

## POLICY STATEMENT

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### Subject: Student Conduct Policies and Procedures

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Originating Office:  
Office of Student Conduct

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#### A. Overview

Indiana University of Pennsylvania is dedicated to engaging students in an intellectually challenging, culturally enriching, and contemporarily diverse environment. The Office of Student Conduct believes that an important part of that engagement comes when a student is faced with the potential consequences of their behavior. As an office, we strive to serve the whole student by holding them accountable for their choices, encouraging them to take ownership for their role in our processes, assisting them in discovering potentially harmful behaviors, determining an appropriate response to the alleged incident, and connecting the student to constructive resources promoting future development. The goal of the office is to empower every student to work toward a successful completion to their time at Indiana University of Pennsylvania. The Office of Student Conduct maintains the ability to remain student-centered in its approach by not being compelled to specific outcomes of adjudication. Conduct hearings shall be conducted in such a manner to ensure the accused student has had a fair and reasonable opportunity to answer, explain, and defend against the charges.

**All allegations of the Sexual Misconduct Policy are adjudicated under the policy and procedures as outlined in that document.**

Academic dishonesty, fraud, classroom disruption, and other behaviors are covered by the Academic Integrity Policy and Procedures. However, if the alleged behavior is a violation of both the Academic Integrity Policy and the Student Conduct Policies and Procedures, a student may be referred through both systems.

A student conduct hearing is the university's investigative process for addressing allegations of policy violations committed by students. The University Student Conduct process is separate from the investigation process implemented through the Title IX office, law enforcement, or other investigating bodies. The University investigation of allegation(s) may occur without any individual filing a police report.

The university maintains the right to amend its policies and procedures and to make such amendments effective immediately upon appropriate public notification to students.

#### Jurisdiction

Indiana University of Pennsylvania represents an academic community that is part of the larger global community. As such, the Office of Student Conduct facilitates the enforcement of university policy in order to protect individual students, the residential and academic community, and the community at large. While the office is primarily concerned with addressing behavior that takes place on campus, the office reserves the right to address any behavior which is considered to have, or potentially has, a direct detrimental impact on the university's educational functions, its community members, or the local municipalities whether that behavior takes place on or off campus.

The University fully recognizes the right of all students to seek knowledge, debate, and freely express their ideas. Discourse and disagreement are fundamental components of any academic endeavor, and students will not be subject to disciplinary action for their lawful expression of ideas. A student retains the rights, protection, guarantees, and responsibilities which are held by all citizens. The University conduct system does not eclipse, in intention or application, the constitutional rights and guarantees of students.

Students may be adjudicated for engaging in conduct that violates federal, state, or local law whether such conduct takes place on campus or off campus or whether or not civil or criminal penalties may also be imposed for such conduct. A violation of this policy is not predicated upon a final determination by a court of law. In other words, it is not necessary for a student to have been actually found to have violated a federal, state, or local law by a court of law in order to be disciplined under the Student Code of Conduct. It is only necessary that a student be found to have engaged in such prohibited acts by processes under the Student Code of Conduct. It is specifically noted here that the standard of proof in the Student Code of Conduct process is distinct and different from what is applied in criminal federal, state, and local law violations. Any decision issued must be based upon evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not. A charge alleging a violation of a federal, state, or local law shall identify the federal, state, or local law violated.

### **Parent(s)/Guardian(s):**

Parent(s)/guardian(s) can have significant influence over their student's choice to follow the behavioral expectations of the university and are welcomed as partners in the student conduct process in accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA).

Parent(s)/guardian(s) will be notified of the outcome concerning a respondent who is a legal dependent when that outcome includes any fine and/or fee in circumstances where the student is under the age of 21 and is legally financially dependent on the legal parent(s)/guardian(s). The Office of Student Conduct will not notify a parent(s)/guardian(s) of any alleged charges or pending processes. Parent(s)/guardian(s) notification will only be sent once an interim or initial outcome has been reached.

### **Student Accommodations**

Any student with a disability involved in the conduct process has the right to request reasonable accommodation in order to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to The Department for Disability Access and Advising (D<sup>2</sup>A<sup>2</sup>). Students do not have to disclose information about the complaint or charge to request reasonable accommodation, except to the extent that it may assist in the determination of reasonable accommodations. Accommodations are determined on an individual basis by D<sup>2</sup>A<sup>2</sup> staff, based upon appropriate documentation and consultation with the student. Reasonable accommodations are then implemented in cooperation with the Office of Student Conduct. Examples of reasonable accommodation include, but are not limited to, sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings, or reasonable accommodations that facilitate communication during the process.

### **Standard of Proof**

The standard of proof describes the level of proof that must be met in order to find a respondent responsible for a violation. There may be strong, definitive evidence presented to persuade the adjudicator that the student did or did not violate a particular section of the Student Code of Conduct. There may also be ambiguities and contradictions, which require the adjudicator to decide whom they believe, or whom they think is more credible. A student is not considered to be "in violation" of any charges until the completion of the process determines that it is more likely than not that the alleged violation of the Student Code of Conduct occurred. Decisions will be based upon information sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not. This standard is lower than the standard required in a court of law.

### **Evidence**

Different types of information may be presented during an investigation or during a hearing. This may include direct evidence, which is based on personal observation or experience. Evidence may be circumstantial, which is information that does not include an eyewitness to the actual event, but does include enough information to lead a reasonable person to the conclusion that the individual did what he/she is alleged to have done. Evidence may be documentary in form, which includes supportive writings or documents, including statements, reports, etc., that support or deny a fact at issue. Evidence may also be secondhand, or "hearsay" evidence. While it is acceptable for the adjudicator to consider and hear second hand information, hearsay evidence may not be used to establish a fact necessary to establish guilt or innocence in a case.

The university is not bound by formal rules of evidence; however, evidence shall be inherently reliable. Evidence or information that may not be admissible in a court of law may be admissible in a conduct hearing or as part of an investigation. It is up to the hearing officer or student conduct board chairperson decide what information is admissible as part of a hearing. It is up to the adjudicator to decide the credibility and relevance of information and the weight that they will assign to that information.

### **Burden of Proof**

The burden of proof refers to who has responsibility of showing a violation has occurred. It is always the responsibility of the university to show this. The respondent does not have the burden to prove that a violation did not occur. A respondent may decide not to share their side of the story or may decide not to participate in the hearing or an investigation. None of these decisions shifts the burden of proof away from the university.

### **Communication**

University-issued electronic mail (email) is the official means of communication between the Office of Student Conduct and students on all matters pertaining to the Student Conduct System.

## **B. Definitions**

1. **Adjudicator** - any University official or Student Conduct Board authorized by the University to impose sanctions upon any student(s) found to have violated one or more student conduct policies.
2. **Advisor** - any person identified by a complainant, respondent, or witness to interact and consult privately with that individual during University student conduct meetings and/or hearings. An advisor may be any individual, including, but not limited to, another student, a friend, an IUP faculty/staff/administrator, a family member, or an attorney. The advisor may not act as the student's representative. If an advisor does not act within the limitations outlined for him/her, a university official, hearing officer, or student conduct board chairperson will request that the advisor comply with the limitations and warn him/her that if the noncompliance persists, the advisor will be required to remove himself/herself from the meeting or hearing.
3. **Complainant** - any person who originates or refers an allegation of violation of this policy.
4. **Faculty Member** - any person employed by the university who holds academic rank or performs teaching or research duties.
5. **Hearing Officer** - University representative who is designated by the Office of Student Conduct and is appointed by the President of IUP to adjudicate cases at the Student Conduct Hearing level.
6. **Incapacitation** - means that a person lacks the ability or is unable, temporarily or permanently (because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness) to make informed, rational judgments about whether or not to engage in any activity as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person. Being impaired by alcohol or other drugs is not a defense to any violation of policy.
7. **Organization** - a group of persons who have complied with University requirements for registration or recognition.
8. **Respondent** - student accused of violating one or more student conduct policies.
9. **Sanction** - one or more consequences or requirements imposed due to the violation of one or more student conduct policies.
10. **Staff** - any person employed by the university or the Student Cooperative Association who is not considered faculty.
11. **Student** - any person from the time she or he accepts admission to Indiana University of Pennsylvania through the date of graduation. This includes, but is not limited to, new students at orientation, persons currently enrolled but who are still seeking a degree from Indiana University of Pennsylvania, persons currently under suspension, and any other person enrolled in a credit-earning course offered by the university. It may also include any person who has graduated from Indiana University of Pennsylvania if the university determines that her or his graduation or receipt of credit may have involved misconduct while working toward that credit or degree.

12. **Student Cooperative Association (Co-op)** - the organization funded by student activity fees, incorporated to provide educational, literary, social, recreational, and cultural benefits of the students, faculty, and staff of Indiana University of Pennsylvania and to operate a bookstore and other facilities.
13. **University** - the community of faculty, staff, and students at IUP, as well as premises and facilities.
14. **University Activity** - any activity on or off campus, which is initiated, aided, funded, authorized, or supervised by the university or the Student Cooperative Association (Co-op).
15. **University Premises** - all buildings or grounds owned, leased, operated, controlled, or supervised by the University or the Student Cooperative Association (Co-op) or other recognized University affiliated organization.
16. **University Regulation** - any written policy of the university as found in, but not limited to, this document, the contracts for residential rooms/suites/apartments (including dining contracts), the university website, and the graduate and undergraduate catalogues.
17. **University Student Conduct Board** - A Student Conduct Board consists of three to six members (inclusive of the board chair), selected from a pool of prospective members who have been trained to participate as Student Conduct Board members and appointed by the University President. A chairperson designated by the Office of Student Conduct oversees the hearing. Board members are trained in the investigatory and fact finding process.
18. **Witness** - any person who has been identified by the complainant and/or respondent as having relevant first-person information concerning the alleged violation of one or more student conduct policies.
19. The terms "will" and "shall" are to be used in the imperative sense, not imparting a choice.
20. The term "may" is to be deemed permissive, imparting a choice.
21. The terms "Vice President for Student Affairs" and "Associate Vice President for Student Affairs" refer to individuals holding those positions or their designees.

### C. Student Code of Conduct

The list which follows is not meant to be exclusive as to the grounds that might lead to the initiation of the student conduct process. The university reserves the right to hold any student accountable for any action (or any inaction in a situation where the student has a duty to act) that an ordinary, reasonable, intelligent college student knows or should know might result in a violation of the Student Code of Conduct. This simply means that the university reserves the right to initiate the conduct process for reasonable cause. The provisions of this clause are incorporated by reference in any notice of misbehavior, so long as the notice fairly describes the act(s) or omission(s) with which the student is charged.

Students who anticipate or observe a violation of university policy are expected to remove themselves from the situation and are encouraged to report the violation.

#### 1. Alcohol

- a. **Possession On Campus** - Possession of alcoholic beverages on university premises or facilities except as provided in the University Alcohol Policy.
- b. **Possession Off Campus** - Illegal possession of alcoholic beverages off campus including, but not limited to, underage possession of alcohol and public possession of an open container.
- c. **Consumption On Campus** - Consumption of alcohol on university premises or facilities except as provided in the University Alcohol Policy.
- d. **Consumption Off Campus** - Consumption of alcohol off campus by individuals under the age of twenty-one.
- e. **Driving Under the Influence** - Operating a motor vehicle while legally intoxicated.
- f. **Sharing, Furnishing, and/or Distributing Alcohol** - Sharing, furnishing, and/or distributing alcohol by persons of any age to persons under the age of twenty-one, including, but not limited to: charging admission to a social event where alcohol is served, hosting or organizing a social gathering where persons under the age of twenty-one consume alcohol, and/or providing alcohol.

#### 2. Drugs /Controlled Substances

- a. **Paraphernalia** - Any equipment, product, or material of any kind containing evidence of or primarily intended for use with any illegal drug and/or controlled substance.
- b. **Illegal Possession/Personal Use of Drugs and/or Controlled Substances** - The possession of any illegal drug and/or controlled substance.
- c. **Sharing, Furnishing, and/or Distribution of Drugs and/or Controlled Substances** - The action, intent, and/or possession of materials used for sharing, distributing, delivering, manufacturing, and/or selling drugs and/or controlled substances except as expressly permitted by law.

- d. **Misuse of Medications or Other Substances** - misuse of over the counter medications, prescriptions, and/or other legal materials or substances, creating potential danger to self or others.
- e. **Driving Under the Influence** - Operating a motor vehicle while under the influence of drugs and/or controlled substances.

### 3. Harmful Behavior

- a. **Physical Violence** - using force with the intent or effect to cause harm to another individual.
- b. **Threats** - words or actions with the intent or effect to cause alarm, fear of harm to another individual, group, or entity or to coerce another individual, group, or entity to engage in unwanted behavior.
- c. **Coercion** - words, actions, or implied threats that would compel with unreasonable pressure a reasonable person to engage in unwanted activity.
- d. **Harassment** - repeated, severe, or pervasive actions directed towards a specific individual, group, or entity with the intent or effect to disturb or alarm.
- e. **Stalking** - A pattern of conduct directed at another person including (but not limited to): following, monitoring, observing, surveilling, threatening, communicating to or about a person or interfering with a person's property with the intent and/or effect that would cause a reasonable person to have fear for his or her safety or suffer substantial emotional distress. Stalking may be direct, indirect or through third parties and may be accomplished by any action, method, device, or means. This includes cyber stalking: a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.
- f. **Retaliation** - acts and/or threats directed against or other adverse action taken against any person in response to that person's participation in or involvement with the conduct process.
- g. **Intrusion of Privacy** - unreasonably invading the private domain or seclusion of another individual, group, or entity by any means when such individual, group, or entity has a reasonable expectation of privacy.
- h. **Disorderly Behavior** - Intentionally or recklessly creating a hazardous or physically offensive condition or endangering the well-being of any individual, group, or entity or causes reasonable persons to fear for their safety or the safety of another.
- i. **Dishonesty/Fraud** - Dishonest or fraudulent behavior, such as forgery, alteration, or misuse of documents, records, or identification (including but not limited to I-cards, credit cards, debit cards, pin numbers, and/or computer usernames/passwords), or knowingly furnishing false information to university or Co-op officials.

### 4. Complicity

Active association with or active encouragement of another person or persons whose behavior is in violation of these Student Conduct Policies and Procedures, university policy, or applicable laws.

### 5. Noncompliance

Noncompliant behavior includes the following:

- a. **University Official** - failure to comply with the directive of or meet with an authorized University or Student Cooperative Association official acting in the performance of their duties or with the direction of any person responsible for a facility or registered function including providing identification when requested to do so. Note: the individuals referenced above must identify themselves.
- b. **Contractual Obligations** - failure to honor all contracts with and debts to the university including terms and conditions of living in university-owned/operated housing and/or to the Student Cooperative Association.
- c. **Student Conduct Sanction** - failure to fulfill any sanction levied as a result of a student conduct or academic integrity proceeding.
- d. **University Space** - failure to abide by all policies and regulations governing the use of university space or the registration of all university events.
- e. **Statement of Relationship** - failure to abide by all policies and regulations governing the registration of student organizations.

### 6. Property

- a. **Theft** - theft or other unauthorized possession of University property or the property of any individual(s), group(s), or entities.
- b. **Destruction/Damage** - destruction and/or damage to University property or to the property of any individual(s), group(s), or entities.
- c. **Attempted/Completed Entry** - attempted or completed entry into or use of university or Co-op facilities or property or the property of any individuals, groups, or entities without authorization.

## 7. Community Safety

- a. **General Safety** - Tampering with safety devices including, but not limited to: alarm systems, fire extinguishers, exit signs, smoke/heat/particle detectors, fire hoses, sprinklers, or fire-fighting equipment. Failure to conform to safety regulations including, but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely manner in emergency situations or in response to alarms, or inappropriate use of the fire alarm or emergency call device or system.
- b. **Arson** - illegally setting, attempting to set, creating, or causing a fire.
- c. **Weapons/Explosives** Possession and/or use of any weapon, which is any object used to inflict a wound or cause injury. This includes, but is not limited to, possession and/or use of firearms, ammunition, knives, swords, nun chucks, stun guns, BB guns, paintball guns, look-alike weapons, or explosives, such as fireworks, unsecured compressed air cylinders, or dangerous chemicals, except as authorized for use in class, in connection with university-sponsored research, or in another approved activity (provisions may be made to store firearms with the University Police).

## 8. Other

Apparent or alleged violation of federal, state, or local laws, regulations or ordinances and other university policies and regulations, the university catalog, and other official university publications either printed or published on the University website.

## D. Procedures

1. **Referrals:** Anyone may file university conduct charges against a currently enrolled student by completing a Student Conduct Case Referral Form located on the student conduct website, [www.iup.edu/studentconduct/](http://www.iup.edu/studentconduct/) and submitting it to the Office of Student Conduct, G 11 Ruddock Hall. This form must be complete, including references to the applicable behavior regulations listed in this document, *Section C, Student Code of Conduct*, and corresponding explanations. Incomplete conduct referral forms, including forms without authentication from the complainant will not be accepted. Alleged violations shall be reported as soon as possible. If, after reviewing the referral, the Office of Student Conduct determines the alleged behavior needs to be referred to another office, the Office of Student Conduct will share all pertinent information with the appropriate office.
2. **Documentation of Incidents:** While the student conduct hearing serves as the university's investigative process for addressing alleged behavioral violations, other university offices may complete neutral fact-finding reports, investigations, or other forms of documentation of alleged behavior. The Office of Student Conduct will accept any such report containing information relevant to the alleged behavior and include it as evidence to be presented at the student conduct hearing. Respondents and complainants will be notified of any such documentation a minimum of three business days prior to the hearing.
3. A designated university official within the Office of Student Conduct will review the case and determine whether the case should be adjudicated by the student conduct system, and, if so, whether a mediation will be attempted or whether the case will be handled in an Incident Review Meeting, assigned to a hearing officer, or heard by a university Student Conduct Board. In cases involving multiple respondents and/or multiple incidents, the Office of Student Conduct will determine if the respondents and/or incidents are to be adjudicated together or separately.
  - a. **Mediation:** When appropriate and agreeable to all students involved, a mediation process may be conducted in lieu of an adjudication of Code of Conduct violation(s). Mediation is a voluntary process that requires the commitment of all parties. It is appropriate when a violation arises out of a dispute between students. It is generally reserved for first time and less serious violations. The goal is to reach a written agreement to resolve the dispute and to prevent its reoccurrence. The Office of Student Conduct will retain a record of the mediation efforts and the agreement. If the parties fail to live up to the agreed resolution, or if mediation attempts fail to reach an agreement, a referral may be processed.
  - b. **Incident Review Meeting:** If an Incident Review Meeting (IRM) is scheduled, the respondent will be notified of the expectation to participate in resolving minor first-time policy violations. An IRM involves a meeting between the respondent and an assigned adjudicator to discuss the alleged behavior. If the respondent and the adjudicator reach an informal resolution of the charges, an appropriate sanction or sanctions will be issued and kept on file at the University according to the records policy (see "Records and Recording Keeping").

**c. Student Conduct Hearing:** A student conduct hearing will be scheduled under the following circumstances:

- i** If the respondent and the IRM adjudicator fail to reach an informal resolution;
- ii** If the IRM adjudicator determines that the charges require further examination;
- iii** If a designated university official determines that the case is of moderate severity;
- iv** If the alleged incident involves more than one individual and a hearing is necessary to complete a thorough examination of the allegations or
- v** If the outcome of the hearing may result in removal from/loss of university-owned/operated housing, suspension, or expulsion.

In the event a student conduct hearing is scheduled, a respondent will be given a minimum of three calendar-days' notice prior to appearing before the assigned adjudicator or Student Conduct Board unless the student waives this notice.

The respondent may waive in writing their right to a hearing and accept one or more sanctions as determined by the adjudicator. The sanctions will reflect the severity of the current charges against the student, as well as any previous disciplinary record. A student who waives their right to a hearing forfeits any right to appeal the sanctions as determined by the adjudicator.

Students who are considered an immediate or substantial threat to themselves, others, and/or property may be issued interim measures by the Office of the Vice President for Student Affairs (see section "I. Interim Actions.")

#### **E. General Guidelines for Student Conduct Hearings**

A student conduct hearing may be an Administrative Hearing or a Student Conduct Board Hearing.

Guidelines used by hearing officers or Student Conduct Boards include:

1. If a student conduct hearing is scheduled, the respondent and complainant shall be provided with specific advance written notice of the alleged violations, the dates, times, and locations of the alleged violations and a summary of the actions which led to the charges. Notification of charges against the respondent shall also include, but is not limited to, the following information:
  - a. The date, time, and location of the hearing;
  - b. Whether the case will be adjudicated by a hearing officer or a Student Conduct Board; and
  - c. Information regarding due process rights afforded the respondent prior to and during the hearing.
2. The respondent shall have their case heard by an impartial adjudicator. Once an adjudicator has been named, they may not publicly or privately discuss the merits of the complaint with anyone not involved in the proceedings, with the complainant/respondent themselves, or with anyone acting on the behalf of the complainant/respondent.
3. In situations where the original complainant is no longer available or cannot attend the hearing for unavoidable reasons, a proxy may be sent to the hearing by the originating agency to represent the university's case against the respondent throughout the proceedings.
4. In the event that a respondent, complainant, and/or witness is not able to be physically present at the hearing, they may participate via acceptable technological means including via telephone or video call.
5. The complainant will present the charges and relevant information and may ask questions of all hearing participants.
6. The respondent shall have a fair and reasonable opportunity to answer, explain, and defend themselves against charges presented at the hearing, to present information related to specific charges and to call relevant witnesses to appear on their behalf. If the respondent intends to have witnesses present at the hearing, they must notify the Office of Student Conduct at least one business day prior to the hearing.
7. If the respondent chooses not to appear before the assigned adjudicator, their case will be adjudicated based upon the information related to specific charges presented at the scheduled hearing.
8. Witnesses will be asked to provide relevant information related to specific charges and to respond to questions from the complainant, the respondent, the hearing officer, and Student Conduct Board members/chairperson. Witnesses are not permitted to ask questions of hearing participants except to clarify a question asked of them.

9. All student conduct hearings are closed except to designated and approved participants.
10. The students and witnesses may select an advisor to advise her/him during the Student Conduct proceeding. The advisor may consult and interact privately with the student or the witness during student conduct proceedings. However, the advisor is not permitted to have a verbal role in the proceedings.
11. At the hearing, if a respondent chooses not to testify, no inference may be drawn from the failure to testify. A respondent's failure to testify does not waive his/her right to ask questions of witnesses or call witnesses.
12. The respondent may waive in writing their right to a hearing and accept one or more sanctions as determined by the adjudicator. The sanctions will reflect the severity of the current charges against the student, as well as any previous student conduct record. A student who waives their right to a hearing forfeits any right to appeal the sanctions as determined by the adjudicator.
13. A hearing officer or Student Conduct Board Chair shall have the authority during Student Conduct proceedings to hold an individual in contempt. Contempt is defined as disorderly or disrespectful conduct by hearing participants and/or the intentional misrepresentation of facts. Individuals found to be in contempt may be removed from the hearing and students may be charged with additional violations of applicable student conduct policies.
14. The respondent and complainant shall receive a written account of the decision of the adjudicator setting forth with reasonable specificity the facts and reasons for the decision.

#### **F. Procedures for cases adjudicated by Hearing Officers**

1. A respondent may challenge the assignment of a specific hearing officer to their case. This challenge must be presented in writing to the Office of Student Conduct at least one business day prior to the scheduled date and time of the hearing. Upon reviewing the details of the challenge, the Associate Vice President for Student Affairs or their designee will either uphold the challenge and appoint an alternate hearing officer and arrange a new hearing time, or deny the challenge. Failure to act shall be deemed denial.
2. A hearing officer will withdraw from adjudicating any case in which they feel they cannot be impartial and reach a fair and objective decision.
3. The hearing officer will review all material, hear all information relevant to specific charges pertinent to the case from the complainant, the respondent, and all witnesses, clarify issues raised and render a decision based on the information presented at the hearing.
4. Following the hearing, the hearing officer will schedule a time to meet with the respondent (if possible) to issue a decision, and, if the student is found to be in violation of any university policy or regulation, issue one or more sanctions. This information is also presented to the student in writing within seven calendar days unless circumstances warrant an extension.
5. If the respondent is found to be in violation of any university policy or regulation, all materials within the student's past and present student conduct file will be used to determine appropriate sanctioning.

#### **G. Procedures for cases adjudicated by Student Conduct Board**

1. Any respondent appearing before a Student Conduct Board may challenge any member of the board sitting in judgment of their particular case. Upon hearing the details of the challenge, the Student Conduct Board will, by majority vote (challenged member not voting), either uphold or deny the challenge.
2. A Student Conduct Board member will withdraw from participating in any case in which the member feels that they cannot be impartial and reach a fair and objective decision.
3. The Student Conduct Board will review all materials and hear all information relevant to the specific charges pertinent to the case from the complainant, respondent, and all witnesses. Members of the Student Conduct Board shall be free to ask relevant questions in order to clarify information which is presented.
4. A Student Conduct Board hearing will be digitally recorded by the University and the recording will be retained at the University in accordance with the records and recordkeeping policy. Under no circumstances are other individuals permitted to record student conduct hearings.
5. After hearing all the information relevant to specific charges, the board will privately deliberate and make its decision and, if necessary, determine appropriate sanctions.
6. If the respondent is found to be in violation of university policy or regulation, all materials within the student's past and present student conduct file shall be used to determine appropriate sanctions.



7. Upon the conclusion of the hearing, the Student Conduct Board chairperson will schedule a time, if possible, to meet with the respondent to communicate the board's decision and, if the student is found to be in violation of university policy or regulation, to communicate the sanctions. This information is also presented to the student in writing within seven calendar days unless circumstances warrant an extension.
8. In cases where the Student Conduct Board recommends expulsion as the appropriate sanction, the chairperson will recommend the sanction in writing to the Vice President for Student Affairs or their designee within three calendar days.

## H. Sanctions

Violations of Student Conduct Policies and Procedures which demonstrate malicious intent towards the race, gender, color, religion, national origin, disability, and/or sexual orientation of another person or persons may result in increased sanctions. Any sanction may be put on hold or stayed from implementation for a specified period of time as determined by the hearing officer or Student Conduct Board. The sanction will not be lifted until the date indicated by the hearing officer or Student Conduct Board or the date upon which the student successfully completes all assigned sanctions, whichever comes last. A hearing officer or Student Conduct Board may impose one or more sanctions from the sanctions listed below.

- a. **Disciplinary Warning:** A written warning may be given to the student that indicates that they have been found to be in violation of a university policy or regulation and that failure to comply with a university policy or regulation in the future may result in referral to the student conduct system to be handled as a second offense. A warning remains in effect for a specific period of time.
- b. **Disciplinary Probation:** Disciplinary Probation is an indication that a student's status at the university is seriously jeopardized. During the probationary period, if the student is found to be in violation of another policy or regulation, a more serious sanction will be levied, including possible suspension or expulsion from the university. Disciplinary Probation is in effect for a specific period of time.
- c. **Extended Disciplinary Probation:** Disciplinary Probation may be extended for a specific period of time.
- d. **Suspension:** A student may be suspended from the university for a specific period of time, not to be less than the remainder of the current semester. Suspension requires that the student remove themselves from University, Student Cooperative Association, owned-or affiliated-entities or properties. They are not permitted to attend classes, social activities, or to be present on University/Student Cooperative Association property during the period of suspension.
- e. **Expulsion:** The Student Conduct Board may recommend to the Vice President for Student Affairs that a student be expelled from the institution. Expulsion from the University is permanent dismissal. The Vice President for Student Affairs or their designee shall endeavor to respond to the respondent in writing regarding the recommendation of expulsion within five calendar days of receiving it.
- f. **Community Service:** A task which benefits the individual, campus, or community.
- g. **Educational Task:** Examples of educational tasks include, but are not limited to, essays, educational workshops provided by the university or outside entities, participating with staff in community development initiatives, apology notes, etc. The student will be required to submit proof of completion of the educational task from a source deemed appropriate by the university.
- h. **Mandatory Housing:** A student may be required to live in university owned/operated housing for a specific period of time.
- i. **Disciplinary Removal from University Owned/Operated Housing:** This condition removes a student from university owned/operated housing facilities on either a temporary or a permanent basis. This is a more severe action usually taken in response to serious or repeated violations of a university policy or regulation.
- j. **Loss of Eligibility for University Owned/Operated Housing:** The student, whether currently living in university owned/operated housing facilities or not, is denied future eligibility for university owned/operated housing on a temporary or permanent basis.
- k. **No Visitation in University Owned/Operated Housing/Facilities:** This condition prohibits a student from being present within university owned/operated housing or other designated facilities for any purpose for a specific time period.
- l. **Restitution:** A student may be required to pay for damages to property, including but not limited to, personal and University/Co-op property, and/or for personal injury. Payment will be made under guidelines determined by the Office of Student Conduct.

- m. **Fine:** A student may be billed an amount of money as determined by the most severe sanction assigned by the hearing officer or Student Conduct Board.
- n. **Letter to Parent(s) or Legal Guardian(s):** The student's parent(s) or legal guardian(s) receive a copy of the hearing officer's or Student Conduct Board's decision. This does not apply if the student is twenty-one years of age or older or if the student presents documentation to demonstrate independence (as defined in section 152 of the Internal Revenue Code).
- o. **Other:** Recommendations may also be made for participation in mediated no contact agreements, assignment to a trained mediator, and other appropriate remedial and education interactions. Any recommendations will be considered and acted upon by the Vice President for Student Affairs or his/her designee.

## I. Interim Actions

**1. Interim Suspension:** In a situation where it is determined that a continuation of the present circumstances presents a potential danger to an individual student, other students, or the university community, the Vice President for Student Affairs or their designee may implement interim suspension. The interim suspension will remain in effect pending final disposition of the case. Interim Suspension is independent of any other measures taken by other parties at the university.

After interim suspension is implemented, the following process will be followed:

- a. As soon as possible but in any event within 10 working days issuance of the Interim Suspension, unless circumstances warrant an extension, a Student Conduct Board hearing will be conducted to adjudicate the case.
- b. If the interim suspension is not upheld upon the outcome of the hearing, the interim suspension will no longer be in effect.
- c. The student cannot be penalized for missing class and will be guaranteed the opportunity to make up academic work missed during the semester in which the interim suspension was imposed. It is the responsibility of the respondent to make arrangements with faculty members for completing missed work.
- d. When interim suspension has been implemented, upheld by a board, and appealed by the student, the Interim Suspension will remain in effect until an appeal outcome has been reached.

**2. Interim Measures\*:** *In a situation where it is determined that a continuation of the present circumstances presents a potential danger to an individual student, other students, or the university community, the Vice President for Student Affairs or their designee may take interim measures. Interim measures may include, but are not limited to, change of housing assignment, ban from residential facilities, ban from campus except for academic purposes, or no contact with specific individuals. The interim measures will remain in effect pending final disposition of the case. Interim Measures are independent of any other measures taken by other parties at the university.*

After interim measures are taken, the following process will be followed:

- a. As soon as possible but in any event within 10 working days, unless circumstances warrant an extension, a Student Conduct Board hearing will be conducted to adjudicate the case.
- b. If the interim measures are not upheld upon the outcome of the hearing, the interim measures will no longer be in effect.
- c. When interim measures have been implemented, upheld by a board, and appealed by the student, the Interim Measures will remain in effect until an appeal outcome has been reached.

*\*NOTE: IUP's set of **Interim Actions** will include **Interim Measures only** if the Board of Governors Policy 1984-13-A is revised to include interim measures.*

## J. Appeal Process

### 1. Grounds for Appeal:

Upon receiving notification of the outcome of a student conduct hearing, a respondent and complainant may appeal in writing for any of the following reasons:

- a. Procedural error that likely impacted the hearing outcome.
- b. New information (applies when there is an acceptable reason to explain why the information could not be presented at the original hearing).
- c. Inappropriate sanctions that resulted in one or more of the following: loss of eligibility to live in and/or visit University-owned/operated housing, suspension, and/or expulsion.

## **2. Appeal Procedures:**

The respondent and complainant must present a written request that specifically articulates one or more reason(s) for appeal from the grounds listed above to the Vice President for Student Affairs or their designee within ten (10) calendar days of notification of the hearing decision. The ten (10) day requirement may be waived by the Vice President for Student Affairs or their designee where extenuating circumstances prevail and only if the grounds for appeal are met. The person submitting the appeal must include in the written appeal the reason(s) for the appeal, the supporting facts, and the requested solution. Appeals of fines and/or fees will not be accepted. Appeals cannot be submitted by a third party on behalf of the respondent or the complainant. The appeal must include the signature of the person submitting the appeal. An appeal is not a rehearing of the matter and will not have merit simply because the person submitting the appeal disagrees with the outcome.

In cases that do not involve interim measures, once an appeal is filed all sanctions are placed on hold with the exception of any sanction prohibiting contact another individual.

The Vice President for Student Affairs or their designee may assign an appeal board to hear the appeal.

Upon considering an appeal, the Vice President for Student Affairs or their designee may sustain the sanction(s), reduce or increase the severity of the sanction(s), reopen the case with the original Student Conduct Board, or require that the case be reheard by a new Student Conduct Board. The record for appeal is the student conduct file (see "Records and Record Keeping"). Decisions on all appeals will be rendered within ten (10) working days, absent extenuating circumstances. At the conclusion of any appeal process, the respondent and the complainant will be notified in writing of the outcome of the process.

Appeals of expulsion must be submitted to the Office of the President. The University President will respond to a respondent in writing regarding the appeal of an expulsion decision.

## **K. Records and Record Keeping**

The Office of Student Conduct will maintain student conduct files, which contain all necessary and appropriate correspondence, hearing officer and Student Conduct Board decisions, and other documentation pertinent to any student conduct cases involving the respondent. Material deemed unnecessary may be discarded at any time. Student conduct records will be maintained for at least seven years after the last sanction end date in accordance with the University record policy. Other circumstances outside the conduct process may require retention of the record for a longer period of time, including a directive to retain records issued by University Legal Counsel from the Office of the Chancellor. Cases that resulted in expulsion may be retained for a longer period of time.

The University will not release a student's conduct records without the written consent of the student. The only exceptions to this guideline are those outlined in the Family Educational Rights and Privacy Act of 1974. The Office of Student Conduct cannot guarantee confidentiality but will maintain a student's privacy to the greatest extent possible.

## **L. Review of Student Conduct Policies and Procedures**

The Student Conduct Policies and Procedures shall be reviewed at least every five years. The Student Conduct Policies and Procedures shall be updated as necessary to comply with applicable law, policy or regulation. The review process shall be coordinated by the Associate Vice President for Student Affairs or their designee. The Office of Student Conduct has the authority to resolve questions pertaining to Student Conduct Policies and Procedures. Questions regarding interpretation of the Student Conduct Policies and Procedures should be directed to the Office of Student Conduct, G11 Ruddock Hall, 1099 Maple Street, Indiana University of Pennsylvania, Indiana 15705 724-357-1264.