



Indiana State University

Board of Trustees Agenda Meeting Minutes

July 31, 2020

State Room, Tirey Hall

Public may attend via Zoom

11:15 a.m.



## Board of Trustees Agenda Meeting July 31, 2020 - Minutes

### 1. Call Meeting to Order

1 Call Meeting to Order  
Mr. Taylor Page 4

### 2. New Business Items

2a Minutes of the May 8, 2020 Agenda Meeting and  
Certification of Executive Session Approved Page 6  
Mr. Taylor

2b Biennial State Capital Project Request, 2021-23 Approved Page 7  
Mrs. McKee

2c 2020-21 State Repair and Rehabilitation Request Approved Page 8  
Mrs. McKee

2d1 Policy 125 Bylaws of the ISU Board of Trustees Approved Page 9  
Ms. Butwin

2d2 Policy 170 University Committees Approved Page 11  
Dr. Licari

2d3 Policy 210 Admission Requirements-Transfer Approved Page 13  
Students  
Dr. Licari

2d4 Policy 850 Email as Official Communication to Information Page 16  
Students  
Dr. Licari

2d5 Policy 923 Non-Discrimination and Anti- Approved Page 18  
Harassment and Removal of 922 Sexual Misconduct  
Ms. Butwin

2d6 Policy 410 Code of Student Conduct Approved Page 27  
Dr. Morgan

2e Reorganization of School of Nursing Approved Page 49  
Dr. Licari

2f Graduate Certificate in Psychoeducational Approved Page 50  
Assessment  
Dr. Licari

2g Creation of Information Technology Minor Approved Page 51  
Dr. Licari

2h Elimination of Social Studies Licensure Programs Dr. Licari	Approved	Page 52
2i Revision to Undergraduate Catalog Dr. Licari	Approved	Page 53
2j Naming of the Jack and Joyce Rentschler Conference Room Mrs. McKee	Approved	Page 55
2k University Budget Update Mrs. McKee	Information	Page 56
2l Fall Planning Update Dr. Curtis	Information	Page 57

3. Old Business

4. Adjournment

Adjournment Mr. Taylor		Page 59
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## 1 Call Meeting to Order

The Indiana State University Board of Trustees met in regular session at 11:15 a.m. on Friday, July 31, 2020 in the State Room, Tirey Hall.

### Opening Statement

- Welcome
- This meeting is a hybrid one with the majority of our trustees present in a socially distanced setting and a couple of trustees, the media and the public attending via zoom.
- The electronic public meeting is allowable under Governor Holcomb's Executive Order 20-09 which has been extended most recently by Executive Order 20-24.
- Thank you for your understanding of the limitations the COVID-19 pandemic has placed on us, and the continued need to socially distance and bear with us as we do this electronically.

On our agenda today we have an unusually long list of policy and curricular items for approval. We need to address these items now to be effective fall semester, so please bear with us as we address this somewhat tedious but necessary work. A number of these are small and very focused but at least one of them related to Title IX is very large and important. At our last meeting in May I said that we would be planning to reopen campus this fall but that would be ten times more difficult than what we experienced in spring. We are still planning to open and yes it is still going to be a major challenge. Successfully reopening this campus and all campuses for that matter will require significant behavior modifications by all of us, students, faculty, staff and administration. This reopening cannot look like fall of 2019.

We will be hearing more about the University's planning related to COVID-19 later in this meeting along with an update of the university's 2020-21 budget.

At this time, I would like to make a few comments about another issue of significant importance to the University -- that of social justice.

As the most diverse residential campus in Indiana, Indiana State serves a unique role in the state's public higher education system. In addition to being ethnically diverse, our student body also includes a large portion of first-generation and Pell-eligible students. Earning a college degree transforms the lives of these students, and Indiana State is proud of its role in improving the social mobility of our students. We have in fact been recognized by folks who measure this as the number one institution in the state for social and economic mobility.

However, we cannot begin to understand the impact that this year's national events have had on our Black students, faculty and staff. President Curtis has shared the concerns expressed by the Unity Council student group and the Black Faculty and Staff Caucus with the Board of Trustees.

President Curtis and her administration, working in consultation with the Faculty Senate, the Staff Council and the Student Government Association, have committed to working on addressing these concerns. In addition to engaging in multiple meetings and discussions with a

variety of individuals and groups, Dr. Curtis has provided written responses to both groups. These are complex issues that require collaborative work across campus, and I am pleased that the governance units are engaging in this process. We encourage the implementation of best practices to make sustainable, meaningful change.

The Board of Trustees supports these efforts and unequivocally upholds the commitment to inclusiveness stated in our University's values.

**Trustees Present**

Kathleen Cabello, Robert Casey, Tanya McKinzie, Randall Minas, Casey Phillips, Kimberly Smith and Jeff Taylor

**Trustees Present via Electronic Means**

Edward Pease and Cynthia Powers

**Trustees Absent**

None

**Others Present**

President Curtis, Vice Presidents Angel, Licari, McKee, Morgan and Rogers.

There being a quorum present, Mr. Taylor called the meeting to order at 11:15 a.m.

## 2a Minutes of the May 8, 2020 Meeting and Certification of Executive Session

The Indiana State University Board of Trustees met in Executive Session at 9:00 a.m. on Friday, May 8, 2020 via electronic means.

The Indiana State University Board of Trustees hereby certifies that no subject matter was discussed in the Executive Session other than the subject matter specified in the public notice.

The Trustees met in a regularly scheduled meeting on Friday, May 8 at 10:45 a.m. via electronic means.

Trustees present: Mrs. Cabello, Mr. Casey, Mrs. McKinzie, Mr. Minas, Mr. Pease, Mr. Phillips, Mrs. Powers, Mrs. Smith and Mr. Taylor.

Trustees absent: None

**Recommendation:** Approve the Board Minutes for May 8, 2020 and Certification of Executive Session held on May 8, 2020.

**Motion made by:** Mr. Minas

**Motion seconded by:** Mrs. McKinzie

### **Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**The recommendation was approved.**

## 2b Biennial State Capital Project Request, 2021-23

The Capital Project for the 2021-23 biennium is to be submitted to the Indiana Commission for Higher Education and the State Budget Agency on or before September 4, 2020. State funds are requested for the following:

### Special Repair and Rehabilitation

Renovation of Technology Annex (Tech A)                      \$37,600,000

**Recommendation:** Approval of the Biennial State Capital Project Request for 2021-23 as outlined above.

**Motion made by:** Mrs. McKinzie

**Motion seconded by:** Mrs. Cabello

### **Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**The recommendation was approved.**

## 2c 2020-21 State Repair and Rehabilitation Request

The 2019 Indiana General Assembly appropriated \$1,504,289 for Repair and Rehabilitation projects at Indiana State University for the 2020-21 fiscal year.

**Recommendation:** Approval to request the Indiana Commission for Higher Education, the State Budget Committee, the State Budget Agency, and the Governor of the State of Indiana to authorize the following projects totaling \$1,504,289 from Repair and Rehabilitation appropriation as shown below:

### General Repair and Rehabilitation

Utility Tunnel Repair/Replacement	\$300,000
Central Chilled Water Plant Cooling Towers Repair	\$650,000
Mechanical/HVAC Repairs/Replacement	\$554,289
Total	\$1,504,289

**Motion made by:** Mr. Minas

**Motion seconded by:** Mr. Phillips

### **Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**The recommendation was approved.**

## **2d1 Proposed Modification to Policy 125 Bylaws of the ISU Board of Trustees Section 125.4 Article IV Meetings of the Board of Trustees**

**Rationale:** The proposed modification to Policy 125 Bylaws of the ISU Board of Trustees is to update section 125.4.1.1.2 to clarify that it is the Secretary of the Board of Trustees who provides notice of the annual meeting and to adjust section 124.4.1.2 to indicate the minimum number of regular meetings the Board of Trustees will have annually in addition to the annual meeting.

### **Proposed Language.**

#### **125.3 Article III**

##### **125.3.1 Powers of Board Trustees.**

**125.3.1 Statutory Powers.** In addition to the powers specifically granted by statutes of the State of Indiana, the Board has and may exercise all other implied powers reasonably required for the conduct of the affairs of Indiana State University.

**125.3.1.2 University President.** The Board will appoint and ~~regularly~~regularly evaluate the University President and, when the Board deems it necessary, may terminate the President.

**125.3.1.3 Contracts.** The Board may from time to time, by resolution, prescribe the manner in which contracts shall be executed on behalf of the Board. In the absence of such provision, all contracts shall be executed by the Chair or Vice Chair and attested by the Secretary Assistant Secretary.

#### **125.4 Article IV**

##### **125.4.1 Meetings of the Board of Trustees**

**125.4.1.1 Annual Meeting.** An annual meeting of the Board of Trustees shall be held each year for the purpose of electing officers and the transaction of such other business as may be brought before the meeting.

**125.4.1.1.1 Place and Time.** Such meeting shall generally, but not necessarily, be held on the Friday preceding May commencement each year, at the hour and place specified in the notice of the meeting.

**125.4.1.1.2 Notice.** The Secretary of the Board of Trustees shall give five (5) days' notice of such annual meeting in person or by mail, telephone, or telegraph.

**125.4.1.1.3 Delayed Annual Meeting.** In the event of failure to hold an annual meeting, a delayed annual meeting may be held on a later date upon being called by any two (2) members of the Board or by the Chair of the Board. Five (5) days' notice of such delayed annual meeting shall be given by the Secretary in the same manner specified for the annual meeting. Page 9 of 59

**125.4.1.2 Regular Meetings.** The Board of Trustees shall hold ~~five (5) regular~~ a minimum of four regular meetings each year, in addition to the annual meeting. However, any regular meeting may be canceled with the consent of at least a majority of the members of the Board.

**Recommendation:** Approval of the proposed modification to Policy 125 Bylaws of the ISU Board of Trustees.

**Motion made by: Mrs. Smith**

**Motion seconded by: Mr. Casey**

**Roll Call Vote:**

Kathleen Cabello, yes

Robert Casey, yes

Tanya McKinzie, yes

Randall Minas, yes

Edward Pease, yes

Casey Phillips, yes

Cynthia Powers, yes

Kimberly Smith, yes

Jeff Taylor, yes

**The recommendation was approved.**

## 2d2 Proposed Modification to Policy 170 University Committees Section 170.10 Assessment Council

**Rationale:** The proposed changes reflect changes to the university organizational structure and to clarify membership and processes.

### **Proposed Language.**

#### **170.10 Assessment Council**

Purpose. The mission of the University Assessment Council is to guide and support assessment activities that improve student learning and student support services and promote the continuous improvement of the university's programs. The Council is charged with identifying assessment issues, developing policy recommendations, facilitating and monitoring assessment activities, and promoting the adoption of best practices in assessment. It undertakes these responsibilities in recognition that the primary responsibility for academic assessment belongs to the faculty.

**170.10.1 Membership and Nomination.** The Assessment Council will be composed of 49 representatives of institutional units-members who will meet monthly during Fall and Spring semesters. An ~~eleven-member~~ leadership team will serve as the executive group to provide general leadership to the Council as well as support and facilitate the work of the larger Council. The members of the Assessment Council will be appointed as follows:

- ~~eight-a~~ faculty representatives selected by each college and the library, each nominated by their respective college and the library;
- two faculty-at-large, ~~appointed~~ selected by Faculty Senate;
- two Associate Deans, ~~appointed~~ selected by the Council of Deans;
- one representative from Student Affairs, ~~appointed~~ selected by the Vice President;
- ~~one representative from Student Success, appointed~~ selected by the Provost;
- one representative from Enrollment Management, appointed selected by the Vice ~~President~~ Provost;
- one representative from University Engagement, selected by the Vice President;
- two student representatives, one undergraduate and one graduate student, ~~appointed~~ selected by the Student Government Association and the College of Graduate and Professional Studies;
- ~~the Associate Vice President of Academic Affairs; and~~
- the Coordinator of Assessment and Accreditation; and-
- the Associate Vice President of Academic Affairs as an ex-officio, non-voting member.

Each unit may request appointment of ex-officio, non-voting members to the Council when those faculty/staff perform assessment duties for the unit as a primary part of their position.

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**170.10.1.1 Assessment Leadership Team.** The following members of the Assessment Council will be members of the Assessment Leadership Team: The eight (~~8~~) faculty members ~~selected~~ appointed from the Colleges and the Library; the Associate Vice President for Academic Affairs; the Student Affairs representative; and the Coordinator of Assessment and Accreditation. The Assessment Leadership Team meets ~~twice~~ one to two times monthly, during Fall and Spring semesters.

**170.10.1.2 Terms of Office.** Faculty and administrators will serve staggered, three-year terms. Those who have completed one term of service may be eligible to be ~~selected~~ nominated for a ~~second~~ n

additional three-year term. Students serve one-year terms and are eligible to be nominated selected for additional terms as long as they retain full-time status. Terms run July 1 through June 30.

It is expected that members attend and participate at meetings. Should other priorities regularly interfere with this commitment, the member is expected to consult with their representative body (e.g., college, division) to select a replacement. The Council chair may intervene with any member who is not fulfilling their commitment.

**170.10.1.3 Voting.** All members of the committee have voting rights. Standing members of the Council may vote. A simple majority of members must be present to establish quorum to vote on any matter presented to the Council. This does not include projects assigned to ah-hoc committees for which they have been given the authority to make decisions without a Council vote (e.g., Provost's Award Committee recipient selection).

**170.10.1.4 Leadership and Oversight.** Members of the Assessment Leadership Team will select a chair, and vice chair, and secretary annually. The Committee reports to the President through the Provost and will provide them with an annual report of its meetings, attendance of members, agendas, and matters acted upon by June 30th of each year.

**Recommendation:** Approval of the proposed modification to Policy 170 University Committees.

**Motion made by: Mr. Minas**

**Motion seconded by: Mrs. Cabello**

**Roll Call Vote:**

Kathleen Cabello, yes

Robert Casey, yes

Tanya McKinzie, yes

Randall Minas, yes

Edward Pease, yes

Casey Phillips, yes

Cynthia Powers, yes

Kimberly Smith, yes

Jeff Taylor, yes

**Item 2d2 and 2d3 recommendations were approved together.**

## 2d3 Proposed Modification to Policy 210 Admissions Section 210.6 Admission Requirements--Transfer Students, Section 210.7.1 Transferability and Section 210.8 Articulated Programs and General Educational Core

### Rationale:

The US Department of Education changed its rules effective July 1, 2020, whereby we need to consider transfer from nationally recognized/accredited institutions, and not just regionally accredited institutions. The policy change allows us to be consistent with USDOE requirements. Also, there will be renumbering completed in this modification beginning with 210.6 Admissions Requirements—Transfer Students through 210.13 Continuing Student Taking Courses outside of ISU.

### Proposed Language

(Proposed additions appear in red and deletions in strikethrough.)

#### **210.6 7 Admission Requirements—Transfer Students**

The following are general admission standards for transfer students:

1. Be in good standing at last accredited institution attended.
2. Have a high school record that meets the entrance requirements of freshmen admitted to Indiana State University.
3. Have earned 2.0 cumulative grade point average (GPA) in all college level studies.

~~Admission to the following require higher standards:~~

~~— Bayh College of Education: 2.5 cumulative grade point average.~~

~~— Nursing: Once admitted to the University, nursing programs require a separate application.~~

NOTE: Transferable hours are restricted to courses in which the applicant earned a grade of C or higher, and courses at the 100-level (and above) from **regionally** accredited colleges and universities. Credit from ~~nationally accredited and/or~~ non-accredited colleges and universities will not transfer.

NOTE: Some programs require higher standards for admission. Students should consult the section of this Catalog that describes the academic program they wish to enter.

#### **210.78 Transfer of Credit Evaluation**

Academic deans determine the applicability of transfer credits to requirements within their colleges. Transfer credit will be re-evaluated if a transfer student changes their degree program.

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#### **210.79.1 Transferability.**

1. The following guidelines govern transfer of courses:
2. Only transfer credits earned in college-level courses (typically numbered 100 or higher) from an **regionally** accredited college or university will be assigned credit. Credit from **nationally accredited and/or** non-accredited colleges and universities will not transfer.

3. Only transfer courses in which a grade of C or higher was earned will be assigned credit; courses with a grade of C- or below will not be assigned credit.
4. A maximum of 90 transfer credits may be assigned toward a bachelor's degree.
5. Transfer credits are assigned only for college-level courses.
6. The dean of the college may determine which of the courses taken by the student more than seven years prior to graduation may be applicable to a baccalaureate degree.

### **210.710.2 Applicability.**

Application of transfer credits depends on the student's choice of degree program. Transfer credit will be re-evaluated if transfer students change their degree program. Transfer credit may be assigned as course equivalency or as elective credit as described below:

1. Course equivalency means that a transfer course is equivalent to a specific Indiana State University course in the major, minor, or Foundational Studies Program by the appropriate department/academic unit. Some course equivalencies have been established through existing agreements between Indiana State University and other colleges and universities; other equivalencies will be determined on an individual basis.
2. Elective credit is assigned for courses that meet transfer requirements, but for which no equivalency is determined. Elective credit is usually applied toward total earned credits and may also apply to the major, minor, or Foundational Studies Program. The decision to apply transfer elective credit in a program is made by the appropriate academic unit. Students who have been offered admission and have submitted official transcripts from **regionally** accredited colleges or universities to the Indiana State University Office of Admissions should review their degree audit report after admission to Indiana State to identify the status of each course and the total number of credits transferred to Indiana State University. After reviewing the degree audit report, students may request a reconsideration of their transfer credit evaluation from the academic dean's office in the college of the student's intended major. Students access the degree audit report through the MyISU Portal.

### **210.811 Articulated Programs and General Education Core**

Indiana State University has established articulation agreements with several colleges and universities that allow students to complete a specific associate degree program at another institution and receive up to 90 credits toward a specific bachelor degree program at Indiana State University. Each articulation agreement will stipulate the Indiana State University courses needed to complete the bachelor degree program and any requirements or guidelines that govern a particular agreement (for example, course and cumulative grade point requirements that differ from the University's general requirements). Students should review the articulation requirements presented by the appropriate Indiana State University College or by their chosen program at the institution from which they intend to transfer.

The Office of Registration and Records maintains current listings of articulated programs and course equivalencies between Indiana State University and other colleges and universities. Interested students should consult the **Transfer-site Catalog**. Students who successfully complete the Statewide Transfer General Education Core (STGEC) at an Indiana public institution of higher education, can transfer that coursework as a block of 30 credit hours towards completion of Foundation Studies requirements at Indiana State University.

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**Recommendation:** Approval of the proposed modification to Policy 210 Admissions.

**Motion made by: Mr. Minas**

**Motion seconded by: Mrs. Cabello**

**Roll Call Vote:**

Kathleen Cabello, yes

Robert Casey, yes

Tanya McKinzie, yes

Randall Minas, yes

Edward Pease, yes

Casey Phillips, yes

Cynthia Powers, yes

Kimberly Smith, yes

Jeff Taylor, yes

**Item 2d2 and 2d3 recommendations were approved together.**

## **2d4 Proposed Modification to Policy 850 Email as Official Communication to Students**

**Rationale:** Modifying this policy will allow the policy to be clearer that ISU email is the official communication for all university constituents and not just for students.

### **Proposed Language.**

#### **Policy 850 ~~Email as Official~~ University Communication ~~to Students~~**

##### **850.1 Purpose**

Email provides a convenient, timely, efficient, cost-effective, and environmentally-aware means of delivering information and communication to students. The University has a compelling business interest in establishing a policy that ensures that all students have access to an electronic form of communication and that such means are used as a standardized channel by faculty and ~~other College~~ staff as needed. There is an increasing need for electronic communication with students. The University intends to establish email as an official communication mechanism with students. To that end, students, faculty, and staff must be provided with an appropriate formal notification (by way of policy adoption) that all formally designates email as an official means of communication with students.

##### **850.2 Applicability**

This policy applies to all students enrolled at of Indiana State University and all faculty and staff employed by Indiana State University.

##### **850.3 Definitions**

**850.3.1 Email.** Email is the transmission of computer-based messages over telecommunication technology. The term email is used synonymously with the terms such as e-mail and electronic mail.

##### **850.3.2 Official University Email Address.**

The Official University Email Address is the email account that is provided to each student, staff and faculty member ~~free of charge~~ and which resides on a University owned, specified, and operated email server with the Internet designation of 'indstate.edu' domain, and that is provided for the purpose of supporting student mail. The university email address will be maintained in the official university email directory for each student, faculty and staff member.

##### **850.4 Statement of Policy**

Email is a valid mechanism for official communication with students at Indiana State University. The University has, and hereby exercises, the right to send official communications to students by email. The University has, and hereby exercises, the right to expect that students will receive email and will read email in a timely fashion.

**850.4.1 Official University ~~Email Address Assigned~~Communication.**

~~All students will be assigned an official university email address.~~ University communications may be sent to this official university email address with the expectation that such communication is formal and official and with no additional requirement to use other means of communication to accomplish student notification. ~~This official university email address will be maintained in the official university email directory for each student.~~ Student, faculty or staff shall not use a private email account to correspond with one another as it relates to University business.

**850.4.2 Forwarded Email; Failure to Read Email.**

The University may, at its discretion, provide a mechanism that allows a student, faculty and staff member to have email forwarded from the official university email address to another email address ~~of the student's choice~~. However, ~~students those~~ who choose to have email forwarded to another email address do so at their own risk. The University is not responsible for email forwarded to any other email address. ~~A student's~~The failure to receive or read in a timely manner official university communications sent to the student's official email address does not absolve the student from knowing and complying with the content of the official communication.

**850.4.3 Encompasses All Communication; Course-Related Communications.**

This policy encompasses all official communication between the University and the student whether that communication is related to course-related academic, non-course related academic, or non-academic purposes. Faculty and staff may assume that a student's official university email is a valid mechanism for communicating with a student. Faculty ~~may, at their choice, use email for communicating with students registered in their classes~~shall use their official university email address for communicating with students registered in their classes or for other University business, such as advising on research endeavors. Students receiving course related communications from their course instructors through the official university email will be responsible for compliance with course requirements.

**850.5 No Exceptions**

There are no exceptions to this policy.

**Recommendation:** Approval of the proposed modification to Policy 850 Email as Official University Communications to Students.

Item 2d4 changed to information only and will be submitted at a later date for approval.

*[Faint, illegible text, possibly bleed-through from the reverse side of the page]*

## **2d5 Proposed Modifications to Policy 923 Non-Discrimination and Anti-Harassment and Removal of Policy 922 Sexual Misconduct**

**Rationale:** On May 6, 2020, the Department of Education finalized regulations for application of Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs and activities. The effective date of the regulations is August 14, 2020. The administration proposes modification of Policy 923 Non-Discrimination and Anti-Harassment and removal of Policy 922 Sexual Misconduct to address compliance requirements of the final Title IX regulations. In June 2020, the General Counsel's Office and the Equal Opportunity and Title IX Office convened a working group with representation from the Division of Student Affairs, Office of Human Resources, Faculty Senate, Staff Council and Student Government Association to develop recommendations about policy revisions. The proposed policy modifications adopt one policy for all forms of discrimination, with consistent investigation and appeal procedures. The regulations required sexual harassment allegations to be adjudicated through a live hearing procedure, which will be overseen by a hearing officer. Policy violations of non-sexual harassment discriminatory behavior will be determined by an assigned investigator. The policy delegates the development of investigation, hearing, and appeal procedures to the President. Because the regulations will be effective August 14, 2020, the administration requests that the Board approve the proposed policy and allow the President to make modifications to meet legal compliance when necessary.

**Proposed Language. Please note that Title IX Regulatory requirements are in bold.**

### **923 Non-Discrimination and Anti-Harassment**

#### **923.1 Overview.**

Indiana State University prohibits discrimination on the basis of: age, disability, genetic information, national origin, pregnancy, race/color, religion, sex, gender identity or expression, sexual orientation, veteran status, or any other class protected by federal and state statutes. Discrimination based upon any protected class is strictly prohibited in ISU programs and activities or that interferes with the educational or workplace environment. ISU recognizes that discrimination and harassment may take many forms, and it is our collective commitment to respond promptly and vigorously to discriminatory or harassing behavior.

##### **923.1.1 Forms of Discrimination and Harassment Related to Students.**

Discrimination or harassment of students may occur when, on the basis of age, disability, genetic information, national origin, pregnancy, race/color, religion, sex, gender identity or expression, sexual orientation, or veteran status, students are unjustly denied educational services and benefits, treated differently than other peers without a legitimate, non-discriminatory reason, or are subjected to unwelcome conduct that is based on a student's actual or perceived age, disability, genetic information, national origin, pregnancy, race/color, religion, sex, gender identity or expression, sexual orientation, or veteran status and is sufficiently severe, pervasive, or persistent that it interferes with the student's ability to participate in the benefits, services, and activities of the educational environment.

##### **923.1.2 Forms of Discrimination and Harassment Related to Employees.**

Discrimination or harassment of employees may occur when, on the basis of age, disability, genetic information, national origin, pregnancy, race/color, religion, sex, gender identity or expression, sexual orientation, or veteran status, employees are unjustly denied employment opportunities or are subjected to adverse employment actions, are subject to policies that disproportionately exclude the employee or a class of employees and are not job related, or are subject to harassing conduct that is sufficiently frequent or severe as to create a hostile work environment.

### **923.1.3 Sexual Harassment in the Educational Environment.**

Sexual harassment is a form of sex discrimination that is prohibited by ISU's policy and state and federal law. The Department of Education has adopted regulations that specifically define sexual harassment under Title IX of the Education Amendments of 1972. Sexual harassment in the educational environment occurs if the conduct occurs on ISU's campus or where ISU exercises substantial control over the educational environment.

**A person engages in sexual harassment in the educational environment when**

**1) The person is an employee, including a student employee, and conditions educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);**

**2) The person commits unwelcome conduct of a sexual nature that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or**

**3) The person commits sexual assault, dating violence, domestic violence, or stalking.**

**(a) Sexual assault is defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Specific examples of sexual assault include rape, fondling, incest, and statutory rape.**

**Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of a person of any gender.**

**Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.**

**Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.**

**Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.**

**(b) Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.**

**(c) Domestic violence is defined as a felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (v) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Indiana.**

**(d) Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others or (ii) suffer substantial emotional distress.**

**For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.**

**Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.**

**Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.**

**(e) Consent is defined as a knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent. Lack of consent means:**

- a. The person has not given consent; or**
- b. The person is incapable of giving consent because of mental, developmental, or physical disability; or**
- c. Force is used or threatened; or**

- d. The person is incapable of giving consent as a result of judgment-inhibiting intoxication without regard to the intoxicant; or
- e. The person is not sufficiently conscious to provide consent; or
- f. The person is not old enough to give consent. In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or to the police.

#### **923.1.4 Sexual Harassment in the Employment Environment.**

Sexual harassment also refers to the unwelcome imposition of sexual attention often in the context of a relationship of unequal power. Sexual harassment in the employment context is conduct experienced or engaged in by an employee that is sexual in nature and which has the effect of unreasonably interfering with another person's work or educational performance, or which creates an intimidating, hostile, or abusive environment. It can include unwelcome sexual advances, requests for sexual favors, physical conduct and other verbal or physical conduct of a sexual nature.

#### **923.1.5 Other Harassing, Intimidating, or Physically Abusive Conduct.**

Conduct that seeks to intimidate or harass or constitutes unwelcome or abusive physical contact but is not discriminatory is also prohibited by [Policy 410 Code of Student Conduct](#), [Policy 502 Prohibition on Hostile or Intimidating Workplace Behavior](#) and other ISU policies as may be adopted from time to time.

### **923.2 Commitment to Freedom of Expression and Academic Freedom.**

ISU values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. However, speech that is discriminatory and harassing is not protected and will be subject to investigation and possible disciplinary action.

### **923.3 Reporting Discrimination and Harassment.**

All ISU employees are expected to report discrimination and harassment to the Equal Opportunity and Title IX Office. Those individuals who act in a supervisory capacity or who serve as faculty/staff advisors to ISU student organizations should be especially mindful of the obligation to report discrimination and harassment promptly. Reports of discrimination or harassment should be directed to:

Equal Opportunity and Title IX Office  
Rankin Hall, Room 426  
Indiana State University  
Terre Haute, Indiana 47809  
(812) 237-8954  
[ISU-equalopportunity-titleix@mail.indstate.edu](mailto:ISU-equalopportunity-titleix@mail.indstate.edu)

[https://cm.maxient.com/reportingform.php?IndianaStateUniv&layout\\_id=10](https://cm.maxient.com/reportingform.php?IndianaStateUniv&layout_id=10)

#### **922.3.1 Confidential Reporting.**

ISU has designated certain employees to be confidential resources to students and employees. These confidential resources may be found on the Equal Opportunity and Title IX website.

### **923.3.2 Supportive Measures.**

**Upon receipt of a report of discrimination or harassment, the Director of Equal Opportunity/Title IX Coordinator may provide supportive measures to either party. In the event an employee is the respondent, the Director of Equal Opportunity/Title IX Coordinator will consult with the vice president of the area in which the respondent is employed about supportive measures that may impact the respondent.**

### **923.4 Review of Reports of Discrimination and Harassment; Filing of Complaints.**

ISU has designated the Equal Opportunity and Title IX Office to review all reports of discrimination and harassment. Upon receipt of a report and after consultation with the individual who allegedly experienced the discrimination, the Director of Equal Opportunity/ Title IX Coordinator will make a determination about whether or not the allegations sufficiently allege discrimination. If so, a formal complaint will be filed by the individual or the Director of Equal Opportunity/Title IX Coordinator and an investigation will begin. The Director of Equal Opportunity/Title IX Coordinator is responsible for conducting the investigation or assigning an investigator to investigate the complaint of discrimination.

#### **923.4.1 Reports of Other Misconduct.**

Reports of misconduct other than discrimination will be referred by the investigator to the Office of Human Resources for Staff, the appropriate Dean for faculty, or the Office of Student Conduct and Integrity for students, including student employees.

### **923.5 Mediation.**

If both the complainant and respondent agree, reports of discrimination may be referred to a university mediator. Investigators will not engage in or participate in mediation between the parties. Even if mediation is pursued, the Director of Equal Opportunity and Title IX Coordinator may make the determination to continue an investigation if the conduct alleged is egregious or if the Director of Equal Opportunity and Title IX Coordinator, upon consultation with the appropriate Cabinet Member, believes there is a continued threat to the educational or workplace environment.

### **923.6 Investigation Procedures; Guiding Principles.**

The Director of Equal Opportunity/Title IX Coordinator will publish investigation procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/ Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Investigation Procedures will comply with the Guiding Principles for the investigation of discriminatory behavior set forth below:

- 1. The Investigator will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.**
- 2. ISU will ensure that the Title IX Coordinator, investigators, decision-makers, and any individual who facilitates mediation will receive appropriate training.**

3. The investigator will provide sufficient notice to the respondent and appropriate time to prepare a response before an interview, consistent with the Investigation Procedures.
4. The Director of Equal Opportunity/Title IX Coordinator, in consultation with appropriate university officials, may remove a student respondent from an education program or activity, including student employment, on an emergency basis if ISU determines that an immediate threat to the physical health or safety of any student, faculty member, staff member or visitor exists arising from the allegations of sexual harassment. The respondent will be given notice and an opportunity to challenge the decision immediately following removal.
5. Non-student employees may be reassigned consistent with [Policy 501 Principles of Conduct for Faculty and Staff, Section 501.2 Extraordinary Action](#).
6. The respondent will not be presumed responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the adjudication process.
7. ISU, not the complainant or respondent, is responsible for gathering information sufficient to reach a determination that respondent violated the policy.
8. Complainants and respondents will have an equal opportunity to have a support person or advisor present at interviews, consistent with the Investigation Procedures.
9. Complainants and respondents will have an equal opportunity to present witnesses, including fact and expert witnesses, and other evidence, consistent with the Investigation Procedures.
10. Complainants and respondents will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint, consistent with to the Investigation Procedures.
11. The investigation and determination will be completed reasonably promptly.
12. The investigator will produce a report that will be available to both complainant and respondent in a manner consistent with the Investigation Procedures.

**923.7 Standard of Evidence.** The standard of evidence in all discrimination matters is **preponderance of evidence**. The investigator/hearing officer will determine whether it is more likely than not that the respondent violated this policy.

#### **923.8 Determinations of Discriminatory Behavior.**

##### **923.8.1 Determinations of Discriminatory Behavior (Non-Sexual Harassment).**

In all investigations except allegations of sexual harassment, the assigned investigator will make a determination about whether or not it is more likely than not that discrimination or harassment prohibited by this policy has occurred. The final

investigation report, including the determination, will be provided to the appropriate Cabinet Member(s). The Cabinet Member to whom the Respondent reports will make a determination about disciplinary action or sanctions, if warranted. The appropriate Cabinet Member may take disciplinary action against a respondent based on the contents of the investigation report and the determination of discrimination.

### **923.8.2 Other Misconduct.**

In cases where the final investigation report identifies misconduct other than discriminatory conduct, the Cabinet member may refer the matter for further review or take disciplinary action based on the contents of the investigation report. All such disciplinary action will be consistent with ISU policy.

### **923.8.3 Determinations of Sexual Harassment.**

Sexual harassment investigations will be adjudicated by a hearing officer, **after a live hearing**. The hearing will be guided by the guiding principles set forth in 923.6 and conducted in accordance with Sexual Harassment Hearing Procedures approved by the President. The Hearing Officer will make the determination about whether or not it is more likely than not that the respondent engaged in either sexual harassment in the educational environment, as defined by Section 923.1.3, or sexual harassment in the employment environment, as defined in 923.1.4.

#### **922.8.3.1 Disciplinary Outcomes in Sexual Harassment Determinations.**

**If the hearing officer determines that the respondent engaged in sexual harassment, federal law requires the hearing officer to determine disciplinary outcomes.** Disciplinary outcomes for students may include, but are not limited to, a conduct warning, conduct probation, mandated assessments, educational requirements, and/or temporary or permanent separation from Indiana State University in accordance with the Code of Student Conduct. Disciplinary outcomes for faculty and staff will be consistent with University policies and procedures related to employee discipline.

### **923.8.4 Allegations of more than one form of discrimination.**

If more than one form of discrimination is alleged, the investigator will make the determination about non-sexual harassment discrimination.

### **923.8.5 Hearing Procedures; Guiding Principles.**

The Director of Equal Opportunity/Title IX Coordinator will publish hearing procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Hearing Procedures will comply with the Guiding Principles for hearings involving allegations of sexual harassment

**1. The Hearing Officer will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.**

**2. ISU will ensure that the Hearing Officer and Advisors provided by ISU will receive appropriate training.**

**3. All complainants and respondents will be entitled to have an Advisor present during the hearing, and the Advisor will have the opportunity to question witnesses, the investigator, and the other party. Complainant and respondent may choose the Advisor or, at the request of the complainant or respondent, ISU will provide the Advisor. No party will be allowed to ask questions of any witness, the investigator, or the other party.**

4. All complainants and respondents will be entitled to have a support person, subject to the Hearing Procedures.

**5. The hearing may, at the request of any party, be conducted in separate areas, and connected to the hearing using technology resources.**

**6. The respondent will not be presumed responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process.**

**7. Complainants and respondents will have an equal opportunity to present information to the Hearing Officer, consistent with the Hearing Procedures.**

**923.8.6 Notification to Complainant and Respondent. In all investigations of discriminatory conduct, both the complainant and the respondent will be notified in writing of the determination and, where appropriate, the disciplinary outcome.**

#### **923.9 Appeal.**

**Either party may appeal the determination to the President on the following grounds:**

- (a) Procedural irregularity that affected the outcome.**
- (b) New evidence, not reasonably available at the time of determination or dismissal was made, that could reasonably affect the outcome.**
- (c) Conflict of interest or bias that affected the outcome of the hearing.**

The Director of Equal Opportunity and Title IX Coordinator will publish appeal procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The President's decision on the merits of the appeal will be final.

#### **923.10 Retaliation.**

**Retaliation against participation in the reporting, investigation, or determination of discriminatory or harassing conduct is prohibited and will constitute a separate violation of this policy.**

#### **923.11 Campus Notifications.**

The Director of Equal Opportunity/Title IX Coordinator will cooperate with the ISU Chief of Police on any notifications to the campus about health and safety emergencies that might arise as a result of a report of a violation of this policy.

**923.12 Privacy.**

All reports of discrimination will be treated with the maximum possible privacy.

**923.13 Training.**

Those individuals involved in investigation, adjudication, and appeal of allegations of discrimination and harassment will be provided appropriate training and education. The President may require training or education of all employees and students on this policy.

**Recommendations:**

Approval of Policy 923 Non-Discrimination and Anti-Harassment and removal of Policy 922 Sexual Misconduct and delegation of authority to the President to adopt modifications to this policy as may be required for immediate legal compliance. The President or designee will report any substantive modifications to the Board of Trustees at the meeting following the policy modification. The effective date of the modified policy will be August 1, 2020.

**Motion made by: Mrs. McKinzie**

**Motion seconded by: Mrs. Smith**

**Roll Call Vote:**

Kathleen Cabello, yes

Robert Casey, yes

Tanya McKinzie, yes

Randall Minas, yes

Edward Pease, yes

Casey Phillips, yes

Cynthia Powers, yes

Kimberly Smith, yes

Jeff Taylor, yes

**The recommendation was approved.**

## 2d6 Proposed Modification to Policy 410 Code of Student Conduct

**Rationale:** The objective of the proposed modification to Policy 410 Code of Student Conduct is to ensure consistency with recommendations to Policy 923 Non-Discrimination and Anti-Harassment and removal of Policy 922 Sexual Misconduct as well as clarification to existing policy/procedures already in the Code.

### INTRODUCTION

The Code of Student Conduct (Code) contains policies governing the behavior of all students and student organizations at Indiana State University. The Code outlines the rights and responsibilities of students, behavioral expectations, prohibited conduct, and an overview of the conduct process. Definitions for terminology as well as acronyms used throughout the Code may be found in Appendix A.

Indiana State University strives to foster an atmosphere of learning and informed decision-making wherein students can be successful with an understanding of expectations, process, rights, consequences and opportunity for success. One pathway to creating this atmosphere of learning is through educational reflection.

Students and student organizations are expected to conduct themselves in accordance with these policies while aspiring to the "Sycamore Standard" (Appendix B) Aside from personal responsibility, students and student organizations are responsible for the actions of their guests and/or associates.

This Code addresses prohibited conduct that takes place on University premises and addresses off-campus conduct when the behavior may have, or has had, an adverse impact upon the University community. This Code also applies to University sponsored events (e.g. Activities, trips, banquets), which may occur off campus.

The Board of Trustees has approved these regulations and has empowered the President of the University and his/her designees to enforce the regulations, adjudicate allegations, and assign appropriate conduct resolution outcomes. The Code will be provided annually to all members of the University community via electronic means.

[Amendments to Code are outlined in University Policy Library 410: Code of Student Conduct.](#)

Students agree to abide by these policies as a condition of admission and are expected to know the regulations of the University and conduct themselves in harmony with these regulations.

### 1.0 STUDENT RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS

#### 1.1 Student Rights

- All students have the same rights and responsibilities.
- A student has the right to participate in a free exchange of ideas and peaceful assembly in accordance with applicable federal, state, and local laws.
- Each student has the right to be free from discrimination; including but not limited to harassment, on the basis of race, sex, gender, religion, disability, age, national origin, sexual orientation, or veteran status.
- A student has the right to personal privacy except as otherwise provided by law and University policy/procedure.
- The rights to fair and equitable procedures determining when and upon whom consequences for violation of campus policies should be imposed.

#### 1.2 Student Conduct Procedural Rights

~~Students will be given every reasonable opportunity to present information—Student rights related to the conduct process are as follows:~~

~~The right against self-incrimination~~

~~The right to a University Advisor (See 4-2-7)~~

~~The right to fair, equitable, and timely procedures~~

~~The right to provide witnesses (See 4.2.6)~~

~~The right to appeal decisions of the hearing (See 6.0)~~

Students accused of a policy violation have the following rights:

- choose whether to attend or not attend any conduct process or submit a written presentation of their case prior to the schedule process (4.3.8).
- access a University Conduct Advisor (4.3.9);
- a fair, equitable, and timely process;
- provide witnesses (4.3.10);
- be presumed not responsible until the conclusion of the conduct process if the standard of proof is present; and,
- review, not receive copies of, all relevant information regarding their conduct case in order to prepare a defense.

See also 4.3.7

### **1.3 Student Responsibilities**

- All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the University community are respected. Upon acceptance of admission to ISU, each student agrees to abide by the policies of the University and to conduct her/himself on- and off-campus in a manner consistent with its educational mission.
- A student has the responsibility to be knowledgeable with the published Code of Student Conduct in its entirety and to comply with the policies as well as all federal, state, and local laws.
- Academic units and administrative departments have policies specific to their areas. It is the responsibility of each student to be familiar with his/her college's University policies and procedures.
- Students are expected to have University issued identification at all times.

### **1.4 Student's Relation to University Community**

Indiana State University, as an institution of higher education, has rights and responsibilities of its own, including:

- To provide opportunities for students of the University to present and debate public issues
- To require persons on University-owned or -controlled property to present appropriate identification
- To establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of its students, visitors, and University property
- To restrict students of the University from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving University groups as provided for in policies governing use of the campus facilities and fund-raising activities
- To provide, for registered student groups of the University, the use of campus facilities under the policies of the campus

### **1.5 Student Relation to External Community**

Students attending the University take on responsibilities not only of campus citizenship, but also community citizenship. When community standards are not respected and upheld by students, conflicts between students and other community members may result. Such conflicts are destructive to relationships in the community and detrimental to the image of the University, as well as to the reputation of the student body. Students shall conduct themselves responsibly in the community, respecting the personal and property rights of all community members.

### **1.6 Student Employee/Leader Responsibilities**

When students commit acts that potentially violate this Code while in their capacities as employees, leaders, student athletes, or members of a recognized University group, the University reserves the right to review those potential conflicts with the standards outlined in the Code. When viewed as appropriate, the University may pursue resolution of those conflicts under this Code in addition to any other personnel action that may be taken against the student's other University roles.

\*The Vice President for Student Affairs or designee reserves the right to notify University employers of a student employee's disciplinary record. Further action may be warranted at the discretion of the employer

### **1.7 University E-Mail Communication and MyISU**

The University will communicate important information to you through your University e-mail account and MyISU. It is through MyISU that you will view your grades, update your contact information, register for classes, and communicate with faculty and other University personnel. It is your responsibility to use and check this account to conduct your University business.

### **1.8 Good Neighbor Exemption**

Students are encouraged to call 911 (or X5555 on campus) for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. The Good Neighbor Exemption provides students the opportunity of an exclusion from University disciplinary action if a student risked revealing one's own violation of the Code of Student Conduct in order to seek medical or other emergency assistance for another person in distress. The decision to provide the exception shall be at the discretion of the designated hearing officer. The Good Neighbor Exemption does not apply to any criminal charges that may be incurred as a result of an offense.

### **1.9 Medical Amnesty (Appendix C)**

In 2013, the Indiana State University Student Government Association took the lead in creating a student approved response to the 2012 Indiana Lifeline Law (IC7 1-5-1-6 5). In summary of the Indiana State University Medical Amnesty, a student who seeks for another and the student in need of medical assistance may be exempt from a University conduct process on the following conditions: 1) the student cooperates and provides detailed information regarding the incident and 2) the student successfully completes an alcohol education/awareness program. Repeat offenders are likely not eligible for this exemption. This exemption does not apply to any criminal charges that may be incurred as a result of an offense.

## **2.0 ACADEMIC POLICIES**

### **2.1 Defining Academic Integrity Misconduct**

Academic integrity is a cornerstone of the University's commitment to the principles of free inquiry; students are responsible for learning and upholding professional standards in research, writing, assessment, and ethics. In the academic community the high value of honesty mandates a corresponding intolerance of dishonesty. Written or other work which students submit must be the product of their own efforts and must be consistent with appropriate standards of professional ethics.

Any academic integrity violation(s), which includes cheating, plagiarism, and other forms of dishonest or unethical behavior, is prohibited.

A summary of behaviors that constitute academic integrity misconduct appears below. Examples of each policy can be found in the Faculty Guide to Academic Integrity as well as the Student Guide to Academic Integrity. Questions regarding these policies or requests for additional clarification should be directed to the Office of the Provost, Student Affairs, or to the office of Student Conduct and Integrity (SCI).

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#### **2.1.1 Cheating**

Cheating is using or attempting to use materials, information, notes, study aids, or other assistance not authorized by the instructor during an examination or evaluation.

#### **2.1.2 Plagiarism**

Plagiarism is intentionally or carelessly presenting the work of another as one's own. It includes submitting an assignment purporting to be the student's original work which has wholly or in part been created by another. This also includes the presentation of the work, ideas, representations, or words of another without customary and proper acknowledgement of sources. Students must consult instructors for clarification in any situation in which documentation is an issue. Students will be considered to have plagiarized whenever their work is improperly cited.

### **2.1.3 Falsification, Forgery, and Obstruction**

Falsification is the intentional and unauthorized fabrication or invention of any information or citation in an academic exercise. Falsification includes knowingly reporting data, research, or reports so that the resulting process or product is different from what actually occurred.

Forgery is the imitating or counterfeiting of images, documents, signatures, class absence notes, attendance sign-in sheets and the like.

Obstruction is any behavior that limits the academic opportunities of other students by improperly impeding their work, their access to educational resources, or disrupting instruction.

### **2.1.4 Multiple Submission(s)**

Multiple submissions are the submission of all or part of the same or substantially the same work for credit in two or more courses. Multiple submissions include the use of any academic work previously submitted for academic credit at this or another institution, including high school work. Multiple submissions shall not include those academic exercises when written approval by the current course instructor authorizes use of prior academic work. When multiple submissions are allowed, instructors will specify the expected academic effort applicable to their courses.

### **2.1.5 Facilitating Academic Dishonesty**

Intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty are examples of facilitating academic dishonesty. Facilitating academic dishonesty also includes behavior that may not directly benefit the accused but assists another student in achieving an unfair academic advantage.

### **2.1.6 Violation of Professional Standards in Research and Creative Endeavors**

Misconduct in research is a serious deviation from accepted professional practice within a discipline or from the policies of the University in carrying out, reporting, or exhibiting the results of research or in publishing, exhibiting, or performing creative endeavors. It includes but is not limited to, plagiarism, fabrication, or falsification of data as well as misrepresentation of scientific or creative works. Misconduct in research does not include honest error or honest disagreement about interpretation of data.

### **2.1.7 Misuse of Academic Resources**

Misuse of academic resources involves the intentional use, misuse, or alteration of University materials or resources to make them inaccessible to others. Such misuse includes the unauthorized or inappropriate use of computer accounts, alteration of passwords, violation of library procedures, other intentional misuse or destruction of educational materials, recording a lecture or other classroom interaction, selling class notes, or being paid for taking class notes, without the permission of the instructor or Disability Services staff.

### **2.1.8 Misuse of Intellectual Property**

Misuse of intellectual property is the improper use of copyright materials, trademarks, trade secrets, or intellectual property (e.g. thoughts, ideas or works of another).

### **2.1.9 Violation of Ethical and Professional Standards**

Students shall adhere to the standards, guidelines, and/or codes associated with the ethics and conduct established for academic programs and courses. \*This policy applies to all student experiences involving academic credit (e.g., on-campus and distance education courses, internships, practicum, and thesis/dissertation) and is one of the regulations for student ethical behavior referenced in the Indiana State University Code of Student Conduct. Page 30 of 59

## **3.0 NON-ACADEMIC POLICIES AND PROHIBITED CONDUCT**

### **3.1 Misconduct against Persons**

Students at Indiana State University are expected to conduct themselves in a respectful and civil manner. Personal conduct and communication, either directly or indirectly with other students as well as faculty and staff, should conform to the University's community values and standards. As members of the at-large community, students are encouraged to resolve disagreements through informal, frank, and open discussion. Often conflicts

can be lessened, if not resolved, by clearing up misperceptions and misunderstandings. Students are strongly encouraged to resolve any related concerns in this manner. However, the University also recognizes that occasionally more formal processes are needed. All such activities, whether informal or formal, must be carried out by all participants within a framework of good faith and general respect for one another. Students are encouraged to contact SCI for assistance or guidance in resolving any concerns or conflicts. Conflicts may be resolved through established disciplinary procedures and/or conflict resolution strategies.

Please refer to Policy 922 Sexual Misconduct for matters involving sexual misconduct, relationship violence, or stalking. Students are advised to contact the Equal Opportunity and Title IX Office for questions related to these matters

It is an expectation of the University that students have a reasonable knowledge of and adhere to the following prohibited conduct and policies:

### **3.1.1 Violent/Abusive Behavior**

Violent/Abusive Behavior refers to physical abuse, violence, or conduct that threatens or endangers the health or safety of any person.

~~3.1.2 Threatening/Intimidating Behavior refers to behavior (reoccurring or singular extreme act) that involves an expressed or implied threat, which includes, but is not limited to the use of words verbal, written, or electronic (e.g. Facebook, Instagram, Snapchat, Vine, Twitter) inherently likely to provide an immediate violent reaction when directed toward a specific individual, or any behavior that has the purpose or reasonably foreseeable effect of creating a hostile environment by, but not limited to, interfering with another individual's personal safety, safety of property, academic efforts, employment, or participation in University sponsored activities and causes that person to have a reasonable apprehension that such harm is about to occur~~

### **3.1.2 Harassing and Intimidating Behavior**

Harassing and Intimidating Behavior refers to unwelcome or unreasonable behavior that harasses or intimidates people either as individuals or as a group and is sufficiently severe or pervasive. Harassing behavior is often persistent and part of a pattern, but it can also occur as a single incident. Harassment includes in-person verbal and non-verbal, written, and electronic conduct and behaviors. This behavior can be expressed or implied, creating and/or inciting a foreseeable hostile environment interfering with another person's personal safety, safety of property, academic efforts, employment, or participation in the university community. This behavior may also include behavior that leads another to have a reasonable apprehension that such harm will occur. In no event shall this provision be used to discipline a student for speech protected by the first amendment of the United States Constitution. ISU values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. However, speech that is discriminatory and harassing is not protected and will be subject to investigation and possible disciplinary action.

### **3.1.3 Hazing**

Hazing is prohibited in connection with the activities of students and student organizations. Hazing shall be defined as any conduct which subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may abuse, degrade, or intimidate the person as a condition of association with an organization or group (formal or informal), regardless of the person's consent or lack of consent. Page 31 of 59

### **3.1.4 Restricting Movement**

Restricting Movement refers to any activity that limits or restricts a person(s) against his/her own will and/or restricts his/her freedom of movement.

~~Please refer to Policy 922 Sexual Misconduct for matters involving sexual misconduct, relationship violence, or stalking. Students are advised to contact the Equal Opportunity and Title IX Office for questions related to these matters~~

## **3.2 Misconduct against the University Community**

### **3.2.1 Disruption of University Business**

Disruption of University Business includes disruption or obstruction of teaching, research, administration, or other University activities including public service functions.

### **3.2.2 Falsification**

Falsification refers to furnishing false information to the University and/or the forgery, unauthorized alteration, or unauthorized use of any University document or instrument of identification

### **3.2.3 Failure to Comply**

Failure to Comply with verbal and/or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, and/or failure to identify oneself to these persons when requested to do so. Students are expected to have University issued identification with them at all times and provide identification upon request.

### **3.2.4 Non-consensual Recording**

Non-consensual Recording refers to videotaping, audiotaping, or photographing members of the University community without permission and/or when a reasonable expectation of privacy exists.

## **3.3 Misconduct Disrupting Order/Disregarding Health and Safety**

### **3.3.1 Weapons**

Weapons on University owned property are prohibited. Violation of the University Weapons Policy includes, but is not limited to the following:

- 3.3.1a Firearms such as handguns, shotguns, rifles, tasers or electronic stun guns, as well as airsoft, BB, pellet, paintball and/or items using compressed air;
- 3.3.1b Explosives such as bombs, grenades, blasting caps, fireworks, ammunition;
- 3.3.1c Other equipment, material, and devices (e.g. knives, metal knuckles, tear gas, chemical substances, replica, simulated, toy) that could be or have been used to cause harm or the fear of harm

### **3.3.2 False Reporting**

False Reporting refers to intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.

### **3.3.3 Drug Related Behavior**

Drug Related Behavior refers to drug violations, including, but is not limited to being in the presence of, under the influence of, possessing, manufacturing, exchanging, distributing, purchasing, using, or selling unlawful drugs or any controlled substance/narcotic, such as, but not limited to, marijuana, synthetic cannabinoids, inhalants and intoxicants, misuse of over-the-counter drugs and/or prescription drugs, or possessing paraphernalia for drug related use on University premises

- 3.3.3a In the Presence of/Failure to Report
  - 3.3.3b Possession of unlawful drug or controlled substance(s);
  - 3.3.3c Possession of drug paraphernalia;
  - 3.3.3d Use of unlawful drug or controlled substance(s); 3.3.3e Purchase of unlawful drug or controlled substance(s);
  - 3.3.3f Misuse of over-the-counter drugs or prescription drugs;
  - 3.3.3g Manufacturing of unlawful drug or controlled substance(s);
  - 3.3.3h Distribution and/or sale and/or delivery of unlawful drug or controlled substance(s)
  - 3.3.3i Reasonable suspicion of unlawful drug use (odor); and/or
  - 3.3.3j Behavior while under the influence of any item covered under this section
- \*See Appendix F for Parental Notification related to behavior associated with this policy.*

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### **3.3.4 Alcohol Related Behavior**

Alcohol Related Behavior refers to any violation of the University Alcoholic Beverage Policy:

- 3.3.4a Sale, purchase, consumption, or possession of alcoholic beverages by persons who are younger than 21 years of age;
- 3.3.4b Sale, purchase, consumption, or possession of alcoholic beverages by persons of legal age in a manner inconsistent with University policy;
- 3.3.4c Furnishing alcoholic beverages to persons younger than 21 years of age; and/or
- 3.3.4d Behavior while under the influence of an alcoholic beverage

*\*See Appendix F for Parental Notification related to behavior associated with this policy.*

### **3.3.5 Arson**

Arson refers to igniting or burning materials in a manner that reasonably could or actually does cause a fire.

### **3.3.6 Fire and Emergency Safety**

Fire and Emergency Safety refers to unauthorized use, activation, or alteration of firefighting equipment, fire safety, or other emergency equipment Failure to comply with the instructions of emergency personnel and/ or established emergency protocol (e g failure to leave a building during an active fire alarm).

### **3.3.7 Gambling**

Gambling refers to engaging in gambling, wagering, or other games of chance in violation of the law.

### **3.3.8 Disorderly Conduct**

Disorderly Conduct refers to disrespectful, lewd, indecent, or obscene acts are considered disorderly under any circumstance in which the conduct tends to cause or provoke a disturbance or disrupts the normal operations of the University.

### **3.3.9 Sales and Solicitation Violation**

Sales and Solicitation Violation refers to engaging in solicitation of any type on University property without appropriate authorization (See Appendix D).

### **3.3.10 Posting of Notices Violation**

~~Posting of Notices Violation refers to posting University related and/or personal materials inconsistent with the University Policy on Posting Notices (Appendix E).~~

## **3.4 Misconduct against Property**

### **3.4.1 Theft**

Theft of property or services or knowingly possessing stolen property as well as wrongful taking and/or use of others' property.

### **3.4.2 Vandalism**

Vandalism is the intentional and/or reckless destruction or damage of University property or the property of others.

### **3.4.3 Unauthorized Use/Entry**

Unauthorized Use/Entry refers to the unauthorized use, entry, occupancy, or possession of University or private facilities, structure, or property.

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### **3.4.4 Unauthorized Use of Access Device**

Unauthorized Use of Access Device refers to unauthorized possession, duplication, or use of keys, entry codes or devices to any University premises.

### **3.4.5 University Computing Policies**

Theft or other abuse of University computer facilities and resources, including but not limited to:

- 3.4.5a Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
- 3.4.5b Unauthorized transfer of a file;

- 3.4.5c Use of another individual's identification and/ or password. This includes, but not limited to, use of technology to obtain passwords or private information (e g use of specialized keyboards to obtain faculty specific information or passwords);
- 3.4.5d Use of computing facilities and resources to interfere with the work of others;
- 3.4.5e Use of computing facilities and resources to send obscene or abusive messages;
- 3.4.5f Use of computing facilities and resources to interfere with normal operation of the Indiana State University computing system;
- 3.4.5g Use of computing facilities or resources in violation of copyright laws
- 3.4.5h Violation of University Policy 822 Acceptable Use of information Technology  
All university community members are expected to adhere to all aspects of this policy and may be held accountable for violations via established procedures. For specific information, please refer to University Policy 822 in the policy library.
- 3.4.5ih Violation of all other University Computer policies not specifically described in the Code.

~~3.6 VIOLATION OF STATE, FEDERAL OR LOCAL LAWS NOT SPECIFICALLY IDENTIFIED IN THE CODE. Alleged violations of federal, state and local laws may be investigated and addressed under the Code regardless of where the incident occurred. The University conduct process will usually proceed notwithstanding any criminal complaint that may arise from the same incident. The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint.~~

**3.5 Violation of State, Federal, or Local Laws Not Specifically Identified in the Code**

Violation of any State, Federal, and/or Local law not described in this Code and identified by proper authority. A finding will be based on university standard and presumption of not responsible unless found otherwise during university proceeding. The outcome of a criminal matter will not impact the outcome of a conduct case and vice versa.

**3.6 Disruption of the Conduct Process**

**3.6.1 Interference**

Interference refers to attempts to discourage a person's proper participation in, or use of, the conduct process including harassment or intimidation of a University official, witness, complainant, or member of a conduct committee.

**3.6.2 Failure to Comply with Sanction**

Failure to Comply with Sanction refers to a student's failure to successfully complete any sanction(s) imposed under the Code. Upon notification of any incomplete sanction, a conduct hold may be placed on the student's record.

**3.7 Policy on Guests and/or Associates or Passive Participation**

**3.7.1 Guests/Associates**

Students are responsible for the actions of their guests and/or associates while on University premises and at functions sponsored by the University and/or a registered student organization. Students are expected to educate their associates on University policies and encourage all associates to interact positively with all members of the University community.

**3.7.2 Passive Participation**

Passive participation refers to a student's reasonable knowledge of and presence during acts of another prohibited by the University and outlined in the Code. Students willingly participating, present, encouraging, condoning, and/or assisting others in committing acts prohibited by the University may be sanctioned to the same extent as if one had committed the prohibited act. Intent, control over environment and/or items, and ability to seek assistance for or report a violation will be considered in determining a finding of responsible/not responsible.

Students are encouraged to communicate reasonable expectations of a combined living environment with

roommates.

Students are strongly encouraged to seek assistance from a University official if they suspect prohibited behavior may or has occurred.

### **3.8 Violations of Residential Life Community Standards and Policies**

Students provided University housing are expected to have knowledge of and adhere to all policies outlined in the Residence Hall Handbook Student and nonstudent guests are expected to follow these policies under the guidance of their host (See 3 2 7 Policy on Guests and/or Associates or Passive Participation).

### **3.9 Other University Policies**

Violation of other published University policies not specifically described in this Code including but not limited to traffic and parking regulations, Residential Life housing contract, University Handbook, published academic departmental policies, employment guides.

## **4.0 STUDENT RIGHTS AND COMPLAINT RESOLUTION PROCEDURES**

### **4.1 Purpose**

This ~~document section~~ establishes complaint resolution procedures (CRP) in order to better serve students, faculty, and staff. ~~The established complaint resolution processes and rights are afforded to students and student organizations involved in conduct complaints.~~ The purposes of the complaint resolution procedures -include:

- To provide for the education and personal growth of the student;
- To provide fair inquiries concerning alleged violations of the Code;
- To determine whether any individual student is responsible or not responsible for violation(s) outlined in the Code as well as the possibility charges are unfounded;
- To allow for consideration of extenuating or mitigating factors where a violation has been found to exist; and
- To determine an ~~conflict approach/outcome~~ that will be appropriate for the university community, and student success. ~~and will also help the student involved make a positive contribution to the University community~~

~~The established complaint resolution processes and rights are afforded to student organizations involved in conduct complaints~~

### **4.2 Conduct Authority**

#### **4.2.1 Authority**

~~The Board of Trustees of Indiana State University is empowered by the Indiana General Assembly to manage, control, and operate the institution and to promulgate rules and regulations to carry out its responsibilities. Indiana statutes provide that the Board of Trustees may delegate this authority to its officers, faculty, employees, and others. The statutory authority conferred upon the Board of Trustees includes the specific authority under Indiana Code 21-39-2 to regulate the conduct of students and others as follows:~~

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- ~~To govern, by regulation and other means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the institution.~~
- ~~To govern, by lawful means, the conduct of its students, faculty, and employees, wherever the conduct might occur to prevent unlawful or objectionable acts that: (1) seriously threaten the ability of the institution to maintain its facilities; or (2) violate the reasonable rules and standards of the institution designed to protect the academic community from unlawful conduct or conduct presenting a serious threat to person or property of the academic community.~~
- ~~To dismiss, suspend, or otherwise punish any student, faculty member, or employee of the institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings.~~

~~The Board of Trustees has delegated its authority to regulate the conduct of students to the President~~

and to the Vice President for Student Affairs, who in turn have further delegated to other personnel the authority to the Office of Student Conduct and Integrity (SCI). Whenever an action is permitted or required to be taken under this Code by a university official or other employee, the action may be taken by that person's designee.

The Director of SCI is charged with the development and administration of the Indiana State University ~~conflict resolution procedures (CRP)~~. The Director of SCI or designee is responsible for the training of University Conduct Officers (UCO). The following individuals have been granted authority as University Conduct Officers over the execution of conduct proceedings:

- ~~Associate Director of SCI, Office of Student Conduct and Integrity Staff;~~
- ~~Executive Director of Residential Life;~~
- ~~Associate/Assistant Directors of Residential Life, Department of Residential Life Staff;~~
- Additional staff members in the University community as deemed appropriate and as trained by the Director of SCI or designee; and
- University Conduct Board

The aforementioned individuals may conduct administrative conferences with students who may have violated any University policy, including those found in the Code of Student Conduct, ISU Residence Hall Handbook and ISU student organization policies.

#### 4.2.2 Application

This Code and all university policies apply to students and student organizations for conduct that occurs either on or off campus [see section 2.1(b) above], especially when such conduct affects the interests of the university. The university may take disciplinary action in cases concerning a student's actions or offenses occurring within or affecting people on property within the physical boundaries of Indiana State University, on or affecting university-owned or controlled property, or when the student is in attendance at a university-sponsored event, or when the interests of the university as a community are clearly involved. The interests of the university off-campus include the following:

- a. Conduct that causes or threatens harm to the health or safety to the person or damage or destruction to the property of a member of the university community;
- b. Conduct in connection with an academic course assignment, internship, practicum, field trip, student teaching, research or other university activity;
- c. Conduct in connection with any activity sponsored, conducted, or authorized by the university or by a student organization;
- d. Conduct involving serious crimes including but not limited to all crimes of violence, felonies, and the sale or distribution of illegal drugs or controlled substances, or if a police report has been filed, if a summons or indictment has been issued, if an arrest has occurred, or an agreement entered into with the court;
- e. Conduct adversely affecting the university community or indicating that the continued presence of a student on campus poses a threat to the student's well-being or the well-being of other members of the university community; or
- f. Students charged with or convicted of a violation of federal, state, or local law may be subject to university sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a university rule which is important to the continuing protection of other members of the university or to the safeguarding of the educational process. At the discretion of university officials, conduct action under this Code may proceed in advance of or during criminal proceedings. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same set of facts giving rise to university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

#### 4.3 STUDENT RIGHTS AND DUE PROCESS IN THE CRP General Conduct Procedures, Rights and Exemptions

#### **4.3.1 Documentation/Reporting Alleged Violations of University Policy Reporting an Incident/Filing a Complaint and Initial Review**

Any alleged violations should be reported as soon as possible following the discovery of the alleged inappropriate behavior. Any potential violations of University policy may be reported in the following manner: Any individual (student, employee of the university, or other person) who believes a student or student organization may have committed a violation of the Code published above, may file a report with University police, contact the Office of Student Conduct and Integrity, and/or complete an incident report using one of the following Student Conduct report forms below:

- General Incident Report Form  
(<http://publicdocs.maxient.com/incidentreport.php?IndianaStateUniv>)
- Academic Misconduct Report Form  
([http://publicdocs.maxient.com/reportingform.php?IndianaStateUniv&layout\\_id=2](http://publicdocs.maxient.com/reportingform.php?IndianaStateUniv&layout_id=2))

A report may be filed with Indiana State University Police;

A report may be filed with the Office of Residential Life;

A report may be filed with SCI; and/or

A report of Sexual Violence/Harassment may be filed with the Title IX Coordinator The Title IX Coordinator for Indiana State University is located in the Office of Equal Opportunity To file a complaint with the Title IX Coordinator, please go to: "<http://www.indstate.edu/ao/policy-procedure.htm>"

Any student, faculty, staff member, or guest of Indiana State University may officially report an alleged violation of University policy as outlined in the Code

Complaint Resolution proceedings are initiated by the Office of Student Conduct and Integrity under the guidance of the Director of Student Conduct and/or designee. Upon receiving a complaint of student/student organization behavior, the Office of Student Conduct and Integrity will conduct an initial review to determine:

- Validity of the report and credibility of information submitted;
- If additional investigation/information is necessary;
- Potential policy violations when reviewed against the Code;
- Most appropriate conduct process or dismissal of report.

#### **4.3.2 Right to a Complaint Resolution Procedures**

Students and Student Organizations alleged to have violated the Code will be afforded the opportunity to resolve the allegation within the established CRPs (See Section 4.4—Individual, Non-Academic Student Misconduct Procedures; Section 4.5—Student Organization Misconduct Procedures).

#### **4.3.3 Equitable Procedures**

All students at Indiana State University have a right to fair and equitable procedures for determining the validity of charges of violating university policy.

- These procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges and to meet the fundamental requirements of fairness (i.e., right to notice of charge in advance, right to a hearing, right to examine evidence, right to prepare defense, right to appeal, and right to an advisor of the student's choice but not representation by counsel or other advisor).
- Students have the right to know in advance the range of penalties for violations of campus regulations (Section 5: Conduct Process Outcomes). Upon request students have the right to obtain copies of all specific policies of the university (e.g., routine administrative policies, Faculty and Professional Personnel Handbook, etc.).
- Charges of minor violations (those violations, by their nature, not warranting suspension or expulsion and not repeated) of regulations, for which a student is sanctioned by reprimands, restrictions, or requirements, may be handled efficiently by the appropriate individual or committee. Students sanctioned in this manner have the right to appeal to the next higher level of administration or to an established appeals committee.
- In cases involving charges of violations that may result in suspension or expulsion from the university, students have a right to an Administrative Conference or University Conduct Board

hearing and procedures which include right of appeal. In cases where a University Conduct Board is an option or required, a pre-hearing conference will be scheduled to ensure the student understands their rights and resolution options. Any person penalized for a serious infraction of established university regulations or policies has the right to appeal, either to the next higher administrator or to an established appeals committee.

#### **4.3.4 Notification of Charges and Process**

Notwithstanding uncontrollable circumstances, the Director of SCI or ~~his/her~~their designee will notify the accused student within ten (10) working days of receipt of the complaint. This notification will include:

- The nature of the alleged inappropriate behavior,
- The date, time, and place of the alleged inappropriate behavior,
- The process in which to review all information relevant to the situation,
- The date, time, and place of the hearing,
- ~~The rights a student has during the complaint resolution process. The fact that at the time of the administrative conference, students will be provided an opportunity to present and review relevant statements, information and documentation,~~
- The sanction(s) applicable if found responsible for a violation of the Code (See Section 5),
- A description of the preservation and the release of information from the conduct record, and
- A notice that a decision will be made in the student's absence, if the student chooses not to appear at the hearing. Failure to appear may be a factor when determining conduct process outcomes.

#### **4.3.5 Conduct Process Environment**

All hearings are closed to the public. Only individuals involved in the situation may be present. Involved individuals may include:

- Conduct officers and/or conduct board members,
- Student accused of violating University policy,
- University ~~C~~onduct ~~A~~advisor,
- Legal Counsel (if applicable and serve as a non-participating observer),
- Complainant, and
- Witnesses (witnesses will remain only for the duration of their own statement).

#### **4.3.6 Recording of Conduct Processes**

There shall be a single verbatim record, such as an audio recording, of all University Conduct Board (UCB) Hearings. Deliberations shall not be recorded. No other recording shall be made. The accused student and complaining witness may review the recording in the Office of Student Conduct and Integrity upon request, for any reason but typically to prepare for an appeal. The recording shall be the property of Indiana State University and shall be maintained by the Office of Student Conduct and Integrity until the conclusion of all appeal proceedings, until the appeal deadline has surpassed, or as required by law. Preliminary meetings, witness and other interviews, or administrative hearings also may be recorded by Office of Student Conduct and Integrity staff members only. Recording these processes without permission may constitute a violation of the Code policy 3.2.4.

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#### **4.3.7 Student Conduct Procedural Rights**

Students accused of a policy violation have the following rights:

- choose whether to attend, or not attend, any conduct process or submit a written presentation of their case prior to the schedule process (4.3.8).
- access to a University Conduct Advisor (4.3.9);
- a fair, equitable, and timely process;
- provide witnesses (4.3.10);
- be presumed not responsible until the conclusion of the conduct process if the standard of proof is present; and,
- review, not receive copies of, all relevant information regarding their conduct case in order to prepare a defense.

#### **4.3.8 Students Right to Participate**

Accused students/respondents have the right to choose whether to attend, or not attend, any conduct process. Accused students/respondents may submit a written presentation of their case prior to the scheduled process. The university does not compel an accused student/respondent to attend the hearing; however, the hearing may continue in the absence of the student with a finding and outcomes assigned. By such absence, or non-receipt of written material, the accused student/respondent forfeit their right to question witnesses or respond to material presented to the hearing officer for consideration. An accused student/respondent lack of participation will not be viewed as an admission of responsibility, and the case will be decided upon available documentation, witness testimony, and/or available information.

#### **4.3.9 University Conduct Advisor**

All involved students have the right to a University Conduct Aadvisor. The conduct advisor must be a member of the University community (student, faculty, administrator, staff, coach, recognized University affiliate). The advisor must have experience or knowledge of the University conduct system. The role of the advisor is to provide support and to assist in preparing for the hearing. Since the complaint resolution process is not a civil or criminal court hearing, the advisor's role is not that of an attorney. This person may not address the hearing officer or hearing board or ask questions of any witnesses. For assistance in securing an advisor, contact SCI.

#### **4.3.10 Witnesses**

The accused student/respondent, complainant, and SCI staff have the opportunity to present witnesses. Witnesses are permitted to participate in the CRP. ~~complaint resolution proceedings~~. A list of witnesses must be submitted to the appropriate conduct officer no later than two (2) days prior to the administrative conference. ~~Witnesses may present information on behalf of the student or the complainant. It is the responsibility of the student or the complainant to secure witnesses or witness statements.~~ Witnesses may be questioned by the conduct officer or conduct board members, by the complainant, and by the accused student. Witness(es) will be asked to provide information concerning only the violation(s) being adjudicated.

Since the complaint resolution process does not have the authority to subpoena, witness statements may be submitted in the place of having witness(es) present during the hearing. Witness statements should be submitted to SCI- no later than two (2) business days prior to the hearing for consideration by the board members and should be delivered directly from the witnessing party via in person or university provided electronic mail account. Witnesses should contact the Office of Student Conduct and Integrity should they have questions.

Character witnesses will not be provided an opportunity to address the hearing officer or University Conduct Board; however they may provide a written statement to be considered during the sanctioning phase of deliberations.

#### **4.3.11 Standard of Proof**

The Standard of Proof is "more likely than not" that University policy has been violated (also referred to as preponderance of the evidence). Proof needs to show that the facts are more likely to be so than not so. Evidence, when considered and compared with that opposed to it, has more convincing force and produces in the hearing officer's mind the belief that what is sought is more likely true than not true (Journal of College and University Law).

#### **4.3.12 Presumptions of Responsibility/Innocence**

The university does not presume a student's responsibility, or lack of responsibility, for a violation until a complaint against the student has been resolved through an adjudication process outlined in this Code or related policies.

#### **4.3.13 Violation of Policy**

A student is considered to have violated the Code when the student:

- Admits responsibility for a violation, and/or

- Is found responsible for one or more violations of the Code determined by the University standard of proof

#### **4.3.14 Persons with Disabilities**

Reasonable accommodations will be provided in conduct procedures for persons with disabilities on an individualized and flexible basis. Students may seek assistance from the Office of Disability Services in making this request for accommodations.

#### **4.3.15 Conflict of Interest**

No member of the conduct board nor a conduct officer who has a conflicting interest in a particular case may participate in a conduct hearing for said situation. Conduct board members and conduct officers with conflicting interests must recuse themselves from the proceedings. Either the student or the complainant may challenge a member of the University Conduct Board or University Conduct Officer in writing with the Director of SCI. In cases where the Director of SCI's involvement is questioned, the challenge would be forwarded to the Vice President for Student Affairs.

#### **4.3.16 Other Proceedings**

At the discretion of university officials, conduct action under this Code may proceed in advance of or during the pendency of other proceedings. University officials may also pause proceedings at the request of law enforcement agencies so as not to interfere with criminal investigations.

#### **4.3.17 Adjustment of Timeline/Process**

The university reserves the right to delay any conduct proceeding if unforeseen circumstances arise necessitating a delay. The reason for the delay and estimated adjustment to the timeline will be provided to the student in writing. Changes to the process may also occur as long as those changes do not negate established procedures or are agreed upon by the student involved.

#### **4.3.18 Virtual Conference/Hearing Environment**

All conduct proceedings will occur in person as established; however, video conferencing may be utilized as necessary due to availability of on campus space, inability to be in physical proximity, and/or distance. Video conferences may also be utilized at the discretion of SCI staff and under the guidance of the Director. In the event video conferencing is necessary, students will be asked to be in a private space, free from distraction. General conduct resolution procedures (closed conference/hearing, no recording other than the one made by SCI, all conduct rights, etc.) will be maintained and adjusted for the virtual format as reasonable.

### **4.4 Complaint Resolution Procedures for Individual, Non-Academic Misconduct**

#### **4.4.1 Alternative Complaint Resolution**

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the process. Alternative resolution options may include, but are not limited to, mediation, development of action plans, voluntary resolutions, and/or appropriate sanctions, and informal notice of policy (when reminder of policy is more effective than formal charges; i.e. break room check concerns).

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#### **4.4.2 Administrative Conference**

All incidents will be addressed via An Administrative Conference. (AC) is intended to enhance a student's awareness of University expectations; although educational, formative and/or disciplinary action may be a necessary result. An AC is a one-on-one meeting between the accused student and a University Conduct Officer (UCO). During an Administrative Conference, the UCO will schedule an opportunity to meet with the accused student and discuss the alleged violation(s), documentation, and witness statements relevant to the complaint. The UCO may also discuss relevant conduct history, academic progress, extracurricular activities, prior community service, and relevant criminal proceedings. The Director or Student Conduct reserves the right to move a hearing from Administrative Conference to University Conduct Board as appropriate (conflict of interest, potential bias, prior action requiring interim measures, etc.). In cases where separation is a possibility, the student will be given the option to proceed with an Administrative Conference or request a hearing with the

University Conduct Board. An Administrative Conference (AC) is intended to enhance a student's awareness of University expectations; although educational, formative and/or disciplinary action may be a necessary result.

- An Administrative Conference is a meeting with one or more staff members of the Office of Student Conduct and Integrity.
- During an Administrative Conference, the UCO will discuss the alleged violation(s), documentation, and witness statements relevant to the complaint. The UCO may also discuss relevant conduct history, academic progress, extracurricular activities, prior community service, and relevant criminal proceedings.
- The student will be informed that at the conclusion of the Administrative Conference that a decision letter will be sent within five days notwithstanding unforeseen circumstances.
- The decision will be based solely on the information available from the initial report/complaint, conference conversation, investigation, and available testimony. Responsibility is determined on the standard of proof as outlined in the Code (4.3.11)
- The decision letter will include the finding for each violation for which the student was charged, list of assigned outcomes and appropriate deadlines, and appeal opportunity information as appropriate (See also Section 6).

#### **4.4.3 Pre-Hearing Conference**

In cases where a University Conduct Board is offered or assigned, an informal pre-hearing conference will be scheduled. The pre-hearing conference will be held to ensure the student fully understand the following:

- Students rights (witnesses, university conduct advisor, etc.);
- Review case details (student will not be provided copies);
- Opportunity to ask questions about the procedures and possible consequences; and,
- Review Case Resolution options if the student is provided an opportunity to request a hearing with the University Conduct Board rather than Administrative Conference.

Students have the option of scheduling a pre-hearing conference with a representative of the Office of Student Conduct and Integrity either before or after receipt of a notice of charge(s).

#### **4.4.4 University Conduct Board (UCB)**

The University Conduct Board (UCB)- is organized by the Office of Student Conduct and Integrity as a formal hearing opportunity of which students may choose when the student conduct case may result in separation from the university. Cases that may not result in separation from the university may also be referred to the University Conduct Board under the discretion of SCI. The UCB membership is composed of a pool of panelists representing students, staff, and faculty appointed, who have voluntarily applied, then selected by the President of the university, and trained by SCI. UCB members are trained to function as a team, to ask clear, sensitive and relevant questions designed to determine the facts of the case, and to consider the facts carefully and make recommendations for fair sanctions. This board  
The UCB is comprised of one student in good standing with ISU, one University faculty member, one University staff member, and the Director of SCI or his/her/their designee to who shall serve as the a non-voting advisor to the board. These individuals are appointed by the President and trained by the Director of SCI. When the UCB is convened, the Director of SCI or his/her/their designee will, at random, populate  
convene the board as stated above by members of the University hearing board pool and a presiding hearing officer will be selected from amongst themselves the Board.:

Six students (undergraduate and/or graduate),  
Six faculty members, and  
Six staff members

On a case-by-case basis, a University Conduct Board may be offered as an option for complaint resolution

##### **4.4.4.1 Procedures for UCB hearings**

Notice will be sent to the accused student/respondent (4.3.4);

As appropriate, the complainant and/or a member of SCI will be provided the opportunity to attend and present information to the UCB;

All rights reserved for conduct proceedings (4.3.7) will be observed;

The hearing will provide the accused student/respondent, as well as the complainant and SCI staff, the opportunity to present information/witnesses and respond to all information available to the UCB for consideration;

At the conclusion of the UCB hearing, all parties and non-voting members will leave the room for deliberations.

#### **4.4.4.2 Deliberations and Finding**

The UCB will review all information to determine an appropriate finding. The decision will be based solely on the information available from the initial report/complaint, conference conversation, investigation, and available testimony. Responsibility is determined on the standard of proof as outlined in the Code (4.3.11)

The UCB will write a rationale for each find/charge of which the accused student/respondent is responsible or not.

Once the panel has determined finding, they will notify the Director of SCI to rejoin their deliberation for sanctioning. The Director will determine the appropriate outcome based on the UCB panel recommendation, and relevant facts of the case. Once the deliberation of sanctions has concluded, the panel is dismissed;

Within 5-days of the UCB hearing, a formal decision notification will be sent to the accused student/respondent's university--provided electronic mail account. The decision letter will include the finding for each violation for which the student was charged, list of assigned outcomes and appropriate deadlines, and appeal opportunity information as appropriate (See also Section 6).

### **4.5 Complaint Resolution Procedures for Student Organizations**

Student organizations are responsible for abiding by University policy, the Code of Student Conduct (Code), and all other agreements between the University and the student organization. Complaints involving a registered student organization will be addressed using the procedures described below. Complaints against individual members of a student organization may also be addressed under the appropriate University policies and procedures (4.5).

The standard of proof used when determining whether a student organization is responsible for a violation of the Code will be the preponderance of evidence, or a 'more likely than not' standard. If it is determined that a violation of the Code is more likely than not to have occurred, appropriate educational and disciplinary sanctions will be assigned. If it is determined that it is more likely than not that no violation of the Code occurred, the case will be dismissed.

The Office of Student Conduct and Integrity (SCI) investigates, hears, and makes the decisions for all allegations of misconduct regardless of group involvement or affiliation. The determination of whether a case concerns individual or organizational misconduct will be determined on a case by case basis by OSC. Allegations of organizational misconduct may be adjudicated before, at the same time as, or following related cases of individual misconduct.

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Upon receipt of a complaint or other information indicating that a student organization may have engaged in misconduct, SCI will assess the initial report and communicate with the Office of Fraternity and Sorority Life (FSL) and/or Campus Life (CL). All reports of misconduct received by other offices, including FSL/CL, should immediately be forwarded to SCI for review and possible adjudication. SCI will investigate the student organization's involvement in the alleged misconduct. An Inter/National Headquarters will have the opportunity to co-investigate any alleged misconduct in partnership with SCI when/as appropriate. Membership reviews conducted by Inter/National Headquarters may occur at any time during an investigation. SCI will be in communication with FSL/CL regarding status of investigation and complaint as appropriate.

#### **4.5.1 Notice and Investigation**

A Notice of Investigation will be sent notifying the President, Primary Advisor, and Inter/National Headquarters Representative, if applicable, during an investigation. If appropriate, interim and remedial protective measures may be put in place during the investigation process, including a notice to cease and desist organizational operations and activities. In cases of alleged hazing, or as appropriate, University Police will be notified. Interim and/or remedial measures, including but not limited to a cease and desist of organizational operations and activities, may be imposed at any time as appropriate and communicated by the Associate Vice President for Student Affairs or their designee.

The investigation may include, but is not limited to, interviews with any complainants and other witnesses identified as having information relevant to the allegations made, as well as the examination of relevant documents and other information. Information for the investigation may be provided by complainants, the student organization, witnesses identified by any party, or the University. Any person believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

Following the investigation, the investigator will prepare a report of investigative findings, which SCI and FSL/CL will then review. The investigative report will be made accessible to the organization, their primary advisor, and their Inter/National Headquarters Representative, if applicable. The organization and their Inter/National Headquarters, if applicable, will have two weeks to assess the information presented in the investigative report, communicate with members, self-investigate, and/or take appropriate action. Within two weeks of receiving the investigative summary, organizations must submit a response to SCI detailing information learned by the organization and any actions taken.

#### **4.5.2 Finding Determination and Sanctions**

The Director of Student Conduct and Integrity, or designee, will review the response to the investigative report as well as the organization response prior to making a finding determination. Within 5-days of receiving the organization response, SCI will either request a meeting to clarify any information in the investigative summary and/or organization response, or notify the organization of a finding. SCI will notify FSL/CL of the finding and recommend appropriate sanctions (Section 5).

Upon receiving the recommendation, FSL/CL will communication with the organizational leadership the outcome of the case as determined by Indiana State University and consider creating a collaborative action plan. The collaborative action plan will consist of input from the organization, SCI recommended outcomes, and Indiana State University administration. Ultimately, Indiana State University will determine the final outcome; however, collaboration will be strongly pursued as appropriate. A final outcome and sanctioning letter will be prepared by SCI and provided to all applicable parties within a reasonable timeframe.

The final outcome letter will include the finding, final sanctions, and any appeal opportunity as appropriate as well as all deadlines applicable within the notice.

### **5.0 CONDUCT PROCESS OUTCOMES**

Conduct process outcomes are meant to be educational and positively influence the decision-making skills of a student by creating awareness of consequences and the potential for higher-level sanctions should future violations occur. Conduct process outcomes that may be taken when a student is found in violation of University regulations range from charges dropped up to and including permanent separation from the University. The conduct process outcome(s) assigned will be based upon the student/student organization being found responsible for violation(s), the severity of the violation, the degree of involvement of the student, the individual circumstances of each case, prior conduct history, and academic progress.

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#### **5.1 Formative Outcomes**

- Conversation with University Partner
- Meeting with University Administrator
- Written Assignments
- Letter of Apology
- Hall/Floor Programs
- Workshops

## 5.2 Referral Outcomes

- Alcohol Education
- Drug/Substance Education
- Voluntary Counseling
- Psychological Assessment

## 5.3 Administrative Outcomes

- Conduct Discussion
- Conduct Warning (No more than two)
- Housing Relocation
- On-Campus Housing Probation
- Account Hold

## 5.4 Loss of Privilege Outcomes

- Loss of Extra-Curricular Privileges
- Separation from Campus Housing
- Ban from an Area of Campus
- Trespass from University Property
- No Contact Order

## 5.5 DISCIPLINARY STATUS OUTCOMES APPLIED TO STUDENTS

- **Conduct Probation** is defined as a specified period of observation and evaluation of a student's conduct. Any violation of University or residence hall policy committed by a student on Conduct Probation is a serious violation and may result in separation from the University. Failure to complete discretionary sanctions while on Conduct Probation may result in separation from the University. No more than one Conduct Probation status shall be imposed on a student prior to the student being removed from the University community. While a student is serving a Conduct Probation, he/she is not in good conduct standing with the University, may not be permitted to hold elected office, nor represent the University in an official capacity.
- **Temporary Separation (Suspension)** involves removal of the student from the University for a definite period of time (minimum of one semester), after which the student is eligible to return, and a permanent notation on one's transcript. Conditions for readmission may be specified.
- **Permanent Separation (Expulsion)** refers to the removal of the student from the University. If assigned permanent separation, a student at no time will be permitted to reenroll in classes at Indiana State University, and a permanent notation will be made on one's transcript.
- **Emergency Action**—The University has identified two types of Emergency Action: **Emergency Housing Separation** and **Emergency University Separation**. The Director of SCI or designee has been granted the authority by the University to remove a student from the University for a temporary period pending complaint resolution or other formal proceedings. The student is denied access to all property owned, operated, or controlled by the University; is denied attendance and/or participation in classes; and is banned from attendance and/or use of University activities and facilities while under this status. If the student violates these conditions, he/she will be subject to arrest and prosecution for criminal trespass.

Emergency Housing Separation removes the student from all residential facilities; however, they student will continue to have access to all other areas of the University. The decision to pursue an Emergency Housing Separation involves a collaborative conversation between SCI and the Office of Residential Life. Appeals for Emergency Housing Separation must be directed to the office responsible for imposing this action for consideration.

Either Emergency Action shall become immediately effective without prior notice whenever there is

evidence that the continued presence of the student at the University poses a substantial and immediate threat to others or to the stability and continuance of University functions

Emergency Action may be lifted by the University at any time should information become available demonstrating the specific student is no longer considered a continued risk

Under this action, a student(s) shall be given a prompt opportunity to appear personally before the Director of SCI or a designee in order to discuss the following issues only:

- The reliability of the information concerning the student's conduct, including the matter of his or her identity, and/or
- Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to others or the stability and continuance

A hearing with the University Conduct Board will be conducted no later than ten (10) business days from the imposition of this action. The student will be allowed to attend this hearing and is afforded the process established by the University for formal adjudication of alleged violations.

### **5.6 Disciplinary Status Outcomes Applied to Student Organization**

- **Conduct Warning** may occur when an organization is notified that conduct of its members has not been in keeping with the expectations of the University. A thorough explanation of University policies is given. The student officers and University advisor of the organization are instructed that further violations of University policies could be cause for additional disciplinary action.
- **Probation** is a formal status during which the organization will have certain restrictions placed on it for a period of time. The organization is removed from good standing with the University for no less than the equivalent of one full semester. Restrictions and provisions of the probation are individualized to the particular needs of the organization; these may include restrictions on social events, on use of University facilities, or on participation in campus-wide events (e.g., Homecoming or Spring Week) Charges for any damages or costs incurred as a result of a violation may also be assessed. Any further violation of University regulations or probation restrictions while on probation means that an organization subjects itself to further disciplinary action. University officials with responsibility for adherence to restrictions placed on the organization will be notified, as well as the persons responsible for registration of student organizations. Additionally, national offices of affiliated student organizations will be notified.
- **Temporary Separation (Suspension)** involves the recognition/registration status of an organization being temporarily terminated with the University for an indefinite period of time (no less than the equivalent of one semester). Additional conditions may be specified.
- **Revocation of Recognition/Registration of Student Organization** action indicates that an organization's standing as a registered student organization of the University is permanently terminated.

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### **6.0 APPEALS**

Students found responsible for a violation of the Code may appeal. An appeal from any decision, either conference, administrative hearing or University conduct board, must be made in writing within five business days following the date the hearing record notification is assigned and notice is received by the student. - Students may file one (1) appeal per case. In the event multiple students are involved in one case, each student pursuing an appeal must do so individually. Submitting an appeal does not guarantee a meeting with the administrator responsible for deciding the appeal outcome. For that reason, it is important all information for consideration be made clear in the written appeal.

Under Title IX of the Education Amendments of 1972 and the Violence against Women's Act, the complainant in cases of sexual violence have the identical rights as the charged student which includes the right to appeal.

### **6.1 Format of Appeal**

To assist with the filing of an appeal, an appeal cover sheet has been created and must accompany the written appeal. An appeal shall be written and contain the student's name, the date of the decision or action, and the reason(s) for the appeal. The appeal letter must specify in detail one or more of the following bases for appeal:

- Student's/student organization's rights were violated as a result of failure of due process (specify right believed to have been violated); and/or,
- Significant new evidence is available that could change the outcome.

### **6.2 Office Responsible for Appeal Review**

Appeals must be submitted to the Office of the Vice President for Student Affairs. The Vice President for Student Affairs or designee will be responsible for the review and timely response to all appeals submitted. The appeal decision is final.

### **6.3 Suspension of Original Sanction Pending Appeal Review**

A properly-filed notice of appeal suspends the imposition of sanctions until the appeal is decided, unless, in the discretion of the Vice President for Student Affairs or designee, the continued presence of the student on the campus poses a serious threat to themselves or to others, property, or to the normal operation of the University.

### **6.4 Appeal Review Process**

The appellate officer will review the written letter of appeal from the student and determine if one of the bases for appeal is present. If it is, a review of the appeal will be granted. The appellate officer shall review:

- The response from the hearing officer/body, and
- Materials presented at the original hearing.

Appeals shall be decided upon the record of the original proceedings and upon the written responses submitted by the parties. Decisions of the conduct bodies will be given great deference by the appellate decision maker.

After reviewing these materials, the appellate officer may decide to do one of the following:

- Affirm the finding and the sanction imposed;
- If specified errors occurred, remand to the original decision makers to address the error, change the procedures, consider new evidence that could not have been discovered by a properly diligent accused before or during the original hearing, substitute new adjudicators, or otherwise repair the grounds that gave rise to the appeal;
- Affirm the finding and reduce, but not eliminate or increase the sanction if found to be grossly disproportionate to the offense; or
- Cases may only be dismissed if the finding is held to be arbitrary and capricious

A crucial point in the appeals process is the shifting of the burden of proof. At the initial hearing, the burden of proof lies with the complainant. Once there is a finding of responsibility, the burden shifts to the petitioner. The decision on the appeal will generally be made within ten (10) business days of receipt of the appeal but may take longer during University recesses or in the event of complex cases.

## **7.0 STUDENT CONDUCT RECORDS**

These records are considered "educational records," in accordance with the Family Rights and Privacy Act (Public Law 93-380). These records are private and may not be disclosed in whole or in part except as provided by law or by written authorization from the student. Conduct records are separate from a student's academic records. Students have the right to inspect and review the materials contained in their conduct record subject to office procedures.

Those notified of your status are the Executive Director of Residential Life, Director Public Safety, and the Office of the Dean of Students.

### **7.1 Maintenance of Records**

Indiana State University is responsible for the maintenance of student conduct records. These records are maintained for a period of seven (7) years from date of the successful completion of the most recent University

assigned sanction. Recordings of hearings will be maintained until the final decision of the University appellate process or the failure of the student to file appeal within the deadline specified by the University.

### **7.2. Right to Review Conduct Record**

The Family Education Rights and Privacy Act (FERPA) affords students and eligible parents the right to “inspect and review the education records of the student” (section 99 10 (a) Disciplinary records maintained by the University are considered education records as defined by this law Parents of a dependent student as defined by the Internal Revenue Code will receive notification of sanctions of certain violations of the Code of Student Conduct (See section III of the Code of Student Conduct, subsection D “Types of Disciplinary Action” for details).

All materials in the disciplinary record are the property of Indiana State University. This includes, printed summaries, audio recordings of hearings, written recommendations or decisions reflecting findings of responsible or not responsible as well as the conduct process outcome(s) assigned to those students found in violation. The University will not release these materials to any party, unless compelled to do so through a court order. Students may request an opportunity to review those records by scheduling an appointment with the SCI.

SCI has established guidelines in order to afford students and eligible parents access to the disciplinary record, while exercising the institution’s responsibility to privacy required by law. A dependent student who desires that his/her parent review his/her disciplinary record must provide written consent to SCI. Materials provided an accused student (e.g. complaint, witness statements, charges) become the property and the responsibility of the accused student.

### **7.3 Right to Amend Conduct Record**

In the event that the student believes his or her records to be inaccurate, misleading, or otherwise in violation of his or her expectation of privacy, he or she may challenge the information that is contained in his or her educational records by contacting the University official responsible for the particular educational record in question. The student may then request informal meetings and discussions to resolve his or her concerns. The University official may decide that the student has sufficiently demonstrated that the challenged material should be deleted or modified, and the change will subsequently be made. Otherwise, the student may insert a statement into his or her record to explain any such material from his or her point of view, or a formal hearing may be requested in writing through SCI and/or the Vice President for Student Affairs. This right to challenge information contained in the student’s educational records does not extend to grades unless a grade assigned by a professor was inaccurately recorded. Individuals, agencies, or organizations shall not have access to the student’s personally identifiable educational record without his or her written consent except for the following:

- University personnel who require access with a legitimate educational interest;
- Officials of other schools in which the student may seek or intend to enroll; provided that the student has the opportunity to receive a copy of such records if he or she desires;
- Authorized representatives of the government when release of such data is necessary in connection with the audit and evaluation of federal- or state-supported educational programs, or in connection with the enforcement of legal requirements that relate to such programs;
- In connection with the student’s application for, or receipt of, financial aid;
- State and local officials or authorities to which such information is specifically required to be reported or disclosed;
- Organizations conducting studies for, or on behalf of, the University for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;
- His or her parents, if he or she is dependent student as defined by the Internal Revenue Service Code, which means that he or she receives more than one-half of his or her financial support from his or her natural or adoptive parents;
- In connection with emergency, if the knowledge of the student’s information is necessary to protect his or her health or safety or that of other persons; and
- In compliance with a legal order or pursuant to any lawfully issued subpoena provided that the student is notified of any such order or subpoena before his or her information is released. A log is maintained for student’s inspection of those individuals, agencies, or organizations listed above (other than University

personnel) who have had access to or been provided personally identifiable information from the student's file.

## **8.0 INTERPRETATION AND REVISION**

### **8.1 Interpretation**

Any question of interpretation or application of the Code shall be referred to SCI.

### **8.2 Amendments and Review**

~~Amendments may be proposed by the Indiana State Student Government Association (SGA), Faculty Senate, Staff Council, Residence Hall Association (RHA), University Senate, administrative staffpersonnel, or by the Board of Trustees, or any member of the university community. Proposed amendments must be presented to the Office of Student Conduct and Integrity for consideration. In addition, the Code shall be reviewed at least every two years under the direction of the Office of Student Conduct and Integrity. University community members will be notified of all approved amendments, as well as effective dates via electronic notification (i.e. university e-mail, campus communications). A committee, under the direction of the Director of SCI, will be formed to review any proposed amendments. The committee will~~

~~include, but is not limited to: SGA, RHA, University Police, Residential Life, and Student Activities and Organizations, Academic Affairs. A response from the committee must occur 30 calendar days from submission of the proposal. The committee may approve, amend, request a 30 day extension or reject any proposal. Failure to respond may be cause of the initial proposal to be submitted for consideration without comment from the committee.~~

~~Recommendations made by the Policy Review Committee will be provided to the Student Affairs Committee (SAC) for review and comment and proceed to Faculty Senate prior to submitting the recommendations for approval.~~

~~The Board of Trustees has delegated approval of any amendments and/or recommendations to alter the Code of Student Conduct to the President. The President will have the authority to set the day for which any amendments become effective for the University. Approved amendments will be provided to the Board of Trustees for review at which time amendments may be permanently accepted or rejected.~~

~~In addition, the Code of Student Conduct shall be reviewed at least every two years under the direction of the Director of SCI or other University official designated by the Vice President for Student Affairs. The aforementioned committee will assist in the bi annual review. Updates may be made to the Code of Student Conduct as necessary depending on legal updates and campus~~

~~needs. Recommendations stemming from the review will be submitted to the President and Board of Trustees for approval.~~

~~University community members will be notified of all approved amendments, as well as effective date, via electronic notification (e.g. e-mail, MyISU Portal announcement, Communications Today).~~

**Recommendation:** Approval of the proposed modification to Policy 410 Code of Student Conduct.

**Motion made by: Mrs. McKinzie**

**Motion seconded by: Mrs. Cabello**

**Roll Call Vote:**

**Kathleen Cabello, yes**

**Robert Casey, yes**

**Tanya McKinzie, yes**

**Randall Minas, yes**

**Edward Pease, yes**

**Casey Phillips, yes**

**Cynthia Powers, yes**

**Kimberly Smith, yes**

**Jeff Taylor, yes**

**The recommendation was approved.**

## 2e Reorganization of School of Nursing

The School of Nursing proposes a reorganization that will move from its current structure of three departments (Baccalaureate Nursing, Baccalaureate Nursing Completion, and Advanced Practice) to 1 single department structure called the School of Nursing. This proposal was created by a taskforce of faculty and staff within the SON, in consultation with the College of Health and Human Services (CHHS) Executive Committee and ISU Academic Affairs. The SON faculty voted in favor of the proposed structure 18-6-8. Staff were polled separately and voted in favor of the proposed structure 10-2-2.

The reorganization is supported by the CHHS mission and strategic plan to ensure program competitiveness and student success and to seek and align resources with college goals. The proposed restructure helps to align the SON with other institutions of higher education. While the “school” designation is very common among nursing structures throughout both Indiana and the United States, the further delineation into departments is not common. The proposed restructure will remove barriers so the SON may effectively share both teaching and staff resources. This new structure creates flexibility in how those resources are deployed in order to better serve the SON student population. The proposal also helps bring clarity to students who often are unsure of their department and the proper administrative channels within that department.

**Recommendation:** Approval of School of Nursing reorganization, effective fall 2020.

**Motion made by:** Mr. Phillips

**Motion seconded by:** Mr. Casey

### **Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**The recommendation was approved.**

## 2f Graduate Certificate in Psychoeducational Assessment

There is a substantial shortage of school psychologists, both nationally and within Indiana. The proposed certificate program responds to this need in two important ways.

First, many districts who cannot fill vacant school psychology positions have resorted to hiring persons into unlicensed support positions, often titled "diagnostician" or "psychometrician." These individuals often have primary responsibility for completing a wide range of individualized assessments as part of educational screening or special education referral processes. However, they generally receive only on-the-job training and lack current, formal, supervised preparation to fulfill their assigned duties. This certificate will provide a mechanism for such formalized training, supervision, and a graduate-level credential for individuals in these school-based positions.

Second, a major potential recruitment pipeline into school psychology are practicing educators who wish to re-specialize but are unable to give up full-time employment to return to graduate school. This barrier is compounded by the significant clinical experiences required for successful school psychology training, which are often incompatible with the hours required in a teacher contract. We envision this certificate as a method of opening the recruitment pipeline. Specifically, the certificate is designed in such a way that the course-based components could be completed by full-time educators, who could then be temporarily hired by school districts into diagnostician positions. Because these temporary positions typically have more flexibility in scheduling and assigned duties compared to teaching positions, individuals employed in such positions would be able to transition seamlessly into the Ed.S. program in school psychology and complete the remaining program requirements while maintaining their full-time employment.

**Recommendation:** Approval of the creation of the graduate certificate in Psychoeducational Assessment, effective fall 2021, pending approval by ICHE.

**Motion made by:** Mrs. Cabello

**Motion seconded by:** Mr. Casey

### **Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**2f, 2g, and 2h recommendations were approved all together.**

## 2g Creation of Information Technology Minor

According to the Bureau of Labor Statistics, employment of computer and information technology occupations is projected to grow 12 percent from 2018 to 2028, much faster than the average for all occupations. These occupations are projected to add about 546,200 new jobs. Demand for these workers will stem from greater emphasis on cloud computing, the collection, and storage of big data, and information security.

As the field of Information Technology continues to provide our state and nation with employment opportunity we need to continue to better prepare students for the rapidly changing technologies they will encounter and utilize in order to be successful in their target field of study. It is the recommendation of this department that students have a strong foundation in the management of information software systems and hardware technologies in addition to organizational technological strategy. This will increase student hireability as IT personnel are highly sought in all industries and fields of study.

The proposal has been approved by the faculty and Dean of the College of Technology, , Faculty Senate, and has the support of the Provost and Vice President for Academic Affairs.

**Recommendation:** Approval of the Information Technology Minor, effective fall 2020.

**Motion made by:** Mrs. Cabello

**Motion seconded by:** Mr. Casey

### **Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**2f, 2g, and 2h recommendations were approved all together.**

## 2h Elimination of Social Studies Licensure Programs

The following programs are no longer recognized as individual paths for licensure in Social Studies by the Indiana Department of Education. The elimination is to clean up catalog and Banner and ensure that listed programs can be selected by students.

- Economics for Social Studies Licensure
- History for Social Studies Licensure

The proposal has been approved by the Dean of the College of Arts and Sciences, the Teacher Education Committee, Faculty Senate, and has the support of the Provost and Vice President for Academic Affairs.

**Recommendation:** Approval of the elimination of the listed Social Studies licensure areas, effective fall 2020.

**Motion made by:** Mrs. Cabello

**Motion seconded by:** Mr. Casey

### Roll Call Vote:

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**2f, 2g, and 2h recommendations were approved all together.**

## 2i Revision to Undergraduate Catalog

The US Department of Education changed its rules effective July 1, 2020, whereby we need to consider transfer from nationally recognized/accredited institutions, and not just regionally accredited institutions. The policy change allows us to be consistent with USDOE requirements.

Current:

### **Transfer Credit**

Transfer students must meet graduation requirements as described in the graduation section of this Catalog. The academic dean of the college of a program has authority over the transferability and applicability of transfer credit hours to that program. Transfer credit may be re-evaluated when a student changes their degree program.

Only transfer credit hours earned in college-level courses (typically numbered 100 or higher) from regionally accredited colleges or universities will be considered for acceptance. Transfer courses in which a grade of C or higher was earned will be assigned credit. Courses with a grade of C- or below are not transferable. Additional transfer guidelines are available on the [Transfer website](#).

ISU is a full partner in all [state initiatives](#) to enhance transfer: Statewide General Education Transfer Core, Core Transfer Library (CTL), Transfer Single Articulation Pathways (TSAP), and E-Transcript.

Proposed:

Undergraduate work completed at previous/current institution(s) must be at least that level of rigor and content of the course offerings available at Indiana State University. Undergraduate courses assigned a grade of C or higher, completed at an accredited college or university, will be considered for acceptance. Transfer credit may be re-evaluated when a student changes their degree program. The academic college in which a program is housed has authority over the transferability and applicability of transfer credit hours to that program. Transfer students must meet graduation requirements as described in the academic catalog.

**Recommendation:** Approval of modification to Transfer Credit section in undergraduate catalog, effective immediately.

**Motion made by:** Mr. Casey

**Motion seconded by:** Mrs. Cabello

### **Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes

Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**The recommendation was approved.**

## 2j Naming of Jack and Joyce Rentschler Conference Room

This item is to request Board of Trustee approval of the naming of the Jack and Joyce Rentschler Conference Room located in the Athletic Department Offices in the Arena Building. The naming of the conference room would be the result of a \$60,000 gift from the Rentschlers. The gift has been funded fully with a gift of cash and was used to support the renovation of the athletics office suite.

Over the years, Jack and Joyce have contributed their time and money to support numerous causes and organizations, including Indiana State University. In 2018, The Rentschlers donated \$50,000 to renovate the practice field at the NW side of Memorial Stadium. It is now the Jack and Joyce Rentschler Football Practice Field.

Jack and Joyce were recipients of the Distinguished Alumni Award in 2018. They remain active and engaged with ISU Athletics, always trying to make time to come see the Sycamores compete in a variety of sports. This gift is in support of Sycamore Athletics. The amount of the gift for this naming opportunity is consistent with the Indiana State University Naming Policy.

**Recommendation:** Approval of the naming of the conference room in the athletics offices the Jack and Joyce Rentschler Conference Room.

**Motion made by:** Mr.Minas

**Motion seconded by:** Mrs. Cabello

**Roll Call Vote:**

Kathleen Cabello, yes  
Robert Casey, yes  
Tanya McKinzie, yes  
Randall Minas, yes  
Edward Pease, yes  
Casey Phillips, yes  
Cynthia Powers, yes  
Kimberly Smith, yes  
Jeff Taylor, yes

**The recommendation was approved.**

## 2k University Budget Update

Senior Vice President Diann McKee:

On June 10<sup>th</sup> the State Budget Agency announced its 7% reserve to be held from all operating appropriations on State Higher Education Institutions for the 2020-21 fiscal year. Any reserve that is being placed on operating appropriations of Higher Education is subject to review by the State Budget Committee that took place on June 17<sup>th</sup>. This results in a reduction in state operating appropriation of approximately \$5.1 million dollars for ISU and also applies to the four line item appropriations that have been allocated to Indiana State. This does not apply to the fee replacement appropriation or Repair and Rehabilitation appropriation. In order to address the short fall of \$5.1 million for this fiscal year, we are recommending the \$500 per employee compensation increase approved as part of the FY21 budget be eliminated. I believe President Curtis would agree that it is not prudent to pursue at this time.

President Curtis:

Yes, I want to point out at this time as well that this decision has been made for one main purpose, to continue to employ as many of our colleagues on campus as possible. This has been determined in consultation with the university budget committee. We really believe that this is the first step in helping us balance this shortfall. It does not address the entire amount from the state and we will continue to monitor as we manage our enrollment this fall. We really believe and have been told that our colleagues appreciate keeping as many employed as possible and we are going to forgo this \$500 dollar salary increase that was intended to begin January of 2021.

Senior Vice President McKee:

Thank you President Curtis. Other measures that are being taken is to limit out of state travel to only essential purposes, delaying any nonemergency type of expenditures, and asking university divisions to maintain open positions as long as possible. I want to emphasize this is not a hiring freeze, but we are asking that all vacant positions, as they become open, be carefully evaluated as to whether or not it is essential the position be filled immediately or perhaps we can hold off for a few weeks or months in order to determine if the position needs to be filled. It has been the practice at Indiana State for a number of years and is also followed by many other institutions of higher education to allow departments to carry forward unused supply and expense budgets. Because of working remotely for essentially the last three months of the past fiscal year, the amount that would normally be carry forward from departmental budgets has grown significantly. We will be working with each of the divisions to take a look at where that growth as occurred and determine if we can pull back some of those funds for use to help offset budgetary declines this year. While this is not a permanent solution by any means, it does allow us a bridge through the 2021 year.

Finally, 95% of our general fund revenue is either from state appropriations or student tuition dollars. It is almost evenly split about 50/50. The other piece we need to determine is the actual enrollment picture for fall, what is that revenue mix compared to what we budgeted. Once we have gotten those numbers at the end of August or early September we will work with the university budget committee and trustees to determine if there are any other budget reduction measures that need to be taken to ensure we have a balanced operating budget for the 2021 year.

## 21 Fall Planning Update

President Curtis: There are many, many moving pieces to the decisions that we are making at this time due to the pandemic, and there is a vacuum of facts, unfortunately. We are not unlike any other entity let alone other higher education institution across the country and across the state. I would like to praise Vice President Nancy Rogers for the work she has done on our campus with our colleagues and her colleagues to give us our best idea of where we will be headed in the fall with what we know at this time continually added as the post script recognizing that this may change at any time. The topic we want to talk about today specifically is a process that we have used to think about Indiana State University's Homecoming. Dr. Rogers if would you share the work of the homecoming committee.

Dr. Rogers reported the following.

### Experiential Learning, Community Engagement and Large Events

- Experiential Learning and Community Engagement
  - Students required to follow University AND host organization requirements
  - Required standards for host organizations, laboratories, performance spaces, field sites, etc.
  - Travel restricted
  - Outdoor activities encouraged
- Event Planning
  - Facilities limited to 25% capacity
  - No events larger than 250
  - Social distancing, face coverings and other mitigation activities required
  - Activities that draw significant participation from outside local community suspended
- Homecoming
  - CDC guidance and ISU guidance for large events make many Homecoming activities not feasible – venue capacity, number of outside visitors, etc.
  - Holding a Homecoming celebration will send mixed messages about health and safety of campus community
  - Recommendation of Homecoming Committee: Cancellation of all fall Homecoming activities

President Curtis: Thank you Dr. Rogers.

Upon receipt of the committee's report, we began a process of engaging for consultation purposes with multiple groups. We began with the cabinet and then talked through all the possible alternatives to this decision and came to the conclusion that we needed to have further

discussions. From that point forward, we invited Mayor Bennett in for a conversation on behalf of the city of Terre Haute, and I am pleased as always to represent his comments as always being supportive as to what the university decides to do. We met with a couple of business owners in the community who stand to be impacted by these decisions. Then I had a Zoom call with the Alumni Board and discussed this which is, of course, a very big point in their year. Following that I had a conversation with each of the governance units. The Provost and I talked to the Faculty Senate officers. I had a Zoom call with the Student Government Association officers, and then I met with the Staff Council Executive Committee. I am here to share at this time that 100 % of the feedback from each of these groups agreed with the recommendation of the Homecoming Committee. At this point I am sharing publically that Indiana State University will cancel Homecoming for 2020. It is never a statement a president ever wants to make. But I will assure you and commit to you that we are going to be very diligent in planning an even better Homecoming in fall of 2021 and will begin that work now.

## Adjournment

The Indiana State University Board of Trustees adjourned at 12:02 p.m.