

Code of Student Rights, Responsibilities, and Conduct
Personal Misconduct Hearing Procedures
(Approved by Faculty Organization Feb. 21, 2014)

Indiana University Northwest's *Mission, Vision & Values Statement* indicates that we prepare our graduates for life-long learning, ethical practices, successful careers, and effective citizenship. In that regard, we expect students to respect each other, their environment, and others at all times. We are all responsible for maintaining our community's safety and security, and we are all accountable for how our actions affect others. As such, students are expected to uphold the standards of our community as described in Indiana University's *Code of Student Rights, Responsibilities, and Conduct* (the Code). In addition, IU Northwest student-athletes must comply with the policies and procedures of the NAIA or national governing body and the competing conference.

Indiana University Northwest's procedures emphasize a developmental approach toward discipline that is educational and proactive and allows for maximum student growth. The process embraces our identity as a student-centered campus. A student-centered campus is committed to designing programs intended to enhance lifelong learning opportunities, foster a climate of personal growth and development, set high expectations for personal integrity, and assist students in the development of an informed set of values, ethics, and beliefs. A student-centered campus embraces a campus climate in which civility and respect between and among members of the campus community is viewed as vital to the overall ethical development of its students.

I. STATEMENT ON STUDENT CONDUCT

IU Northwest students are expected to obey national, state, and local laws, to respect the rights of members of the campus community, and to accept responsibility for the consequences of their behavior. In the event students fail to live up to these expectations, IU Northwest reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include pursuing disciplinary action for violations of community standards and policies as outlined in the Code, and of national, state, and local laws that adversely affect the educational interest of the University, whether they occur on the IU Northwest campus or elsewhere, or on the internet.

IU Northwest's judicial system is not a court of law. These procedures are not written with the specificity of a criminal statute. In cases where civil or criminal proceedings also involve a violation of the Code, the University reserves the right to take appropriate disciplinary action against the student. Such action will be regarded as separate and distinct from proceedings in criminal or civil court and may be scheduled according to timelines that serve the interest of the University.

II. AUTHORITY

- a. As the Senior Judicial Officer, the Vice Chancellor of Student Affairs (hereinafter referred to as the Vice Chancellor) shall develop policies for the administration of the judicial program and the procedural rules for the conduct of hearings that are consistent with the provisions of the Code.
- b. The Vice Chancellor, or designee, in consultation with the Office of Academic Affairs, will determine the composition of the Review Board, which will be a combination of students, faculty, and staff, whenever possible.
- c. The Vice Chancellor shall seek to ensure that Hearing Officers and members of the Review Board are willing and able to offer fair and thoughtful consideration of each case heard.

III. DEFINITIONS

- a. The "Code" refers to Indiana University's Code of Student Rights, Responsibilities, and Conduct.
- b. The term "University" means IU Northwest.

- c. The term "Judicial Officer" refers to the Vice Chancellor, or his designee. The Judicial Officer is responsible for the management of the student conduct program and is authorized to investigate, adjudicate or otherwise resolve any cases of alleged student misconduct.
- d. The term "Hearing Officer" includes all those who conduct administrative hearings for students accused of violating the Code. Hearing Officers are authorized by the Vice Chancellor to determine whether a student has violated the Code and to impose sanctions. The Judicial Officer may also serve as a Hearing Officer.
- e. The term "policy" is defined as the written regulations of the University as found in, but not limited to, the Code, the Academic Bulletin and handbooks, and all official publications of the University, whether in print or published on the Internet, as well as any external policies that govern student-athletes.
- f. The term "complainant" refers to the person alleging a violation of the Code.
- g. The term "respondent" refers to the student alleged to have violated the Code.
- h. The term "advocate" refers to a person accompanying the complainant or the respondent to a hearing. The advocate is there to provide advice and moral support to the student, not to participate in the hearing.
- i. The term "student" includes all persons enrolled in IU Northwest courses. Persons who are not currently, but who were previously enrolled, are considered to have a continuing relationship with the University so long as they are eligible to enroll. Individuals who are admitted, but whose degree is not yet conferred, are considered students.
- j. The term "witness" refers to any person who has personal knowledge of the incident at issue.
- k. The term "organization" means any recognized student organization.
- l. The term "Review Board" refers to the panel that considers appeals of Hearing Officer decisions and/or considers a respondent's appeal of a summary action.

IV. STUDENT CONDUCT CODE VIOLATIONS

In the event that there arises ambiguity, inconsistency, or a need for clarification regarding what constitutes a violation of the Code, the Vice Chancellor shall make the final determination.

Any student or student organization found to be responsible for misconduct is subject to University sanctions. When an organization engages in an act of misconduct, the University reserves the right to take action not only against the organization but also against the individual student members of the organization.

V. CHARGES AND HEARING PROCEDURES

Any member of the University community may file a complaint against a student alleging a violation of the Code online using the *Personal Misconduct Reporting Form*. The written complaint should be submitted to the Vice Chancellor's office as soon as possible after the incident occurs in order to avoid unnecessary delays. Once received, complaints are reviewed by the Judicial Officer to determine whether a violation of the Code may have taken place.

If the Judicial Officer determines that there is not sufficient information to conclude that a violation may have occurred, he/she may decide not to move forward. Alternately, the Judicial Officer may determine that an informal response will resolve the situation (e.g., mediation, an oral or written directive to cease current behaviors, and/or changes in academic or work environments).

In other cases, the Judicial Officer may determine that a formal response is necessary, in which case he/she will formally charge the respondent and assign the case to a Hearing Officer for an administrative conference. All formal charges shall be presented to the respondent in an official message from the Judicial

Officer, which may be sent by certified mail or electronically. The respondent must contact the Office of Student Affairs within seven (7) calendar days from the date of the certified letter or electronic message to schedule an administrative hearing.

NOTE: A respondent cannot drop a course or withdraw from the University to avoid being charged with a violation of the Code. If the respondent chooses not to participate in the process, the case will be heard without benefit of the respondent's input.

VI. ADMINISTRATIVE CONFERENCE

The administrative hearing includes only the respondent, the Hearing Officer, and the respondent's advocate, if applicable. At the hearing, the Hearing Officer and the respondent review all reports and discuss the incident in question and the respondent will have the opportunity to tell his or her version of the events. If the Hearing Officer determines, based upon the information presented during the hearing, that it is more likely than not that the respondent violated the Code, the Hearing Officer will find the respondent responsible and impose a sanction. If the Hearing Officer determines that the respondent did not violate the Code, the respondent will be found not responsible. The Hearing Officer may take additional time after the hearing to determine whether or not the respondent was responsible for the violation(s).

VII. APPEALS

A respondent may appeal the decision of the Hearing Officer to the Review Board. Appeals of administrative hearings are to be made in writing to the Judicial Officer within three (3) working days after the Hearing Officer's decision has been communicated to the respondent by email or in person.

The Review Board is a hearing board consisting of at least three (3) members of the University community, which hears all appeals of Administrative Hearings. At Review Board hearings, the respondent and the members of the Review Board have the opportunity to hear directly from and ask questions of witnesses to the events in question. At the conclusion of all witness statements, the Review Board will determine whether the respondent is responsible for a violation of the Code. If the respondent is found responsible, the Review Board will review the sanction imposed by the Hearing Officer before imposing a sanction.

The following policies govern the Review Board process:

- The Chairperson of any Review Board hearing will be appointed by the Judicial Officer.
- The respondent may not have contact with the complainant prior to the hearing.
- The respondent must inform the Judicial Officer of his or her advocate and all witnesses no later than twenty-four (24) hours before the hearing; failure to do so may prohibit their participation in the hearing.
- Admission of any person to a hearing shall be at the discretion of the Review Board Chairperson.
- The complainant and the respondent (as well as any victim or witness who is not also the complainant) shall have the right to be assisted by an advocate. The advocate will be of the individual's own choosing and may be an attorney. Advocates, including attorneys, are not permitted to represent respondents in any portion of Review Board proceedings, but may offer advice to the respondent. Advocates, including attorneys, may not address the Review Board or any member of the Review Board, may not question or examine witnesses, and may not act as a witness in any capacity.
- A person who serves as a witness may not serve in any other capacity during the hearing.
- Pertinent records, exhibits and taped or written statements may be accepted as evidence for consideration at the discretion of the Review Board Chairperson.
- Review Board hearings are closed. All witnesses, respondents, and Board members are expected to keep all proceedings confidential. No recording devices or court reporters are permitted to record

- or transcribe a Review Board hearing.
- Should any witness intentionally mislead the Board, the witness may face charges for violations of the Code.
- Should a student fail to appear before the Review Board, the student may explain the failure to appear in writing within 10 days to the Review Board Chairperson. Written documentation supporting the cause of absence must be included. The Chairperson of the Review Board will notify the student within 10 days whether the hearing may be rescheduled.

Should a student fail to appear at the hearing without good cause, the Judicial Officer shall authorize the hearing to take place without benefit of the respondent's input. A respondent shall not be found responsible for a violation of the Code solely because he/she chooses to remain silent.Adjudicatory Standard

The respondent will be presumed not responsible until the information gathered is such that the Hearing Officer or Review Board is able to determine whether the respondent is "responsible" or "not responsible" for the alleged violation(s) using a "preponderance of the evidence" standard. If a respondent is found responsible by the preponderance of the evidence, it means that it is "more likely than not" that the respondent violated the Code.

VIII. SANCTIONS

A student or organization found responsible for violating the Code for any non-academic violation may receive **one or more** of the sanctions listed below, as determined by either the Hearing Officer or the Review Board. The extent of a prior record of Code violations may influence the sanction(s) imposed.

The following list of sanctions is intended to show the range of sanctions that may be imposed on a student or student organization, either individually or in combination. This list is not to be regarded as all-inclusive but rather as a sample of possible sanctions. Other University policies and regulations may impose specific penalties for specific violations, and nothing in this section is intended to limit the imposition of those specific sanctions.

- Disciplinary Warning* – An official written reprimand stating that unacceptable behavior has occurred and any further inappropriate behavior or other violations of the Code may result in more serious judicial actions by the University.
- Disciplinary Probation* – a specific period of time, generally not less than three months, during which further violations of the Code may result in suspension or expulsion.
- Restitution* – Requiring restitution allows for the compensation of loss, damage or injury caused by a student or student organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement.
- Educational Sanction* – An educational sanction may consist of the assignment of specific projects to be performed by a student or student organization, such as writing on a specific topic, performing community service hours, attending an educational program, and/or writing a reflection paper on a specified topic. Educational sanctions may also include completing mandated alcohol and drug education programs and/or enrolling in web-based online education programs.
- Loss of Privileges* – Denial of specific privileges for a designated period of time.
- Suspension* – Suspension indicates that a student, by his/her actions, has forfeited the privilege of attending IU Northwest for a specified period of time. When a student is suspended from the University, the suspension applies to all campuses of the University. Suspended students are prohibited from entering the campus without specific authorization from the Office of Judicial Affairs. IU Northwest will not recognize any academic credit earned from another institution during the period of suspension. Following suspension, students must apply for reinstatement to the Vice Chancellor if they are interested in enrolling in classes at the University. Reinstatement is by no

means guaranteed.

- g. *Expulsion* – Expulsion is the most serious sanction that can be imposed on an IU Northwest student. Expulsion is a permanent forced withdrawal from the University. An expelled student may not enter any part of the campus without specific authorization from the Vice Chancellor.

IX. SUMMARY ACTIONS

In certain circumstances, the Judicial Officer may take summary action prior to a hearing. Summary actions will be taken only: a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; c) if a student poses a threat to themselves or others; or d) if a student poses a threat of disruption of or interference with the normal operations of the University.

- a. *A student who is summarily suspended and excluded from the university shall be required to leave the property of the university immediately and shall be notified that he or she will thereafter be treated as a trespasser if he or she returns to university property. Within 48 hours after the student is excluded, a written notice must be sent to the student by certified mail informing the student of the following:*
 - 1. That the student has been suspended from the university;
 - 2. That the student has been excluded from being on university property;
 - 3. That the student will be considered a trespasser if he or she returns to university property;
 - 4. The reasons for the suspension from the university and the exclusion from university property;
 - 5. Any conditions that must be met before the student may petition for reinstatement;
 - 6. That the student may not petition for reinstatement for at least one calendar year from the implementation date of the summary suspension.
- b. The student shall thereafter be permitted to enter the university campus only for the limited purpose of participating in the disciplinary proceedings conducted under this section.
- c. The Judicial Officer may require that the student be escorted to and from the disciplinary proceedings by members of the university police department.
- d. Allegations of misconduct filed against a student who has been summarily suspended will be adjudicated by the Review Board, only if requested in writing by the student within 10 days of receiving notice of the summary suspension. Procedures to be followed by the Review Board include the following:
 - 7. If the student disagrees with the decision of responsibility for misconduct reached by the Judicial Officer, or the student believes the sanction of summary suspension is inappropriate, the student may request a formal hearing before the Review Board. The written request must be submitted to the Judicial Officer no later than 10 calendar days after receiving notice of the summary suspension.
 - 8. The Review Board shall consist of three members of the University community.
 - 9. By initiating this request, the student assumes the responsibility of preparing information and any witnesses to present at the formal hearing. A list of the student's witnesses must be submitted in writing to the Judicial Officer no later than seven calendar days before the scheduled hearing.
 - 10. A student may seek advice from an advocate, but the student remains responsible for presenting his/her case to the Review Board.
 - 11. The hearing will be closed to the public.

12. At the hearing, the representatives of both the Judicial Officer and the respondent may present and question witnesses and/or present other information. The respondent may testify, but shall not be ordered to testify by the Review Board, nor shall failure to testify be considered an admission of responsibility. The burden of proving that the student has committed the offense or offenses, as charged, shall be upon the university.
13. The decision of the Review Board shall be based solely upon information introduced at the hearing and must be based upon the preponderance of the evidence. A decision shall be made by majority vote.
14. The Review Board shall make a finding of whether the student has committed the offense(s) as charged. If the Review Board finds that the student has committed the offense(s), it shall uphold the summary suspension decision. If the Review Board does not find the student to be responsible for the offense(s), a recommendation to dismiss the case will be submitted to the Chancellor.
15. Within 10 calendar days after the conclusion of the hearing, the Chairperson of the Review Board shall render a written recommendation, including a brief explanation of the recommendation, and set forth the findings of fact upon which the recommendation is made. The presiding officer shall furnish copies of the recommendation to the student, the Judicial Officer and the Chancellor.
16. If a student fails to appear before the Review Board, the student may explain the failure to appear in writing within 10 days to the presiding officer of the Review Board. Written documentation supporting the cause of absence must be included. The Chairperson of the Review Board will notify the student within 10 days whether the hearing may be rescheduled.
17. If the student fails to appear at the hearing without good cause, the Review Board is required to uphold the summary suspension.
18. If the student does not consider the recommendation from the Review Board to be acceptable, he or she may submit a written appeal to the Chancellor within three (3) working days of the Review Board decision, explaining the reasons for not accepting the recommendation, which may include the length of time of the suspension; the Chancellor will consider the student's written statement prior to making a final decision. This is the final step in the appeal process for summary suspension.
19. The Chancellor will decide whether to accept or reject the recommendation from the Review Board.

X. REVISIONS TO PERSONAL MISCONDUCT PROCEDURES

The contents of this document, posted in February, 2014, supersede all previous editions. IU Northwest reserves the right to revise the procedures as needed. Revisions will be posted on the Internet at <http://www.iun.edu/student-affairs/dean-of-students/index.htm>. Those revisions shall supersede all earlier printed and Internet versions.