, the hearing officer will deliberate to reach a decision for the
43 alleged violations, on the basis of whether there is a preponderance of information that a
44 student violated each cited University regulation. The hearing officer will prepare a finding of
45 fact and then impose sanctions for any violations found.
46
- 47 9. The hearing officer will provide both parties with written notification at the same time of the
48 outcome of a hearing no later than five University business days after the hearing. This may be

1 delayed if an administrative hearing officer needs additional time to review the information
2 provided at the hearing. Notifications of any delay will be sent to a student by email. The
3 hearing officer will also provide written notification of relevant findings and sanctions to any
4 aggrieved party via email. All decision letters will outline the recipient's process for appeal.
5 Findings shall not be verbally provided at the time of the hearing.
6

- 7 10. There will be a single verbatim audio recording of the hearing. Deliberations will not be
8 recorded. This recording will be maintained by SCCR as a part of the record only until the
9 conclusion of any applicable appeals process. Access to the record will be provided for parties
10 upon request in preparation for their appeal only. No transcripts will be created or provided, nor
11 are any parties permitted to record and/or broadcast the proceedings.
12

13 F. University Hearing Panel
14

15 In some cases where a student is unable to reach a resolution in a case management conference, as well
16 as in all cases involving allegations of academic misconduct or cases involving registered student
17 organizations, a hearing of the University Hearing Panel shall be convened. Parties to the hearing shall
18 be provided five University business days' notice of a formal hearing, except in cases involving an
19 interim suspension, where parties will be provided three University business days' notice. Summer
20 holdover cases will be conducted in accordance with Section VIII.G.5.
21

22 The following rules apply to UHP hearings:
23

- 24 1. Hearings will be closed to the public.
25
26 2. Each hearing panel shall consist of three members, consisting of students, faculty, and/or staff.
27 A fourth panel member shall be assigned as an alternate in each case.
28
29 3. The UHP shall be advised by a professional staff member or graduate student who is present to
30 ensure that the procedures follow established protocol. The UHP Advisor does not participate in
31 deliberations.
32
33 4. Admission to the hearing of persons other than the parties involved will be at the discretion of
34 the UHP chair, in consultation with the UHP Advisor.
35
36 5. In hearings involving more than one responding student, the standard procedure will be to hear
37 the case jointly, providing that other respondents have not previously accepted a finding through
38 a case management conference. The UHP, in consultation with the case manager, may grant
39 separate hearings at their discretion if they find sufficient cause to do so.
40
41 6. The primary parties (responding party, complainant, and/or aggrieved party) all have the right to
42 have an advisor of their choosing present at the hearing. The advisors may not participate in the
43 hearing process and may not actively direct the participation of any party.
44
45 7. The UHP will first hear information and witnesses presented on behalf of the complaint. Once
46 the complaint information has been heard, the responding student will then be given the
47 opportunity to provide information and witnesses. All people appearing at a hearing are subject
48 to questioning by all primary parties, with the UHP receiving priority in asking questions. Any

1 questions asked by the parties must be directed to the UHP Chair. Unduly repetitive information
2 and witnesses can be limited at the discretion of the UHP Chair. Only witnesses who can speak
3 to the substance of the allegations will be considered by a hearing panel.
4

- 5 8. All procedural questions are subject to the final decision of the UHP Chair, in consultation with
6 the UHP Advisor.
- 7 9. At the conclusion of the hearing, the UHP will deliberate to reach a decision, by consensus, for
8 the alleged violations, on the basis of whether there is a preponderance of information that a
9 student violated each cited University regulation. The UHP will prepare a finding of fact and then
10 impose sanctions for any violations found.
11
- 12 10. The UHP Advisor will provide the student with written notification of the outcome of a hearing
13 no later than five University business days after the hearing. This may be delayed if the UHP
14 needs additional time to review the information provided at the hearing. Notifications of any
15 delay will be sent to a student by email. The UHP Advisor will also provide written notification of
16 relevant findings and sanctions to any complainant and/or aggrieved party via email. All decision
17 letters will outline the recipient's process for appeal. Findings shall not be verbally provided at
18 the time of the hearing.
19
- 20 11. There will be a single verbatim audio recording of the hearing. Deliberations will not be
21 recorded. This recording will be maintained by SCCR as a part of the record only until the
22 conclusion of any applicable appeals process. Access to the record will be provided for parties
23 upon request in preparation for their appeal only. No transcripts will be created or provided, nor
24 are any parties permitted to record and/or broadcast the proceedings.
25
- 26 12. In cases involving allegations of academic dishonesty, the UHP shall include at least one faculty
27 member and one student. SCCR will make every effort to ensure that graduate students are
28 utilized on the UHP when the case involves an allegation against a graduate student.
29
- 30 13. In cases involving registered student organizations, there shall be at least two students on the
31 UHP, one of whom has affiliation in a peer-type student organization (Greek letter, sports club,
32 academic student organization, etc.) and one student who does not share the peer-type
33 affiliation.
34

35 G. Specialized Rules

36
37 1. Academic Integrity Cases
38

39 Issues of academic integrity are paramount to the University. A scholar's integrity is the key to
40 academic credibility, and a degree conferred by the University is an inherent testament to that
41 scholar's credibility. As such, when a student is alleged to have committed academic dishonesty,
42 there are two issues at stake; any grade or credit issue attached to that course or requirement, and
43 the relationship between the student and the institution. Therefore, faculty are strongly encouraged
44 to report all instances of academic dishonesty to SCCR, with the recognition that faculty members
45 retain jurisdiction over any academic penalties related to that course and/or activity that might be
46 imposed.
47

48 With respect to the handling of academic integrity cases:

- 1 a) Faculty members who discover academic dishonesty should meet with the student as soon as
2 possible to review the allegation. Prior to this meeting, faculty members are encouraged to
3 contact SCCR for consultation.
- 4 b) If the student acknowledges academic dishonesty and the faculty member is satisfied that the
5 incident has been resolved:
 - 6 i. The faculty member will discuss the academic penalty to be applied and/or the
7 reparation required of the student. Faculty members should adhere to the grade
8 penalty policy, if any, noted in an appropriate syllabus. Faculty members without such a
9 policy, or where such a policy would not be applicable, should develop academic
10 penalties consistent with the nature of the dishonesty.
 - 11 ii. The faculty member is strongly encouraged to complete the electronic referral process
12 for academic dishonesty and submit this referral to SCCR, along with recommendations
13 for appropriate sanctions, recommendations for no sanctions, or a request for a
14 restorative conference for the parties to devise their own sanctions. A SCCR case
15 manager will review the case and the recommendation.
 - 16 iii. If the student does not have previous academic dishonesty violations and is otherwise in
17 good disciplinary standing with the University, the case manager can accept the faculty
18 member's recommendation of no sanction, or a faculty member's request for a
19 restorative conference.
 - 20 iv. If the student has previous violations for academic dishonesty or is otherwise not in
21 good disciplinary standing with the University, the case must be referred to the formal
22 conduct process as outline in Section VIII.A). Note that a faculty member requesting a
23 restorative conference may still have that conference granted if the student can resolve
24 the inactive sanction in the case management conference.
 - 25 v. If a faculty member recommends formal conduct action and sanctions, the case will be
26 referred for a case management conference, with the faculty member serving as a
27 complainant if needed.
- 28 c) If the student denies the allegation of academic dishonesty or if the faculty member believes
29 that the severity of the conduct may warrant a suspension or dismissal from the University:
 - 30 i. The faculty member will complete the electronic referral process for academic
31 dishonesty and submit this referral to SCCR. This submission should contain copies of all
32 information to be utilized in the student conduct process, including the names of all
33 parties involved. Note that the student will receive access to all information provided.
 - 34 ii. A SCCR case manager shall conduct a case management conference with the student, as
35 outlined in Section VIII.A), with the faculty member serving as the complainant.
 - 36 iii. If the case manager and the student can reach a resolution, the case manager will
37 consult with the faculty member to review the proposed outcome. If the outcome is
38 satisfactory to all involved parties, a decision letter will be generated and the case will
39 be resolved.
 - 40 iv. If the student and the case manager cannot resolve the case, or if the faculty member
41 does not support the proposed outcome, the case will be referred to the University
42 Hearing Panel for resolution. In the event of a hearing, the faculty member will be
43 provided with the rights of a complainant (see Section VII.B). Cases being resolved
44 during summer session will be referred to an administrative hearing.
- 45 d) It is strongly recommended that faculty members withhold the imposition of an academic
46 penalty in any cases where the student is contesting the allegation. In cases where final grades
47 are being awarded, a grade of "Incomplete" should be assigned pending the outcome of the
48 student conduct process. If a faculty member imposes an academic penalty and a student is

1 found not in violation of the allegation, the student may have grounds for appealing the penalty
2 through the Office of the Provost.

3
4 2. Student Organization Cases

5
6 Student organizations are collectively responsible for any actions committed by members that serve
7 to reflect upon the organization as a whole or upon the University community. Student conduct
8 action against organizations is separate from student conduct taken against individuals, and the
9 facts of an incident may necessitate action against both an organization and its individual members.
10 Individual student conduct proceedings stemming from a student organization conduct proceeding
11 will only include students involved in the alleged incident. Processes used to resolve student
12 organization cases will reflect both the formal and informal resolution processes outlined in this
13 *Code*.

14
15 3. Health and Safety Cases

16
17 Health and Safety Procedures may be used when an alleged violation of the *Code of Student*
18 *Conduct* Section VI.B.1.f. takes place. Once a determination is made, the case may be reviewed
19 under the Health and Safety Procedures Guide, at the discretion of the Assistant Vice
20 President/Dean of Students or designee. The student will meet with the Assistant Vice
21 President/Dean of Students or designee at the first available time after the student has received
22 notice that a Health and Safety Conference is necessary. If, during the conference, it is determined
23 that the student accepts responsibility or is found responsible for the violation(s), the Assistant Vice
24 President/Dean of Students or designee will determine an appropriate intervention/sanction(s). The
25 Dean may impose any sanction provided for in this *Code*. A student found responsible for violating
26 the *Code* as a result of a Health and Safety Conference may appeal the decision to the Vice President
27 for Student Affairs or designee.

28
29 4. Policy Violations

30
31 Alleged Policy Violations under *Code* Section VI.A.12 will be considered using existing processes for
32 determining whether the University policies, rules or regulations have been violated. (e.g.,
33 University Anti-Harassment and Non-Discrimination Policy, Policy for Unauthorized Release of
34 Protected Health Information, etc.). Please consult the University Policy website for specifics. In such
35 instances, students found to have violated the Anti-Harassment and Non-Discrimination Policy, may
36 be referred, when appropriate, to SCCR for sanctioning.

37
38 5. Holdover Cases

39
40 Beginning ten University business days before the end of the fall and spring semesters, minor cases
41 of University regulations requiring a formal resolution by SCCR or UHS may be referred to a holdover
42 process. Those cases in which it is determined by the case manager that restrictive disciplinary
43 probation, disciplinary suspension, or disciplinary dismissal are possible outcomes may not be
44 resolved by the holdover process, but shall be referred to a formal hearing at the earliest possible
45 time. When the delay occurs over the summer break, all formal hearings will be through an
46 administrative hearing.

47
48 The holdover process shall operate as follows:

- 1
- 2 a) Within ten University business days of the end of the semester, SCCR or UHS shall contact the
- 3 student by email and provide the incident report, seeking to learn the responding student's
- 4 version of the event(s). The student shall be provided ten business days to respond.
- 5 b) Based on the information provided by the student, the case manager has five University
- 6 business days to exercise one of the following options:
 - 7 i. Send a decision letter to the student noting any violations of University regulations and
 - 8 any appropriate sanctions. The student may appeal the decision to the Assistant Vice
 - 9 President/Dean of Students (or designee) overseeing the student conduct process as
 - 10 described in Section VIII.H.
 - 11 ii. Refer the case to a restorative conference and/or to informal resolution, pending
 - 12 consultation with other parties.
 - 13 iii. Refer the case to a formal hearing.
 - 14 iv. Dismiss the case.
- 15

16 6. Medical Amnesty and Good Samaritan Policy

17

18 It is imperative that medical assistance be sought when concerns arise for an individual's safety
19 because of an emergency situation such as severe level of impairment, serious injury, and/or
20 unwanted sexual contact. In emergency situations, students are urged (1) to contact emergency
21 officials by calling 911 to report the incident, (2) to remain with the individual(s) needing emergency
22 treatment and cooperate with emergency officials, so long as it is safe to do so, and (3) to meet with
23 appropriate University officials after the incident and cooperate with any University investigation.
24

25 SCCR will consider the positive impact of taking the appropriate action in an emergency situation (as
26 outlined above) when determining the appropriate response for alleged alcohol and/or other
27 substances policy violations by the reporting student, including self-reporting. This means that
28 formal University disciplinary sanctions may be deferred for possible alcohol and/or other
29 substances violations, but the incident will be documented, and educational, community, and health
30 interventions — as well as contact with a student's parents or family — may be required as a
31 condition of deferring disciplinary actions or sanctions. If all conditions are met, formal disciplinary
32 sanction will be vacated. Failure of a student(s) to respond to an emergency situation may void all
33 protections under this policy and be considered as an aggravating factor for the purposes of
34 sanctioning.
35

36 Registered student organizations (RSOs), through their officers and members, are also urged to take
37 appropriate action in emergency situations and to incorporate these expectations into their training
38 and risk management plans. When an RSO's officers and members take the appropriate action in
39 dealing with emergency situations it will be considered a mitigating factor when determining the
40 outcome or sanction of an incident that otherwise merits disciplinary action against the
41 organization. Failure of a registered student organization, or its members, to respond to an
42 emergency situation may void all protections under this policy and be considered as an aggravating
43 factor for the purposes of sanctioning.
44

45 In addition to the provisions above, any party who reports, in good faith, an alleged violation of the
46 Anti-Harassment and Non-Discrimination Policy will not receive a disciplinary sanction by the
47 University for a Code violation (such as underage drinking), that is revealed in the course of such a

1 report, unless the University determines that the violation was egregious, including without
2 limitation an action that places the health or safety of any other person at risk.

3
4 H. Appeals

5
6 Responding students, student organizations, and aggrieved parties may appeal outcomes of student
7 conduct cases, except in cases where the appeal right has been waived as a result of a voluntary
8 agreement. In cases of a voluntary agreement involving a disciplinary suspension or disciplinary
9 dismissal, students maintain limited appeal rights. Only one appeal is collectively afforded to all parties
10 involved in a student conduct case.

11
12 The following conditions apply to the appeals process:

13
14 1. Appeals are not re-hearings of student conduct cases, but only serve to review the conditions
15 within which a case was resolved. Because this is not a new hearing of the case, the burden rests
16 with the appealing party to establish that the original hearing and/or the decision reached are
17 improper. Appeals officers and appeals boards shall give deference to the original decision
18 unless it is established by a preponderance of information that the appellant was deprived of a
19 fair process; they shall not supplant their judgment over the decision of the original hearing
20 body without cause.

21
22 2. The criteria for filing an appeal are:

- 23
24 A. Procedural Error – the appellant is contending that a substantive error was committed
25 as a part of the student conduct process that deprived the appellant of a fair hearing of
26 the case. This would include but not be limited to a substantiated bias, an arbitrary and
27 capricious finding, a material deviation from established procedures, etc.
28 B. New Information – the appellant is contending that there is new information that was
29 unavailable to the appellant at the time of the original proceeding, and that this
30 information would have substantially impacted the outcome of the proceeding. The
31 student must include the new information with the appeal. Note that this criterion may
32 not be utilized by students who choose or fail to attend or participate in the original
33 proceeding they are appealing.
34 C. Disproportionate Sanction – the appellant is contending that the sanction is not
35 appropriate to the findings of the case.
36 D. Unsupported Conclusion – the appellant is contending that the decision reached by the
37 hearing body is arbitrary and capricious, and is unsupported by substantial information.

38
39 3. The process for the review of appeals is as follows:

- 40
41 A. Students have ten calendar days to request an appeal of any student conduct decision.
42 The ten day period begins on the date of delivery of the decision letter via email.
43 B. Appeals of decisions reached through case management conferences are reviewed by
44 the Assistant Vice President/Dean of Students or designee except in cases involving
45 Disciplinary Suspension and Disciplinary Dismissal. The Dean or designee shall review
46 the information provided by the appellant, as well as all case information. In some
47 cases, the Dean or designee may invite the appellant to provide additional information
48 in person or by telephone. The Dean or designee will respond to all appeals within ten

- 1 University business days of receipt. The Dean's or designee's decision is final, subject to
2 no further route of appeal.
- 3 C. Appeals of administrative hearing decisions, UHP decisions, and case management
4 conferences involving Disciplinary Suspension and Disciplinary Dismissal shall be
5 reviewed the by the University Appeals Board. The Chair of the UAB will review the
6 request for appeal submitted by the appellant, as well as all case information, to ensure
7 that the appeal meets the criteria for appeal. In some cases, the Chair may invite the
8 appellant to provide additional information in person or by telephone. The Chair will
9 respond to all requests for appeals within five University business days of receipt.
- 10 D. If the Chair of UAB denies the appeal hearing, the case is closed, subject to no further
11 route of appeal.
- 12 E. If the Chair grants the appeal hearing, the hearing will be convened within ten
13 University business days to review the case.
- 14 F. In cases involving an aggrieved party, both the responding party and the aggrieved party
15 shall be given the opportunity to appeal at the same appeals hearing. Whether or not
16 both the responding party and the aggrieved party appeal, both shall be provided the
17 opportunity to attend a hearing.
- 18 G. In cases involving allegations of academic dishonesty, the UAB shall include at least one
19 faculty member and one student. The UAB Chair will make every effort to ensure that
20 graduate students are utilized on the UAB when the case involves an allegation against a
21 graduate student.
- 22 H. Proceedings of all appeal hearings shall abide by the following protocol:
- 23 i. All hearings are closed to the public.
- 24 ii. The representative from SCCR offers a brief overview of the facts of the case to
25 date.
- 26 iii. The appellant offers a summary of their cause for appeal, providing any relevant
27 information. Both the UAB and the representative from SCCR (generally the case
28 manager or hearing officer) shall both have the opportunity to ask questions.
- 29 iv. The representative from SCCR offers a response to the appellant's case,
30 providing any relevant information. Both the UAB and the appellant shall have
31 the opportunity to ask questions.
- 32 v. Optional final statements can be made by both parties, beginning with the
33 appellant.
- 34 vi. In the event that there is a responding party, an aggrieved party, and a
35 representative of SCCR present, the appellant shall proceed first, the counter
36 party second, and SCCR third. In cases where both the responding student and
37 aggrieved party file appeals, the responding student shall proceed first, the
38 aggrieved party second, and SCCR third.
- 39 vii. Upon conclusion of the hearing, deliberations will take place in closed session to
40 reach a decision, by consensus. In UAB hearings, the Chair shall observe the
41 proceedings and aid in the authoring of a decision, but shall not participate in
42 the deliberations.
- 43 viii. Appeal hearings shall result in one of the following outcomes:
- 44 1. Affirm the original finding and sanction.
- 45 2. Affirm the finding and modify the sanction. In cases where the accused
46 student is the appealing party, the sanction may not be increased. In
47 cases where the aggrieved party is the appellant, the sanction may be
48 increased or reduced as deemed appropriate.

3. Remand the case for a new hearing or case management conference.
- ix. Written findings shall be conveyed to all parties within five business days of the hearing. Findings shall not be verbally provided at the time of the hearing.

IX. Sanctions

When students and/or student organizations are found in violation of University regulations, sanctions shall be imposed. The purpose of sanctioning is to educate a student as to why their 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 four main criteria: a) the nature of the offense; b) the precedent established at the University for similar conduct; c) the previous conduct record of the student; and, d) the student's attitude and behavior throughout the conduct process.

Sanctions shall generally be comprised of two components: a) an "inactive sanction" or written sanction (Censure, Disciplinary Probation, Restrictive 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 assignment requiring the student's active participation and reflection.

The following sanctions may be imposed by a case manager, administrative hearing officer, University Hearing Panel, University Appeals Board, Assistant Vice President/Dean of Students or through a restorative conference upon any student found to have violated the *Code*:

A. Inactive Sanctions

Inactive sanctions include those sanctions that determine a student's standing at the University. These sanctions include:

1. Censure

A censure is an official statement that the student or student organization 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 or student organization's good standing in the University community, and serves as a recognition that the student (or organization) is no longer in good disciplinary standing with the University. Disciplinary Probation will last at least one semester (eighteen academic calendar weeks) and any subsequent violations during the probationary period will be viewed as both a violation of University regulations and a violation of the probation. No more than three Disciplinary Probation sanctions may 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. Student organizations are limited to three probationary sanctions in a four year period prior to that student organization being removed from the University community, though the student organization may be removed prior to this condition.

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

5
6 3. Restrictive Disciplinary Probation

7 Restrictive Disciplinary Probation is a serious encumbrance on the student or student
8 organization's good standing in the University community, and indicates that a student or
9 student organization is at a "near removal status" from the University. Any additional incidents
10 in which the student or student organization is found in violation of the *Code of Student Conduct*
11 would result in immediate removal from the University for a period of time and the possibility of
12 additional sanctions. No more than one restrictive disciplinary probation sanction shall be
13 imposed on a student prior to removal from the University community. Student organizations
14 are limited to one restrictive disciplinary probation sanction in a three year period. Restrictive
15 disciplinary probations may not be extended as a result of separate incidents.

16
17 A student on restrictive disciplinary probation may not hold elected office, is ineligible for a
18 sophomore housing exemption to live in a fraternity or sorority house, and may not represent
19 the University in any official capacity, including intercollegiate athletics, major extracurricular
20 activities (including forensics, debate, plays and musicals) or student exchange programs. At the
21 end of the restrictive disciplinary probation period, all lost privileges and eligibility shall be
22 restored. Student organizations on restrictive disciplinary probation may not seek sophomore
23 housing exemptions and may not host any events with alcohol.

24
25 4. Disciplinary Suspension

26 Disciplinary Suspension establishes a fixed period of time during which the student or student
27 organization may not participate in any academic or other activities of the University. At the end
28 of the suspension period, the student or student organization may apply for reinstatement and
29 be readmitted only upon the approval of the Assistant Vice President/Dean of Students or
30 designee.

31
32 5. Disciplinary Dismissal

33 Disciplinary Dismissal denies the student or student organization the right to participate in any
34 academic or other activities of the University. This is a permanent exclusion from the University
35 community. Students subject to disciplinary dismissal shall be restricted from University
36 property and University-related events for a minimum of five calendar years.

37
38 6. Restrictions

39 A restriction takes away a privilege that the student may have, as well as restricting contact with
40 people and/or access to property.

41
42 B. Active/Educational Sanctions

43
44 Case managers, administrative hearing officers, and the University Hearing Panel are strongly
45 encouraged to impose "active" and educational sanctions that promote learning, understanding, and
46 reflection. These sanctions may be developed as necessary and as deemed relevant to specific conduct
47 and specific individuals.

48

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1 Among the previously established educational sanctions are:

- 2 i. Alcohol Education Program
- 3 ii. Attendance at Educational Programs
- 4 iii. Conflict Management Training
- 5 iv. Educational Service Hours
- 6 v. Ethics Workshop
- 7 vi. Reflective Exercises
- 8 vii. Restitution

9

10 C. Conduct Fines and Fees

11

12 Fines are utilized as a deterrent to further student misconduct, and are most often employed in cases
13 involving the use of alcohol and other drugs. Conduct fines are, however, also utilized for frequent
14 offenders of University regulations. Conduct fine rates are approved by the Vice President for Student
15 Affairs. Conduct fees are associated with costs for providing educational sanctions, and are set by the
16 service provider.

17

18 D. More than one sanction may be imposed for any violation.

19

20 E. Case managers, administrative hearing officers, and the University Hearing Panel may impose other
21 restrictions, such as restriction from class registration and other academic activities as is deemed
22 necessary.

23

24

25 X. Conduct Records

26

27 A. All student conduct records, both adjudicatory and non-adjudicatory, are maintained by SCCR for a
28 period of seven years from the date of creation, with the following exceptions:

29

30 1. Records of students placed on disciplinary probation or restrictive disciplinary probation are
31 maintained for a period of seven years after the date by which the student completes their
32 probationary status.

33

34 2. Records of students who are subject to disciplinary suspension or disciplinary dismissal are
35 maintained permanently.

36

37 3. Records of registered student organizations are maintained permanently.

38

39 B. In compliance with the Family Educational Rights & Privacy Act, all student conduct proceedings and
40 student conduct records are considered confidential, except as otherwise provided by law. Only
41 those persons authorized by the student or by the Dean of Students Office may have access to these
42 records.

43

44 C. Exceptions for parental and public notification are provided in Section XI.

45

46

47

48

1 **XI. Parental and Public Notification**

- 2
- 3 A. In cases where a student who is found in violation of University regulations is under the age of
- 4 twenty-one and is also financially dependent (as noted on federal tax forms), parents and legal
- 5 guardians will be notified when:
- 6
- 7 1. The student is found in violation of alcohol or drug related regulations and is given the
- 8 sanction of Disciplinary Dismissal, Disciplinary Suspension, Restrictive Disciplinary
- 9 Probation, or if the student accrues more than one semester of Disciplinary Probation.
- 10
- 11 2. The student is found in violation of physical misconduct or the Anti-Harassment & Non-
- 12 Discrimination Policy towards another person and is given the sanction of Disciplinary
- 13 Dismissal, Disciplinary Suspension, Restrictive Disciplinary Probation, or if the student
- 14 accrues more than one semester of Disciplinary Probation.
- 15
- 16 B. Parents and legal guardians will be notified of such decisions only after the conclusion of all
- 17 appropriate appeal processes.
- 18
- 19 C. In some cases, students may offer reasons why parental notification would be detrimental to
- 20 their emotional and/or physical well-being. In such cases, the Assistant Vice President/Dean of
- 21 Students or designee will review the request and issue a final determination.
- 22
- 23 D. Parents and legal guardians will be notified via a letter sent to the student's permanent address.
- 24
- 25 E. Once notified, parents and legal guardians will be provided full disclosure of the specific incident
- 26 leading to the sanction upon written request. Requests for access to previous or subsequent
- 27 student conduct history (except for those meeting the criteria outlined in Section XI.A above)
- 28 will require a signed consent from the student.
- 29
- 30 F. At no time will SCCR provide any information that divulges to the public the name, address, or
- 31 other identifying personal information of anyone involved in the student conduct process.
- 32
- 33 G. SCCR will maintain a public online summary of the disciplinary status of student organizations
- 34 that have been sanctioned through the student conduct process. Additionally, the Assistant Vice
- 35 President/Dean of Students may authorize the notification of all parents of student members of
- 36 a student organization with respect to the actions of the organization and the sanctions
- 37 imposed.

38

39

40 **XII. Conduct Bodies**

41

42 A. Case Managers

43

44 Case managers are professional and graduate student staff members of SCCR and University

45 Housing Services that are assigned to manage student conduct cases. SCCR staff shall receive

46 training in all areas related to case management from the Assistant Dean of SCCR. University

47 Housing Services staff shall receive case management training from the Assistant Director of

48 University Housing Services, in consultation with the Assistant Dean of SCCR.

1 B. Student Conflict Specialists
2

3 Student conflict specialists are undergraduate or graduate student staff member assigned by SCCR
4 to assist students in a conflict resolution intake process. They shall receive training and supervision
5 from SCCR professional staff.
6

7 C. Conduct Consultants
8

9 Conduct consultants are faculty, staff, and student volunteers who have received basic training in
10 the student conduct process. These volunteers are an optional resource open to any student
11 involved in the student conduct process.
12

13 D. Administrative Hearing Officers
14

15 Administrative hearing officers are full-time employees of the University (typically from the Dean of
16 Students Office and University Housing Services) who are trained and empowered to hear formal
17 cases involving allegations of student misconduct. The Assistant Vice President/Dean of Students or
18 designee shall be responsible for approving the selection of hearing officers, and the Assistant Dean
19 of SCCR shall be responsible for providing appropriate training. Administrative hearing officers may
20 also serve as arbiters when a case is referred to arbitration.
21

22 E. University Hearing Panel
23

24 The University Hearing Panel shall consist of students, faculty, and staff who are trained and
25 empowered to hear formal cases involving allegations of student misconduct. All recruitment and
26 selection of University Hearing Panel members is conducted at the start of the fall semester.
27 Vacancies are filled on an as-needed basis. The following rules apply to the UHP:
28

- 29 1. Students serving on the UHP are first nominated by the Assistant Dean of SCCR
30 following a recruitment and selection process conducted by SCCR. They must be in both
31 good academic and disciplinary standing with the University at both the time of their
32 selection and throughout their term of service. The Assistant Vice President/Dean of
33 Students or designee reserves the right to establish more stringent requirements. A
34 student's application will authorize the release of necessary records for verification
35 purposes. Nominations are forwarded to the Student Government Association for
36 approval. Students may serve until graduation, at the discretion of the Assistant Dean of
37 SCCR. A comprehensive recruitment campaign will be conducted at least once annually,
38 with special recruitment campaigns being implemented as necessary to maintain an
39 appropriate pool of members.
40
- 41 2. Those students selected for UHP membership must complete an initial course of training
42 before their service may begin. Additional training may be offered as needed each
43 semester.
44
- 45 3. Faculty/staff members serving on the UHP are first nominated by the Rules Committee
46 of the Academic Senate. They are then elected by the Faculty Caucus. Faculty and staff
47 serve two-year terms. Faculty and staff may be reappointed.
48

- 1 4. Those faculty/staff appointed to UHP membership must complete an initial course of
2 training before their service may begin. Additional training may be offered as needed
3 each semester.
- 4
- 5 5. Staff members serving on the UHP are recruited and selected by the Assistant Dean of
6 SCCR, subject to approval by the Vice President for Student Affairs or designee.
- 7 6. Those staff members appointed to UHP membership must complete an initial course of
8 training before their service may begin. Additional training may be offered as needed
9 each semester.
- 10
- 11 7. All members of the UHP may be removed from membership at the discretion of the
12 Assistant Dean of SCCR for any of the following reasons: failure to participate in training
13 activities, failure to attend scheduled hearings, poor performance appraisals,
14 termination or expiration of employment, violation of University regulations, failure to
15 uphold confidentiality requirements, or other issues as specified by the Assistant Dean.
- 16
- 17 8. The Assistant Dean of SCCR will notify the Academic Senate of vacant faculty seats, and
18 the Senate will provide replacement appointments as necessary. SCCR may conduct
19 recruitment and selection processes to nominate faculty members to the Academic
20 Senate for approval.
- 21
- 22 9. The UHP reports annually to the Academic Affairs Committee.
- 23

24 F. University Appeals Board

25
26 The University Appeals Board shall consist of students, faculty, and staff who are trained and
27 empowered to review appeals of cases heard by administrative hearing officers and the University
28 Hearing Panel. The following rules apply to the UAB:

- 29
- 30 1. The members of the UAB shall be five faculty members nominated by the Faculty
31 Caucus, five students nominated by the Student Government Association, and five staff
32 members nominated by the Vice President for Student Affairs, all appointed by the
33 President. A faculty member or professional staff member not employed by the Dean of
34 Students Office shall be appointed by the Vice President of Student Affairs to serve as
35 the non-voting Chair of UAB. Faculty and staff members are appointed for three-year
36 staggered terms. Students are appointed on an annual basis. Student members must be
37 admitted to an authorized degree or credential program.
- 38
- 39 2. Two students, two faculty members, and one staff member shall be assigned to each
40 appeal hearing. A quorum will consist of three members, of which at least two will be
41 faculty and/or staff.
- 42
- 43 3. As noted in Section VIII.H.3.C, the Chair shall be given the authority to screen appeals to
44 ensure that they meet the criteria for filing an appeal. The Chair shall supervise all
45 hearings of the UAB including deliberations.
- 46
- 47 4. All UAB members must complete an initial course of training before their service may
48 begin. Additional training may be offered as needed each semester.

- 1 5. All members of the UAB may be removed from membership at the discretion of the UAB
2 Chair for any of the following reasons: failure to participate in training activities, failure
3 to attend scheduled hearings, poor performance appraisals, termination or expiration of
4 employment, violation of University regulations, failure to uphold confidentiality
5 requirements, or other issues as specified by the Chair.
6

7 G. Mediators
8

9 When student conduct matters are referred to mediation, SCCR shall provide trained mediators to
10 assist in the resolution of conflicts. Mediators will include students, faculty, and staff, and all
11 mediators shall receive appropriate training and supervision from SCCR professional staff.
12

13 H. Restorative Conference Facilitators
14

15 When student conduct matters are referred to restorative conferences, SCCR shall provide trained
16 facilitators to assist in the resolution of conflicts and/or the determination of sanctions. Facilitators
17 will include students, faculty, and staff, and all facilitators shall receive appropriate training and
18 supervision from SCCR professional staff.
19

20
21 **XIII. References**
22

23 This *Code* was created by a committee of University students, faculty, and staff, and has been reviewed
24 and approved by the University’s shared governance process before being approved by the University
25 President.
26

27 The following documents were utilized to assist in the development of this *Code*, in addition to direct
28 feedback received by numerous members of the University community.
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