

Code of Student Rights, Responsibilities, & Conduct

III: Procedures

IU Bloomington

Disciplinary Procedures

## General Principles

1. The University intends that proceedings under the Student Code not only resolve charges of misconduct, but also have 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. Except for Campus Review Board proceedings, however, advisors are limited to an advisory role and may not speak for students. During Campus Review Board proceedings (final appeal process for academic or personal misconduct cases), advisors are allowed to participate directly in the proceedings with the clear understanding that the hearing will always remain under the control of the presiding officer. In addition, a student with a disability substantially affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the Office of the Dean of Students to allow an advisor or interpreter to present or translate the proceedings. The role of an advisor in the disciplinary system is primarily to assist the student in understanding his/her rights and responsibilities in the system, to assist the student, as requested, in preparing for any hearings, and to support the student as the student proceeds through the campus judicial system. With the student's permission, an advisor may also help prepare any witnesses the student wishes to call, view any documents in the student's disciplinary file, and confer with the student on issues that arise during a hearing.
2. Except as provided in Section B.4. Summary Action and General Principle 3, no sanctions shall become effective until after opportunities for appeal under the Code have been exhausted. Coursework performed while misconduct proceedings are underway, however, shall 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 either academic or personal misconduct is discovered that may impact degree conferral or graduation, the Dean of Students may notify the student's academic dean, who may withhold conferral of the degree pending completion of 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 shall 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 Students and ~~Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health

Sciences (graduate student cases) or Vice Provost for Undergraduate Education (undergraduate student cases), shall determine the procedures to be followed in conducting its investigation. The unit shall make every reasonable effort to notify the person regarding the misconduct allegation and permit the person 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 sanction imposed. Students should NOT appeal misconduct findings for the purpose of delaying the process or the imposition of academic sanctions, or avoiding further sanctions that may be imposed by the Dean of Students.
4. All notices specified in the procedures for addressing academic and personal misconduct shall be made in writing, which may include electronic mail.
5. All formal hearings for both academic and personal misconduct (unit hearing boards, hearing commissions, and campus review boards) shall incorporate the following procedural requirements:
  - a. The presiding officer of the hearing body shall maintain order and make all rulings necessary for the fair, orderly, and expeditious conduct of the hearing.
  - b. Members of a hearing body shall 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. The hearing body may allow for presence in formal hearings by electronic means, when warranted by special circumstances.
  - d. Both sides shall 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 own behalf at a hearing shall not be considered an admission of responsibility.
  - g. In unit hearing board proceedings and personal misconduct proceedings, the university bears the burden of proving, by a preponderance of the evidence standard (more likely than not), that the student engaged in misconduct. In a Campus Review Board proceeding, the burden of proof or error lies with the student.
  - h. The hearing body's decision shall 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 shall be made by majority vote.
6. In instances when the student poses serious and substantial risk of harm to self, to others, to property, or to the continuing function of a program or the University, the faculty member in charge may summarily remove a student from an on-campus or off-campus activity or program. Off-campus activities and programs include but are not limited to: clinical, field, internship, in-service experience, or overseas study programs. In addition, a student may be removed summarily based on the terms of any agreement between the university and a third party regarding student placement or academic experience.

A summary removal becomes part of the student's disciplinary record only after a final determination under these procedures that the student engaged in academic or personal misconduct. If no academic or personal misconduct charge is filed, and the student wants the matter dismissed, the student should follow the Campus Grievance Commission procedures. (See "Student Complaint Procedures," A.3.). When a student is dismissed from a clinical program or other third party placement based on the terms of an agreement with that third party, the student may not grieve the dismissal under the Student Code.

- 7. As used in "Student Disciplinary Procedures," the term "faculty" or "faculty member" means all those who teach and/or do research at the university including (but not limited to) tenure-track faculty, librarians, holders of research or clinical ranks, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel including coaches, advisors, or counselors.
- 8. The term "calendar days" is defined as all days except those when the university is not in official session. Non-session days are identified as those which occur between the last day of final examinations of one term and the first day of classes of the following term, plus official closing days for Thanksgiving, Martin Luther King Jr.'s birthday, Spring Break, Memorial Day, the Fourth of July, and other officially recognized university holidays.
- 9. Any deadline set out in these procedures may be extended by the relevant authority only for good reason shown.

## A. Academic Misconduct

The academic misconduct procedures address two key issues: (1) whether academic misconduct, as defined in the Code, has occurred, and (2) if so, what sanctions are appropriate.

As set out more fully below, various people and offices play specific roles in resolving these two issues. Whether misconduct has occurred in a particular course, and if so, whether a particular academic sanction (failing grade, repeating an assignment, etc.) is an appropriate response to a finding of misconduct in the course, is handled by the faculty member involved and, if a student appeals the faculty member's determinations, by a hearing board within the school in which the misconduct allegedly occurred (College of Arts and Sciences, School of Business, etc.).

The Office of the Dean of Students serves two roles with respect to academic misconduct. First, that office serves as the centralized record keeper throughout the process. Second, after a final determination within a school that a student has committed academic misconduct, the Dean of Students and / or Designee determines whether an additional, university-wide sanction (disciplinary probation, suspension, or expulsion) is appropriate based on the nature and severity of the misconduct and/or prior violations by the student.

The ~~Office of the Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health Sciences or Vice Provost for Undergraduate Education convenes Campus Review Boards to hear two types of appeals for graduate and professional, and undergraduate students, respectively: first, a limited appeal by the student that a ~~serious~~ procedural error deprived the student of a full and fair opportunity to present their response to the misconduct charge; and second, an appeal by the student asserting that a university-wide sanction imposed by the Dean of Students and / or Designee is arbitrary or disproportionate.

## Part Two

### Limited Appeal of the Finding to the ~~Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health Sciences or Vice Provost for Undergraduate Education

1. Within seven (7) business days of receiving the Dean of Students notice concerning misconduct, the student may appeal the finding of misconduct, the particular sanction imposed, or both.
2. The appeal must be submitted in writing to the academic dean of the school in which the alleged offense occurred. The academic dean notifies the Office of the Dean of Students of the appeal.
3. If an appeal is filed, the academic dean talks with the student and faculty member, either separately or together, at their discretion. If the matter is not resolved within seven (7) business days of talking with the student and faculty member, the academic dean convenes a hearing board composed of ~~two three (23)~~ two three (23) faculty and ~~one two (12)~~ one two (12) students.
  - The board holds a hearing on the issue(s) raised by the student. If the student appealed the finding that misconduct occurred, the board determines whether a preponderance of evidence supports the finding of misconduct. If the board concludes that the evidence does not support a finding of misconduct, the matter ends there. If the board finds that misconduct occurred, and the student has appealed the academic sanction imposed, the board may uphold or reduce that

sanction. If the student has only appealed the sanction, the board decides only whether to uphold or reduce the sanction.

- The board issues a written decision within seven (7) business days after the hearing ends. The decision sets out the board's conclusions and the findings of fact and reasoning supporting those conclusions. The presiding officer of the board sends the decision to the dean of the unit, with copies to the student, the faculty member, the Dean of Students, and the academic dean of the unit in which the student is enrolled (if different from the unit in which the misconduct occurred).
4. Academic units may, at their discretion, develop procedures (including timeframes) for addressing a student's claim that after the conclusion of the academic unit board hearing they have identified new evidence that reasonably would affect a misconduct finding and/or academic sanction.

### Part Three

#### Limited Procedural Appeal to the ~~Vice Provost for Faculty and Academic Affairs~~ **Vice Provost for Graduate Education and Health Sciences** or Vice Provost for Undergraduate Education

1. If either the student or the faculty member believes that a procedural error occurred at the unit hearing board that was serious enough to prevent the board's full and fair consideration of a misconduct finding or academic sanction, they may file a written appeal with the ~~Office of the Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health Sciences (graduate student cases) or the Vice Provost for Undergraduate Education (undergraduate student cases). The student or faculty member has seven (7) business days from the date the student receives the decision of an academic unit hearing board to file the appeal. A student may not appeal the academic unit hearing board's factual conclusion as to whether misconduct occurred, or the propriety of the academic sanction imposed.
2. The Vice Provost talks with the student or faculty member and the presiding officer of the academic unit hearing board, separately or together, at the Vice Provost's discretion. If this does not resolve the matter, a Campus Review Board appointed by the Vice Provost reviews the record. If the record indicates that a serious procedural error occurred earlier in the proceedings that prevented the board's full and fair consideration of a misconduct finding or academic sanction, the Board will inform the Vice Provost, who will send the matter back to the academic unit hearing board for further proceedings to correct the error. The Vice Provost may appoint an advisor to assist the academic unit hearing board.
3. If the Campus Review Board concludes that no serious procedural error occurred within the unit that prevented the board's full and fair consideration of the misconduct finding and/or academic sanction, the Vice Provost denies the appeal. The finding of misconduct and academic sanction imposed then take effect. The Vice Provost reports this outcome

to the Office of the Dean of Students and to the academic dean of the unit in which misconduct occurred.

## Part Four

### Dean of Students Decision on Additional, University-wide Sanctions

1. If, after concluding any appeals, a student is found to have committed academic misconduct, the Dean of Students considers whether to impose an additional, university-wide sanction, based on the nature of the misconduct, any prior acts of misconduct (academic or personal), or both. The Dean of Students may impose (i) no university-wide sanction; (ii) disciplinary probation; (iii) suspension or deferred suspension; or (iv) expulsion.
2. Within seven (7) business days after receiving notice of the final decision on misconduct and academic sanctions, the Dean of Students will review the faculty member's report and any action by the unit hearing board, and will consult with the academic dean of the unit in which the student is enrolled. The Dean of Students then notifies the student either:
  - that they have decided that additional, university-wide sanctions are not warranted; or
  - that they are considering imposing an additional, university-wide sanction, which may consist of disciplinary probation, suspension or deferred suspension, or expulsion, and has set a date for an informal conference with the student to discuss whether such a sanction should be imposed. The Dean of Students notice to the student will indicate the following:
    1. that the student is required to appear at the conference;
    2. that if they fail to appear at the conference without good cause, the Dean of Students will go ahead and make a decision on additional sanctions;
    3. that the student may be accompanied by an advisor, who may advise the student but not speak or participate directly in the conference;
    4. that the Dean of Students is bound by the finding within the unit that the misconduct occurred, and therefore the only issues to be discussed with the student are the seriousness of the academic misconduct involved, the validity of any records maintained by the Dean of Students on prior acts of misconduct by the student, and the propriety of imposing an additional sanction;
    5. that the Dean of Students has no authority to reconsider the merits of the finding of misconduct or academic sanction;
    6. that the student may appeal any additional sanction to the Campus Review Board.
3. When the Dean of Students is considering additional sanctions, they will also consult with the dean of the unit in which the student is enrolled. Ordinarily the Dean of Students will not impose an additional university-wide sanction without the concurrence of the academic dean.

4. The Dean of Students notifies the student and the academic unit(s) involved of their decision on additional, university-wide sanctions. If no additional sanction is imposed, the matter ends there. If an additional sanction is imposed and the student feels that the sanction is arbitrary or disproportionate, the student has seven (7) business days to appeal in writing to the ~~Vice Provost for Faculty and Academic Affairs~~, Vice Provost for Graduate Education and Health Sciences (graduate student cases) or the Vice Provost for Undergraduate Education (undergraduate student cases).
5. If a sanction of suspension or expulsion is imposed, the Dean of Students notifies the Registrar, and the sanction is noted on the student's academic transcript. A notation of suspension is removed by the Registrar when the term of suspension has ended; a notation of expulsion remains permanently on the transcript.

## Part Five

### Appeal to the Office of the ~~Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health Sciences or Vice Provost for Undergraduate Education of Additional University-wide Sanction

1. If a student appeals a university-wide sanction, the ~~Office of the Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health Sciences (graduate student cases) or Vice Provost for Undergraduate Education (undergraduate student cases) will convene a Campus Review Board to hear the appeal.
2. The only issue before the Board shall be whether the university-wide sanction is warranted by the nature of the present misconduct and/or any prior violations by the student. The student must show that the additional sanction is arbitrary or disproportionate.
3. The Board may uphold the sanction or impose a lesser university-wide sanction. Campus Review Board decisions are final and any university-wide sanction becomes effective when the Board issues its decision.

## Campus Review Boards

1. The ~~Office of the Vice Provost for Faculty and Academic Affairs~~, Vice Provost for Graduate Education and Health Sciences and Vice Provost for Undergraduate Education may maintain a standing Campus Review Board or appoint a new board to hear each particular appeal. In either case, the members of the Board shall be chosen from a list of faculty provided by the Bloomington Faculty Council and a list of students provided by the Bloomington campus student body president and graduate and professional student moderator. Any members who are initially appointed and become unable to serve on the Board should be replaced by the original appointing group~~Vice Provost by others from these lists.~~

Formatted: Not Highlight

2. A Campus Review Board must consist of ~~three~~<sup>five</sup> members, including ~~two~~<sup>three</sup> members of the faculty and ~~one~~<sup>two</sup> students. The board must not include any faculty or students from the department in which the misconduct allegedly occurred.
3. The presiding officer of the board is appointed by the respective Vice Provost and must be a member of the faculty.
4. The ~~Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health Sciences and Vice Provost for Undergraduate Education will establish the procedures for Campus Review Board hearings, which must be consistent with the General Principles in these Procedures.

Formatted: Not Highlight

## [Appendix B](#)

### Campus Review Board for Academic Misconduct Appeals

The Campus Review Board for Academic Misconduct Appeals considers three types of appeals.

1. Student appeals of unit hearing board procedures
2. Faculty appeals of unit hearing board procedures
3. Student appeals of Dean of Students imposition of additional sanctions

Procedures for each type of appeal are included in this document, which is issued and maintained by the ~~Offices of the Vice Provost for Faculty and Academic Affairs~~ Vice Provost for Graduate Education and Health Sciences (graduate student cases) and the Vice Provost for Undergraduate Education (undergraduate student cases).