

# CODE OF STUDENT CONDUCT



INDIANA STATE  
UNIVERSITY



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## 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 the 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 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).

#### 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.



## 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 923 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 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.

#### 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.

## 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.

### 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).

## **3.4 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.

### **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.

**3.4.5i** Violation of all other University Computer policies not specifically described in the Code.

### **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 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 outcome that will be appropriate for the university community, and student success.

### 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:

- a. 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.
- b. 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.
- c. 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 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:

- Office of Student Conduct and Integrity Staff;
- 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.

### 4.3.1 Reporting an Incident/Filing a Complaint and Initial Review

All alleged violations should be reported as soon as possible following the discovery of the alleged inappropriate behavior. 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))

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

Notwithstanding uncontrollable circumstances, the Director of SCI or 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 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 Conduct 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.

### 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 scheduled 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 Advisor. 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. 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 be questioned by the conduct officer or conduct board members, by the complainant, and by the accused student. Witnesses 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 witnesses 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 a request for accommodations.

### 4.3.15 Conflict of Interest

No member of the conduct board nor 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).

### 4.4.2 Administrative Conference

All incidents will be addressed via Administrative Conference. 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 UCB 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. 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 their designee who shall serve as a non-voting advisor to the board. When the UCB is convened, the Director of SCI or their designee will, at random, populate the board as stated above by members of the University hearing board pool and a presiding hearing officer will be selected from amongst the Board.

##### 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.

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.

### 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.

## 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), administrative personnel, , 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).

## APPENDIX A: DEFINITIONS AND ACRONYMS

The following definitions will be used in this Code:

- The term “University” means Indiana State University.
- The term “student” includes all persons whom have applied and been accepted by the University as eligible to enroll in courses, both full-time and part-time, non- degree and degree seeking, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than Indiana State University and who reside in University residence halls. Students who are not officially enrolled for a particular term or terms (up to two years after the last active enrollment) are defined as having a continuing relationship with the University and are considered “students.”
- The term “student organization” refers to any number of students which has obtained recognition through the Student Activities and Organizations following specific University guidelines. It is understood that all policies and prohibited conduct may be applicable to student organizations if individuals act in part or on behalf of any student organization.
- The term “faculty member” means any person hired, appointed, or assigned by the University to conduct classroom activities.
- The term “University official” includes any person employed by the University performing assigned administrative or professional responsibilities. This term includes student employees (e.g. student workers, resident assistants, community service officers).
- The term “member of the University community” includes any person who is a student, faculty member, university official, or any other person employed by the University.
- The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- The term “sanction” refers to a conduct outcome where active participation from the accused student is required. Sanctions are intended to be educational to promote personal and/or community growth and betterment.
- The term “stipulation” refers to a conduct outcome that will likely result in a higher disciplinary outcome if violated but may be a passive requirement. For example, a stipulation may be that the student is to refrain from further conduct violation. There is no activity involved to successfully complete this requirement.
- The term “University Conduct Board” or “University Conduct Officer” means any person or persons authorized by the president of the University or his/ her designee(s), pursuant to policies established by the University, to determine whether a student or student organization has violated the Code of Student Conduct and to impose appropriate sanctions, including separation of the student from Indiana State University or revocation of registration or recognition.
- The term “shall” is used in the imperative sense.
- The term “may” is used in the permissive sense.
- The Director of SCI is the person designated by the President of the University to be responsible for administration of the Code.
- The term “policy” is defined as the written regulations of the University as found in, but not limited to, the Code of Student Conduct, the Residence Hall Handbook, The University Handbook, and the Graduate and Undergraduate Catalogs.

The following acronyms will be used in this Code:

- AC—Administrative Conference
- CRP—Complaint Resolution Process
- SCI—Office of Student Conduct and Integrity
- UCB—University Conduct Board
- UCO—University Hearing Officer
- UH—University Handbook

## APPENDIX B: “SYCAMORE STANDARD”

Adopted by SGA in 2002; Adapted Policy Review Committee 2013

All members of Indiana State University will learn and apply essential life lessons related to: self-awareness, communication, civility and respect, integrity, forgiveness, patience and trust. As a member of Indiana State University:

- I will practice personal responsibility and academic integrity;
- I will aspire towards truth and learning;
- I will foster an environment conducive to mine and other’s health, wellness, and safety;
- I will avoid acts that promote intolerance of individuals or groups;
- I will conduct myself in a manner that brings honor to me and the University community; and
- I will discourage behaviors by others that are differing to these standards and expectations of the Code of Student Conduct.

Awareness of the common good leads us to make individual choices in light of how they affect, or may affect, other people and the ISU community as a whole. Accepting certain social conditions allows people, either as groups or individuals, to reach their full holistic development

## APPENDIX C: MEDICAL AMNESTY

ISU Alcohol Health Procedures: Alcohol Safety and Assistance Program

The utmost concern of Indiana State University is the care and well-being of our student body. Alcohol- related illness poses significant dangers to students. The university community understands that the risk of university discipline can deter a student from making the call that could save the life of someone who has consumed too much alcohol. In alcohol related emergencies, ISU ASAP seeks to mitigate deterring consequences for the intoxicated student as well as one student seeking medical attention on behalf of the intoxicated student. The purpose of ISU ASAP is not to exonerate students from disciplinary action; rather the ISU ASAP favors educationally-based, reformation-minded University responses to these frightening incidents. The proposed procedure will foster a culture in which individuals feel comfortable calling for help on behalf of those in need of assistance, thereby saving lives.

Any student who requires medical assistance due to an alcohol-related illness may be exempt from university disciplinary sanctions when all of the following has taken place:

- a. The proper authorities are notified;
- b. The student completely cooperates with all authorities involved and provides all requested information, i.e. the provider of alcohol, the person/organization that owns the property where the incident occurred, etc.; and
- c. After the offense, the student remains compliant with the prescribed Alcohol Education and Assessment Initiative issued by the Office of SCI.

One (1) student who assists the ill individual may be exempt from university disciplinary sanctions related to this incident when all of the following has taken place:

- a. The proper authorities are notified;
- b. The student completely cooperates with all authorities involved and provides all requested information; and
- c. The student remains with the ill individual until the authorities arrive to the scene.

The decision to provide the exception from university disciplinary sanctions shall be the judgment of the SCI office. NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense and vice versa, a student may still be exempt through the University process, even if criminal charges are pursued by legal channels.

Repeat offenses may not receive the immunity that this procedure offers.

## APPENDIX D: SALES AND SOLICITATIONS

Sales and solicitations may be conducted on campus by an officially registered or recognized student organization Off-campus charitable, not-for-profit, and commercial enterprises offer programming opportunities that often include sales Such programs may be brought onto campus under the sponsorship of a registered or recognized student organization All sales and solicitations must comply with University regulations and policies, as well as local, state, and federal laws and

ordinances

Sales or solicitations in residence halls must be approved by Residential Life

Sales or solicitations conducted anywhere on campus except in the residence halls must be approved by Student Activities and Organizations. In addition, use of a facility for the purpose of sales or solicitations must be approved by the person charged with primary responsibility for use of that facility (Names of such persons are available in Student Activities and Organizations)

Individual students who wish to sell or solicit on campus may do so by renting space in the Hulman Memorial Student Union or by conducting the sale in the privacy of their own residence hall rooms or University Apartments residence, provided such sales have been specifically approved in accordance with the Residential Life guidelines.

## APPENDIX E: Policies for Posting Notices

The University provides facilities for the posting of University related and private notices under the following criteria:

1. Notices must have the name, address, and telephone number of an authorized organization representative (or individual if not affiliated with an organization) clearly printed on the back of the notice.
2. The notice cannot promote any activity in violation of University regulation or policy, or federal, state, or local law or statute.
3. Hulman Memorial Student Union and Residential Life have limitations on the size of notices. Users should contact the directors of those facilities concerning these limitations. In all other areas, posted notices may be no larger than 18 inches by 24 inches.
4. Outdoor displays cannot be nailed to trees or other structures or objects. The use of string, tape, or wire is suggested. No stakes or postholes may be used without the written permission of Facilities Management. Chalking with water soluble chalk is restricted to flat, horizontal walkways in open areas that will allow rain to eventually wash the chalk away. Chalking is prohibited on benches, walls, or other vertical surfaces. Chalking is not allowed on the brick paver walkways.
5. Posters may not be attached to the sides of buildings. Banners may be hung from buildings if approved by the building supervisor and Facilities Management. Posters and notices may not be placed on glass (entry) doors or windows.
6. Private parties may post notice of meetings and services as long as the above criteria are followed. Posters are removed after two weeks or at the end of the effective date of the posted message, whichever comes first.
7. Priority is given to those notices posted by University departments and by registered/recognized student organizations.

\*The University may remove and discard any outdated notice, or any notice posted in violation of the criteria outlined above.

## APPENDIX F: STUDENT RIGHTS UNDER FERPA/ PARENTAL NOTIFICATION

Background

Congress amended the Family Educational Rights and Privacy Act (FERPA) in late 1998 to permit colleges and universities to notify the parents or guardians of students about violations of campus alcohol and drug policies, regardless of age. For specifics regarding FERPA, please visit <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

Purpose

It is the goal of Indiana State University to expand the partnership with parents/guardians in encouraging students to make reasonable, responsible, and healthy decisions about alcohol and other drugs. In addition, we know that there is a strong association between a declining academic performance and the illegal/abusive use of alcohol and other drugs by our students. By notifying parents/guardians of violations of this nature, we have the opportunity to work together to aid in the academic success and healthy social integration of our students. Details of Notification

If a student under the age of 21 is found responsible violating 3.3.3—Drug Related Behavior and/or 3.3.4—Alcohol Related Behavior of the Code of Student Conduct, SCI will notify the student's parents/guardians in writing.

Written notifications will not include specific details of the incident(s), circumstances surrounding the violation(s), or any



specifics of the case. If parents/guardians are interested in receiving more information are encouraged to discuss the case with their student. If questions remain, parents/guardians are encouraged to contact SCI.

#### Additional Information

Notification is designed to inform parents/guardians a violation has occurred and to encourage an educational discussion between parents/guardians and their student. Notifications will be sent for repeat violations of 3.3.4—Alcohol Related Behavior and for first time/repeat violations of 3.3.3—Drug Related Behavior.

An integral part of the conduct adjudication process will be the discussion concerning notification of the parents/ guardians. Consideration will be given to situations where notification may be detrimental to the student or family.

When there is reason to believe that a student's health and well-being are at risk or they have placed other members of the community at risk, the Dean of Students or his/her designee may contact the parents/guardians directly.