

STUDENT DISCIPLINARY PROCEDURES FOR THE INDIANAPOLIS CAMPUS

Preamble

IUPUI disciplinary procedures determine responsibility and appropriate consequences for violations of the Code of Student Rights, Responsibilities, and Conduct. The purpose is to safeguard the University community and provide a developmental experience for the student. The University disciplinary procedures are separate and distinct from any legal proceedings, and they are not conducted in a manner intended to hold in a court of law.

The procedure for imposing academic and disciplinary sanctions are designed to provide students with due process and procedural fairness, to ensure equal protection for all students, and to provide for the imposition of similar sanctions for similar acts of misconduct. At the same time, the procedures reflect the need to be concerned about the individual student involved in a particular case. The procedures therefore provide that the imposition of disciplinary sanctions must also be based upon a consideration of all circumstances in a particular case, including a student's prior record of misconduct, if any.

The University's ability to proceed with substantial determinations and actions in a particular case will not be impaired by minor deviations from these procedures that do not have the effect of preventing a student from responding fully to a charge of misconduct.

General Principles

1. The University intends that proceedings under the Student Code not only resolve charges of alleged misconduct, but also have an educational benefit for the students involved. Accordingly, every effort will be made to ensure that students are encouraged to speak for themselves throughout the process of addressing alleged Code violations. Students may have advisors, including attorneys at their own expense, who accompany them at any or all stages of the process. Advisors are limited to an advisory role and may not speak for students. Advisors may not participate in the proceeding, may not question witnesses, and may not make any statements during the proceedings.
2. Sanctions will not become effective until after opportunities for appeal under the Code have been exhausted. Coursework performed while misconduct proceedings are underway, however, will be considered conditional. Conditional work may be affected or eliminated based on a final finding of misconduct or sanction imposed. This may result in loss of course credit, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the misconduct proceedings.

If, after a degree has been conferred, the University determines that the student committed academic misconduct prior to the conferral, the University may revoke the degree. When an allegation of academic misconduct prior to degree conferral is made, the unit that awarded the degree will conduct an investigation to determine whether misconduct occurred, and if so, whether to recommend revocation of the degree to the Board of Trustees. The unit, in consultation with the Dean of Faculties and the Director for the Office of Student Rights, Responsibilities, and Conduct, will determine the procedures to be followed in conducting its investigation. The unit will make every reasonable effort to notify the student regarding the misconduct allegation and permit the student to respond to the allegation.

3. Students have the right to appeal findings of misconduct and the imposition of sanctions. The purpose of giving students a right of appeal is to allow them to bring to the attention of another authority on campus significant factual and procedural errors that reasonably may bear on the finding of misconduct or the sanctions imposed. Students should NOT appeal misconduct findings for the purpose of delaying the process or the imposition of academic sanctions, or avoiding sanctions that may be imposed by the Office of Student Rights, Responsibilities, and Conduct.
4. All notices specified in the procedures for addressing academic and personal misconduct will be made in writing, which includes electronic mail.
5. All formal hearings for both academic (unit hearing boards) and personal misconduct (Hearing Commissions and Review Boards) will incorporate the following procedural requirements:
 - a. The presiding officer of the hearing body will maintain order and make all rulings necessary for the fair, orderly, and expeditious conduct of the hearing.
 - b. Members of a hearing body will be free from conflicts of interest that reasonably would appear to impair their ability to evaluate a misconduct matter in a fair and impartial manner.
 - c. Normally, all parties must be present in person.
 - d. Both sides will have the opportunity to make opening and closing remarks regarding the charge of misconduct.
 - e. Both sides may present witnesses and submit other information regarding the charge of misconduct, subject to the presiding officer's determination of relevance. At all times, the hearing body may question witnesses and ask for the submission of additional information.
 - f. A student's failure or refusal to speak on his or her behalf at a hearing will not be considered an admission of responsibility.
 - g. In unit hearing board proceedings and personal misconduct proceedings, the University bears the burden of proving, with preponderance of the evidence that the student engaged in misconduct. In a Review Board proceeding, the burden of proof or error shifts to with the student.
 - h. The hearing body's decision will be based solely on information obtained prior to and during the hearing, except that, if the hearing body asks for additional information to be provided after the hearing, the hearing body may include that information in its decision making, as long as both sides have had a chance to review and respond to the additional information either in a resumption of the hearing or in writing.
 - i. Proceedings before unit hearing boards will be audio recorded. Deliberations will be private and not audio recorded.
 - j. Decisions of a hearing body will be made by majority vote.

Personal Misconduct

The University strives to make the campus community a place of study, work and residence where people are treated, and treat one another, with respect and courtesy. The University views the student conduct process as a learning experience that can result in growth and personal understanding of one's rights and responsibilities within both the campus community and the greater community.

Disciplinary proceedings are initiated by the Office of Student Rights, Responsibilities, and Conduct by sending the charged student a written notice by electronic mail. The written notice provides the student the opportunity to meet with a Conduct Officer from the Office of Student Rights, Responsibilities, and

Conduct in an informal conference on a specified date and time to discuss the alleged violation(s). The notice includes the following information:

- The section(s) of the Code of Student Rights, Responsibilities, and Conduct alleged to have been violated;
- Specific information about the behaviors that allegedly caused the violation(s) and the
- date(s) of the incident;
- The disciplinary process and resources for assistance in preparing for the proceedings.

Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic misconduct are governed by the procedures outlined in this document.

1. **Definitions**

- a. The term “*University*” means Indiana University Purdue University Indianapolis (IUPUI).
- b. The term “*student*” is defined as a person who is admitted or enrolled in any credit bearing course or program in any school or division of Indiana University; a person who is admitted to Indiana University and is present on a campus for the purpose of being enrolled in any credit bearing course or program in any school or division of Indiana University; a person who has been admitted and enrolled in any credit bearing course or program in any school or division of Indiana University and continues to be associated with Indiana University because of failure to complete the course or the program in which the person is enrolled; and a person who is not admitted to the University but who is taking classes to transfer to another University, for personal enrichment, or in preparation to apply to a graduate program.
- c. The term “*faculty or faculty member*” means all who teach and/or do research at the University, including but not limited to tenure track faculty, librarians, holders of research or clinical ranks, lecturers, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel including coaches, advisors, and counselors.
- d. The term “*University official*” means any employee of the University performing administrative professional or staff responsibilities.
- e. The term “*member of the University community*” includes any person who is a student, faculty member, University official or any other person involved with or employed by the University.
- f. The term “*calendar day*” refers to any day, Monday through Friday, in which the University offices are open.
- g. The term “*University property*” 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).
- h. The term “*Office of Student Rights, Responsibilities, and Conduct*” is the office designated to be responsible for the administration of the Student Code of Conduct. This office name may be referred to as SRRC in this document.
- i. The term “*Conduct Officer*” means a designee of the Office of Student Rights, Responsibilities, and Conduct who is authorized to adjudicate student disciplinary cases and to impose sanctions upon any student or student organization found to have violated the Student Code of Conduct.

- j. The term “*sanction*” refers to the discipline outcome imposed against a student for engaging in personal misconduct.
- k. The term “*complainant*” means any person who submits a referral alleging that a student or organization violated the Student Code of Conduct.
- l. The term “*charged student*” means any student accused of violating the Student Code of Conduct.
- m. The term “*referral*” means the written documentation provided to the Office of Student Rights, Responsibilities, and Conduct alleging that a violation of the Student Code has occurred.
- n. The term “*emergency hearing*” refers to an expedited hearing scheduled in cases which involve the safety, health or welfare of any student or member of the University community.
- o. *Notice*: Whenever notice is required to be given to a student, it will be conclusively presumed that the student has been given such notice if it has been sent to the student by official University email or mailed to the address appearing on either the student’s current local address or permanent address on record in the IUPUI system.
- p. *Administrative Hold*: A hold may be placed on a student’s record any point in the conduct process to assure compliance with sanctions or pending the resolution of conduct matters. When terms and conditions of sanctions have been satisfied and/or pending conduct matters have been resolved, the hold may be removed.

2. Standard of Proof

The standard of proof for a decision will be based upon a preponderance of evidence. Preponderance of evidence is defined as evidence that a reasonable person would find persuasive or more likely than not that the violation occurred.

3. Receipt of a Referral and Notification

- a. Any person may file a complaint against a student or student organization for misconduct. The referral must be prepared in writing, signed, and submitted to the Office of Student Rights, Responsibilities, and Conduct within a reasonable time following the discovery of the alleged violation and no later than six months after the discovery, except in extraordinary cases. The Conduct Officer may request information concerning prior misconduct of the student from the University Police and other appropriate persons or offices.
- b. Upon receipt of a referral, the Conduct Officer will review the report to determine if a possible violation may or may not have occurred.
- c. If it has been determined that a violation has occurred, a letter of notice will be provided to the charged student containing information about the hearing process and other specific requirements or restrictions to protect the interest of involved students or the University. These requirements could include but not be limited to, temporary relocation in student housing, restriction from specific campus locations, or orders prohibiting contact with complainants or witnesses. The letter of notice will be sent to the student’s official University email address and/or current address listed in University database or served to the student by campus police.

4. Informal Conference

If the Office of Student Rights, Responsibilities, and Conduct initiates disciplinary proceedings after receiving a referral that alleges student misconduct, the student is scheduled to attend an informal conference. This meeting is an informal, non-adversarial meeting between the charged

student and a Conduct Officer from the Office of Student Rights, Responsibilities, and Conduct. The purpose is to examine the complaint, listen to the student, and discuss the circumstances regarding the incident.

- a. When the student attends the informal conference, the Conduct Officer will inform the student as fully as possible of the facts alleged. The student may, but does not need to respond to allegations.
- b. If, after discussion and any necessary investigation, the Conduct Officer determines that the violation alleged is not supported by a preponderance of the evidence, the Conduct Officer will dismiss the referral and notify the student.
- c. If, after discussion and any necessary investigation, the Conduct Officer determines that the violation occurred as alleged, the Conduct Officer will notify the student and will impose a sanction by means of a written notice. The student may either consent to the decision and imposed sanction(s) or request a formal hearing before a Hearing Commission.
- d. If a student fails to appear for the informal conference, the Office of Student Rights, Responsibilities, and Conduct may decide, in the student's absence, whether or not the violation occurred as alleged. The student will be notified in writing of the decision within ten days of the scheduled informal conference. The student may either consent to the decision and imposed sanction(s) or request a formal hearing before a Hearing Commission.
- e. If no written request for a formal hearing is received by the Office of Students Rights, Responsibilities, and Conduct within ten calendar days, no hearing will be held. The sanction(s) proposed by the Conduct Officer will be imposed, and the action will be final.

5. Formal Hearing

A formal hearing can be arranged for a student who does not wish to accept the outcome of the informal conference. The hearing will take place within five weeks from the date of the written request submitted by the student; unless there are extraordinary circumstances that extend this time from date of receipt of request.

- a. If the student disagrees with the decision of responsibility for misconduct or the imposed sanction, or believes a procedural error occurred, the student may request a formal hearing before a Hearing Commission. The written request must be submitted to the Office of Student Rights, Responsibilities, and Conduct no later than ten calendar days after the date of the decision letter from the informal conference.
- b. Upon receiving the written request for a formal hearing, the Office of Student Rights, Responsibilities and Conduct will set aside the proposed finding and sanction reached at the informal conference.
- c. The Office of Student Rights, Responsibilities, and Conduct will send a written notice by mail (hard copy and electronic) to the student's address to inform the student that a hearing date has been set and charges are pending. The notice will inform the student of the following information:
 - Sections of the Code of Student Rights, Responsibilities, and Conduct claimed to have been violated,
 - Specific information about the behaviors that allegedly caused the violation(s), including date(s) of the incident(s) and names of witnesses,
 - The date, time, and place of the hearing, procedures used in the disciplinary process, and resources for assistance in preparing for the proceeding.
- d. 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 Office of Student Rights, Responsibilities, and Conduct no later than seven calendar days before the scheduled hearing.

- e. A student may seek advice from the Student Advocate, or other sources, but the student remains responsible for presenting his/her case to the Hearing Commission.
- f. The Office of Student Rights, Responsibilities and Conduct will make arrangements for the hearing; unless the student rescinds the request at which time the Director of Student Rights, Responsibilities, and Conduct will notify the Hearing Commission.
- g. The hearing is considered a private educational interaction between the student(s) and the University. Admission of any other person to the hearing, with exception of an advisor, will be at the discretion of the Office of Student Rights, Responsibilities, and Conduct.
- h. At the hearing, both the Office of Student Rights, Responsibilities, and Conduct and the student may present and question witnesses, and/or present other information. The student charged with a violation may respond, but failure to respond should not be considered an admission of responsibility. The burden of proving that the student has committed the violation(s), as charged, will be upon the University.
- i. The decision of the Hearing Commission will be based solely upon information introduced at the hearing and must be based upon a preponderance of the evidence. A decision will be made by majority vote during private deliberation after the close of the hearing.
- j. The Hearing Commission will determine if the student has committed the violation(s) as charged. If the Hearing Commission finds that the student has committed the violation(s), it will, after a review of any disciplinary record the student may have, impose one, or a combination of, the disciplinary sanctions outlined in this document.
- k. If the student is contesting only the sanction imposed by the Office of Student Rights, Responsibilities, and Conduct, the Hearing Commission will hear statements from the University representative and from the student, and any witnesses called by either party to determine a sanction.
- l. Within ten calendar days after the conclusion of the hearing, the presiding officer of the Hearing Commission will render a written decision and furnish copies of the decision to the student and the Office of Student Rights, Responsibilities, and Conduct.
- m. If the student fails to appear at the hearing, the Hearing Commission is required to impose the disciplinary sanction initially proposed by the Office of Student Rights, Responsibilities, and Conduct. The student waives the right of further appeal.

6. Types of Disciplinary Action

The Office of Student Rights, Responsibilities, and Conduct is authorized to impose any one or a combination of the following actions:

- a. **No Action** - The Conduct Officer finds that the charges are unsubstantiated or exonerates the student. The decision letter specifies the charges are cleared and no disciplinary action is taken.
- b. **Written Warning** - A student may be given a reprimand in writing that continuation or repetition of misconduct may cause more severe disciplinary action.
- c. **Disciplinary Probation** - A student may be placed on disciplinary probation for a specified period of time and further misconduct during period of probation may result in suspension or expulsion.
- d. **Restitution** - A student may be required to pay the cost for the replacement or repair of any property damaged by the student. If the student fails to pay the cost or make the repairs, the student may be subjected to additional sanctions, including suspension or expulsion.
- e. **“No Contact” Order** - No contact orders are designed so that the students involved in a campus conduct process do not have any communication with each other to help

minimize further altercations between those involved. Students who have no contact orders are not to contact each other using ANY means. This includes, but is not limited to comments, words or gestures in person, through postal mail, email, social networking sites, or by having others (friends, acquaintances, family members, etc.) act on his/her behalf.

- f. **Restrictions** - Conditions imposed on a student that would specifically dictate and limit future presence on campus and/or participation in IUPUI activities. The restrictions involved will be clearly identified and may also deny access and use of University services, and presence in certain buildings or locations on campus.
- g. **Expulsion from University Housing** - A student may be expelled from University housing, and the student's contract for such housing may be terminated.
- h. **Parental Notification** - Parents may be notified of disciplinary decisions when a student under the age of 21 is found in violation of the alcohol and/or substance abuse policy. In addition, parental notification may occur in health and safety emergencies regardless of the student's age or dependent status.
- i. **Other Appropriate Sanctions** - such as mandated community service, educational programs, and written assignments.
- j. **Deferred Suspension** - Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to comply with University policies and expectations. If a student is again found responsible of violating the Code of Student Conduct, the suspension will take place immediately.
- k. **Suspension** - A student may be prohibited from participating in all aspects of University life for a specified period of time. When a student is suspended from IUPUI, the suspension applies to all campuses of Indiana University. This may include a restrictive order that would exclude the person from campus. The Office of Student Rights, Responsibilities, and Conduct is required to notify the Office of the Registrar to indicate the suspension on all copies of the student's academic transcript. When the term of suspension has ended, the Registrar will remove the notation from the student's transcript. A record of the term of suspension will remain a permanent part of the student's disciplinary record.
- l. **Expulsion** - A student may be dismissed from the University permanently. When a student is expelled from IUPUI, the expulsion applies to all campuses of Indiana University. This may include a restrictive order that would exclude the person from campus. The Office of Student Rights, Responsibilities, and Conduct is required to notify the Office of the Registrar to indicate the expulsion on all copies of the student's academic transcript. Expulsion notations on transcripts are permanent. Furthermore, the student may not petition for readmission to the University. A record of expulsion will also remain a permanent part of the student's disciplinary record.

7. **Appeal**

The student may appeal the decision of the Hearing Commission to the Review Board. An appeal may be initiated by filing a notice with the Office of Student Rights, Responsibilities, and Conduct, including a memorandum stating the reason(s) for believing the decision to be improper.

- a. The notice of appeal must be filed no later than ten calendar days after the date of the written decision from the Hearing Commission. By initiating this request, the student assumes the responsibility of preparing information for the Review Board.

- b. The Office of Student Rights, Responsibilities, and Conduct will immediately forward the notice to the presiding officer of the Review Board. The student will be notified by the Office of Student Rights, Responsibilities, and Conduct of the following:
 1. The date, time, and place of the appeal hearing;
 2. That either the student or the Office of Student Rights, Responsibilities, and Conduct may submit a written statement to the Review Board before the appeal hearing, but that any such statement must also be submitted to the opposing party before the hearing;
 3. That, at the hearing, both the student and the Office of Student Rights, Responsibilities, and Conduct may make oral arguments based on the record to the Review Board;
 4. That the student requesting the appeal will have the burden of proving that the decision of the Hearing Commission was not based on preponderance of the evidence or was substantially deficient in providing the student due process or have the opportunity to submit new evidence that was not known at time of formal hearing;
 5. That the student who filed the complaint may not take any further appeal from the decision of the Review Board.

8. Interim Suspension

In certain circumstances, at any time, IUPUI may immediately impose an interim suspension as follows:

- a. The chief administrative officer or the Director of the Office of Student Rights, Responsibilities, and Conduct will have the authority to immediately suspend a student from the IUPUI campus or from participating in official IUPUI functions, programs, intercollegiate competition, and other student activities.
- b. An interim suspension may be imposed to ensure the safety and well being of members of the IUPUI community; to ensure the student's own physical or emotional safety and well-being; or when the student's presence is likely to pose an ongoing threat of harm or disruption or the interference with the normal operation of the IUPUI campus.
- c. The student should be notified in writing of the interim suspension, its terms and the reasons for the interim suspension. The notice should include the time, date and place for an Emergency Hearing with the Director of the Office of Student Rights, Responsibilities, and Conduct.
- d. The Emergency Hearing should occur within five calendar days from the date of suspension with the Director of the Office of Student Rights, Responsibilities, and Conduct. The Director may impose any sanction as appropriate or may continue the interim suspension and delay a final determination pending the outcome of a criminal case, civil case, or other fact gathering body is concluded.
- e. The student may appeal the outcome of the Emergency Hearing to the Hearing Commission. The Hearing Commission will render a decision within ten calendar days and will be the final decision for the IUPUI campus.

9. Rights of Students in the Disciplinary Process

Rights of a victim include:

- a. The student has the option of being present in all aspects of a proceeding in which witnesses provide evidence.
- b. The University will disclose the final results of any disciplinary proceeding to the complainant as permitted by the provisions of state and federal laws.

Rights of the student charged include:

- a. A student charged with violating that Student Code has the right to a fair and reasonable process for handling the charges.
- b. The student has the right to be considered not responsible for the violation until shown to be responsible by the preponderance of the evidence.
- c. The student has the right to be informed of the procedures that will be used in adjudicating the charges against him/her, including but not limited to notice of the charges, deadlines associated with stages of the process, the kinds of evidence that may be submitted at each stage, and the availability of appeals processes, if any.
- d. The student who is participating in a hearing or proceeding at which evidence may be submitted is entitled to request the University make a good faith attempt to compel the attendance of witnesses, compel the production of documents, and provide a reasonable time period within which requests for witnesses and documents can be submitted and acted upon.
- e. The student has the right to have an advisor, including an attorney at their own expense to accompany them at any or all stages of the disciplinary process.

10. Misconduct by Student Organizations

- a. Student organizations are expected to maintain appropriate standards of conduct that are commensurate with those expected of individual students in the University community. All student organizations will be held responsible by the University for abiding by federal, state, and local laws, as well as all University policies.
- b. Student organizations are collectively responsible for any actions committed by members that serve to reflect upon the organization as a whole or upon the University community. Disciplinary action against organizations is separate from disciplinary action taken against individuals, and the facts of an incident may necessitate actions against both an organization and its individual members.
- c. Any organization with restrictive membership clauses which discriminates on the basis of race, color, religion, national origin, sex (except as exempted by Federal Regulations), sexual orientation, marital status, age, disability, or veteran status will not obtain or maintain University registration or recognition.
- d. Student organizations may not engage in hazing activities.
- e. When a student organization, including social Greek organizations, is charged with a violation of the Student Code of Conduct, the case is referred to the Office of Student Involvement and disciplinary actions will be pursued as outlined in the student organization conduct process.
- f. Student organizations in violation of the Student Code of Conduct will be subjected to sanctions, including but not limited to, termination of University registration, restriction or suspension of the use of University facilities or services, suspension of the privilege to sponsor events or recruit new members, the loss of University funds and restitution of damage(s).