

Code of Student Rights, Responsibilities and Conduct

INDIANA UNIVERSITY

Procedures for the Kokomo Campus

Adopted by Faculty Senate April 21, 2008

Revised August 25, 2015

The *Code of Student Rights, Responsibilities, and Conduct* serves all Indiana University. Each campus has established its own procedures for implementing the *Code* for any procedures not governed by University-wide procedures. The procedures herein have been developed to provide students with a fair and equitable process focused on student rights when matters of academic and personal misconduct and other tangential problems arise. The *Code* articulates a commitment to civility and the respect for the dignity of all members of the campus community. The essence of these procedures is the review of individual conduct in a simple, clear, and timely manner with an objective of responsible outcomes. **The procedures, definitions, and sanctions herein do not apply to cases involving sexual misconduct, including sexual harassment. Complaints of sexual misconduct, as well as disciplinary procedures, are governed by the University-wide Sexual Misconduct Policy ([UA-03](#)).**

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Students needing assistance in interpreting or understanding the procedures herein and or filing complaints can contact:

Office of the Dean of
Students
Kelley Student Center, room 210G
Phone: 765-455-9204

<http://www.iuk.edu/campus-life/dean-of-students.shtml>

INDIANA UNIVERSITY KOKOMO
PROCEDURES FOR ADMINISTERING
THE CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT

COMPLAINT PROCEDURES

Indiana University Kokomo has established procedures for students to follow when the student believes his/her rights have been violated. Students can file complaints against employees, e.g., faculty or staff, students, and student organizations or campus groups. Where a complaint is filed is dependent on the nature of the complaint and the party involved. The Vice Chancellor of Student Services or Dean of Students is available to assist any student in the procedures enumerated below.

Complaints Against Faculty and Staff

First level complaint resolution is always with the individual involved, followed by the employee's immediate supervisor, then the next level of supervision, and if necessary a review committee or hearing commission. A first level complaint should ideally be a face-to-face informal meeting. Any complaint not resolved at the first level requires a formal written request for review. An example of the hierarchy involved in an academic complaint would be: 1) faculty member, 2) department chair/Dean, 3) Vice Chancellor of Academic Affairs, and 4) hearing commission.

There is an expectation that complaints be resolved expeditiously and not rise to the level of a hearing. A hearing is not automatic. If a student escalates a matter to the level of a hearing, then a request for a hearing must be submitted to either the Vice Chancellor of Student Services or Vice Chancellor of Academic Affairs, whichever one has not heard the case. The appropriate Vice-Chancellor in concert with the remaining Vice Chancellor will decide if a hearing is warranted.

Formal Complaints

A student should always try to resolve a complaint informally with the person to whom the problem is directed. If the student is uncomfortable in making the first level contact, then a complaint can be made to the employee's supervisor. The complaint should be in writing, signed, and submitted no later than 30 days of the incident. Correspondingly, a student ought to expect final resolution in a period of time not exceeding 30 days (unless a hearing is required) from the time the initial issue or problem is presented and acknowledged.

If a hearing is required it will be commenced within reasonable time from the third level review. The hearing commission will consist of 5 members: 2 students [Junior or Senior

status], and 3 faculty. The Vice Chancellor (Student Services or Academic Affairs) not involved will arrange the hearing and appoint a chair. Ideally, hearing commission members should not be familiar with the case and should not be from the employee's unit. Generally faculty are selected from the Faculty Senate's standing Faculty Affairs Committee.

The student will be notified of the hearing and provided an opportunity to prepare. If witnesses are involved, each side must disclose in advance who will be present. Hearing witnesses can be questioned by the student, employee, or hearing commission member. The student may also bring an advisor (or parent), but the advisor cannot comment or engage in questions [Note: an advisor is not legal counsel]. There are few formal procedures required for conducting the hearing. It is up to the chair to assure that all necessary information is presented and that the proceedings are balanced and fair. The hearing chair also decides when sufficient information has been presented. The hearing commission can take up to 10 days for a decision and it is final.

If the commission upholds the student complaint, there generally will be a sanction against the employee and the hearing commission can make a recommendation. The student will be provided an opportunity to have input, but it will be the responsibility of the employee's supervisor to determine the outcome. The administering of any sanctions against the employee will be guided by discipline guidelines outlined in academic and staff personnel policy. The student is entitled to be informed of the sanction.

Grade Appeal Process for End-of-Term Grades (See Appendix C)

Standard of Proof

The standard of proof for a finding of misconduct 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. The burden to demonstrate that the preponderance standard has been met will be upon the university.

Complaints Against Students or Student Organizations

Students should try to resolve their complaints against another student(s) or student organization informally. The *Code of Conduct* advances a university community that supports civility and open exchange. Consequently, there is an expectation that problems or disagreements be dealt with at a level of student-to-student or student-to-organization [and in some matters, organization to organization]. Second level review is the Dean of Students and final review is the Vice Chancellor of Student Services. If the student believes impartiality is not possible from the administrators referenced, then the student can request an alternate administrator [in a position of similar responsibility and rank] to hear the complaint. A student organization filing a complaint must demonstrate that membership is supportive in seeking resolution and that an officer has been designated to initiate complaint procedures.

Formal Complaints

Complaints should be submitted within 30 days of the incident. After attempting informal resolution with the party involved and there being no redress, the student can request review by the Dean of Students. The complaint can be presented verbally in conference or in writing. If the complaint advances to the Vice Chancellor level and there is no finding in favor of the student, the student is entitled to a verbal explanation and a written summary of such. If it is found that the student or organization complaint is valid, then the Dean of Students or the Vice Chancellor of Student Services should develop a satisfactory remedy. Students should expect formal complaints, including review(s), to be handled within a 30 day period.

Complaints Involving Discrimination or Racial Harassment

Because of the sensitivity of allegations concerning discrimination or racial harassment, a student may want to consult with the Office of Affirmative Action or the Dean of Students concerning the appropriateness of making a formal complaint against the person identified. During counseling the student may be advised to have an informal conference with the other party to express concern about actions or words that caused discomfort.

If a student decides to file a formal complaint of discrimination or racial harassment, he/she must do so in writing within 30 days of the event. The complaint must be filed with either the Dean of Students or the Office of Affirmative Action. The Office of Affirmative Action is responsible for assisting the student, investigating if necessary, and determining how best to mediate and resolve the situation. If the matter cannot be remedied by the Affirmative Action Officer, the student may then follow the regular complaint procedures.

STUDENT DISCIPLINARY PROCEDURES

Indiana University Kokomo procedures for reviewing matters of academic and personal misconduct are designed to provide students with procedural fairness. No sanctions are imposed without opportunity for student response and explanation. Actions by faculty or administrators are measured based upon consideration of the facts and circumstances of the particular complaint, and/or record of prior misconduct.

DISCIPLINARY PROCEDURES FOR ACADEMIC MISCONDUCT

See Part II, Section G of the *“Code of Student Rights, Responsibilities, and Conduct”* for definitions of violation of academic misconduct.

Academic Affairs Oversight

Any student who has been charged with academic misconduct is afforded multiple points of access to be heard and present his/her side of the matter. Different levels of review and procedural fairness have been established to protect the student. Responsibility for academic misconduct is primarily in the sphere of Academic Affairs. The Dean of Students is to be notified of all cases of academic misconduct and is empowered to institute additional sanctions if the matter rises to the level of an offense against the campus

community or the student is a repeat offender. Most incidents of academic misconduct are course related and are handled by faculty and academic administrators. Sometimes a violation may be tangential to a course, for example the infraction of “interference” could be initiated by a student remote to the course(s). Similarly, if a student acquired a copy of a final exam and decided to sell it, the violation would be “facilitating academic dishonesty”. In each of these examples of out-of-class academic misconduct, a faculty member or faculty administrator will initiate disciplinary proceedings [See *Code* pages 7-9, academic misconduct].

Action by a Faculty Member

When academic misconduct is course-related the initial charge is presented by the faculty to the student. At this informal conference the faculty must present all of the particular facts. Additionally, the faculty member must permit the student to respond. If the faculty member concludes the violation did occur, the faculty can impose one or more appropriate sanctions [Appendix A]. The Dean of Students will be notified of this action. The student must be informed that he/she can have the faculty’s decision reviewed. The levels of review in cases of academic misconduct are: 1) faculty member, 2) Department chair/Dean, 3) Department/School Review Committee or Vice Chancellor of Academic Affairs. [Note: the Vice Chancellor of Academic Affairs serves as a third level of review only when the Department or School has no Review Committee], and 4) campus hearing commission.

Review

There is an expectation that cases of academic misconduct be resolved expeditiously. If a student asks for a second level review or even a third level this process should take place in the span of two weeks. The student is required to initiate the next level review and arrange for an appointment with the designated administrator. Information sharing is a key element in seeking resolution. The student may be asked to provide information in advance of the review. Often the administrator reviewing the case will decide that both student and faculty member should be present in conference; each party should be informed of such in advance.

If a student ultimately seeks a hearing before a hearing commission, then a reasonable amount of time must be allowed to assemble the hearing body and assure time for preparation. In general, the hearing commission would commence no later than 30 days from the first level conference. The hearing commission will consist of 5 members, 2 students [Junior or Senior level status], and 3 faculty. The Vice Chancellor (Student Services or Academic Affairs) who has not heard the case will arrange the hearing and appoint a chair. Ideally, hearing commission members should not be familiar with the case and should not include faculty from the same academic unit as the instructor involved. As previously noted, faculty are usually selected from the Faculty Senate’s standing Faculty Affairs Committee.

The student will be notified of the hearing and provided an opportunity to prepare. If witnesses are involved, each side must disclose in advance who will be present. At the

hearing witnesses can be questioned by the student, employee, or hearing commission member. The student may also bring an advisor (or parent), but the advisor cannot comment or engage in questions. [See page 2; an advisor is not legal counsel] There are few formal procedures for conducting the hearing. It is up to the chair to assure that all necessary information is presented and that the proceedings are balanced and fair. The hearing chair also decides when sufficient information has been presented. The hearing commission can take up to 10 days for a decision and it is final.

The decision of the hearing commission must be based solely upon the information presented at the hearing, i.e., verbal presentations and any written documents submitted. The final disposition requires a majority vote. The hearing commission can find for the student or uphold the faculty member's judgment. The authority of the hearing commission is such that it can 1) dismiss all charges, 2) change, reduce or add student sanctions, and 3) assess the faculty member's action and or sanction to be without basis or arbitrary and recommend a faculty sanction. Any sanction in the latter will be in accord with faculty discipline guidelines.

DEAN OF STUDENTS IN ACADEMIC MISCONDUCT

In course-related academic misconduct cases, faculty are required to send a written report including academic sanction(s) imposed [Appendix A] to the Dean of Students. The Dean can assess additional sanctions [Appendix B], but such action requires consultation with the Dean of the School in which the student is enrolled. The process of review by the Dean of Students may occur simultaneously with the review by an academic administrator(s).

Action by the Dean of Students

If, after reviewing the disciplinary report from the faculty, the Dean of Students believes the violation is serious enough to warrant further review, he/she can request an informal hearing with the student. The student must be notified in an efficient and timely manner (letter, e-mail, and appointment) that a conference is required and that failing to attend may result in a sanction. The notification to the student requiring an informal hearing should include sufficient information that the student understands the seriousness of the situation. Prior to the conference the Dean must collect all relevant information including statements from witnesses. This information must then be presented to the student at the initial conference, allowing for the student to respond to any of the facts as known.

After hearing the student's side of the matter, the Dean of Students may decide to take no action. Conversely, the Dean may determine that the violation necessitates an additional sanction(s). No student will be placed on disciplinary probation, suspended, or expelled from an academic unit, school, or the university without concurrence from the appropriate School Dean [See sanctions Appendix A]. If additional sanctions are imposed by the Dean of Students, the student must be informed in conference and in writing. The student must also be apprised that the Dean's action is subject to review by a hearing commission, if requested by the student. The Vice Chancellor for Student

Services would be responsible for setting in motion a hearing.

Review

If a student avails him/herself of all levels of review from Academic Affairs and the Dean of Students, the requests for hearing commissions will converge. Since the hearing commission is charged with deciding not only the case, but also sanctions, the final outcome is left to this body. [See pages 4- 5, decision of the hearing commission.] All final actions and sanctions imposed are recorded and filed with the Vice-Chancellor of Student Services. A written summary of the proceedings is required. When a student receives a grade of F or a lowered grade as an academic sanction, the Registrar will note the academic sanction in the student information system, such that the grade cannot be changed or replaced (extended X policy). All final actions and sanctions imposed are recorded and filed with the Vice Chancellor of Student Services and the Dean of Students.

Note: In rare situations a student may commit an act(s) that is both academic and personal misconduct. Such simultaneous acts will be handled in accord with the procedures established for the infractions identified.

DISCIPLINARY PROCEDURES FOR PERSONAL MISCONDUCT

See pages 9-12 of the “*Code of Student Rights, Responsibilities, and Conduct*” for definitions of violation of personal misconduct on university property.

Student Services Oversight

A report that a student has committed an act of personal misconduct [or academic misconduct unrelated to a particular course] may be filed by any person. The report must be in writing (or e-mail) to the Dean of Students and submitted within 30 days of the incident. The Dean determines if disciplinary proceedings should be instituted. [Note: The Office of the Dean of Students is a unit of the Department of Student Services.]

Notice

If, after reviewing the report of the incident, the Dean believes the violation is serious enough to warrant further review, he/she can request an informal hearing with the student. The student must be notified in an efficient and timely manner (letter, e-mail, and appointment) that a conference is required and that failing to attend may result in a sanction(s). The notification to the student requiring an informal hearing/conference should include sufficient information that the student understands the seriousness of the situation. Prior to the conference the Dean must collect all relevant information including statements from witnesses. This information must then be presented to the student at the initial conference, allowing for the student to respond to any of the facts as known.

Disposition

After hearing the student’s side of the matter, the Dean can choose to take no action. Conversely, the Dean may determine that the violation necessitates an appropriate sanction(s). [See Appendix B, personal misconduct sanctions] If a sanction(s) is imposed

by the Dean, the student must be informed in conference and in writing. The student must also be apprised that the Dean's action is subject to review by the Vice Chancellor of Student Services, if requested by the student.

Review

The levels of review in cases of personal misconduct are: 1) Dean of Students, 2) Vice Chancellor of Student Services, 3) campus hearing commission. There is an expectation that cases of personal misconduct be resolved expeditiously. If a student asks for a second level review or even a third level (hearing commission) this process should take place in the span of 30 days. The student is required to initiate any higher level review.

If a student ultimately seeks a hearing before a hearing commission, then a reasonable amount of time must be allowed to assemble the hearing body and assure time for preparation. In general, the hearing commission would commence no later than 30 days from the first level informal conference. The hearing commission will consist of 5 members, 2 students, [Junior or Senior level status], and 3 faculty. The Vice Chancellor of Academic Affairs will arrange the hearing and appoint a chair. Ideally, hearing commission members should not be familiar with the case and should not include faculty from the student's major. Generally faculty are selected from the Faculty Senate's standing Faculty Affairs Committee.

The student will be notified of the hearing and provided an opportunity to prepare. If witnesses are involved, each side must disclose in advance who will be present. At the hearing witnesses can be questioned by the student, employee, or hearing commission member. The student may also bring an advisor (or parent), but the advisor cannot comment or engage in questions. There are few formal procedures for conducting the hearing. It is up to the chair to assure that all necessary information is presented and that the proceedings are balanced and fair. The hearing chair also decides when sufficient information has been presented. The hearing commission can take up to 10 days for a decision and it is final. A written summary of the proceedings is mandated.

The decision of the hearing commission must be based solely upon the information presented at the hearing, i.e., verbal presentations and any written documents submitted. The final disposition requires a majority vote. The hearing commission can find for the student or uphold the action and sanction rendered by the Vice Chancellor of Student Services. The authority of the hearing commission is such that it can 1) find for student-dismiss all charges, 2) uphold action and sanctions by Vice Chancellor, 3) change, reduce, or add sanctions, and 4) assess the Vice Chancellor's action and or sanction to be without basis or arbitrary and submit a report to the Chancellor.

Note: As previously stated in rare situations a student may commit an act(s) that is both academic and personal misconduct. Such simultaneous acts will be handled in accord with the complaint of record.

SUMMARY SUSPENSION

A student may be summarily suspended from the university and excluded from university property by the Chancellor or his/her designee. Such removal is immediate and is based upon information that suggests the student's presence on campus is a serious threat to him/herself, student(s), faculty/staff member(s), and or the campus community at-large. *Please note that a Summary Suspension may be initiated for non-disciplinary (Code of Conduct) reasons.*

In cases of summary suspension, the student will be ordered to leave the campus [with explanation of the circumstances] and will be instructed that if he/she returns thereafter they will be treated as a trespasser. Upon summary suspension the Vice Chancellor of Student Services will take action informing the student that review procedures will be commenced immediately. When a summary suspension is ordered the only review is by a hearing commission.

The notice to the student of action [which may or may not be disciplinary] should include sufficient information that the student understands the serious nature of the offense or other non-disciplinary related conduct. Additionally, the notice to the student should include enough information about the matter that the student can prepare for a hearing*. A student may decline a hearing. The Vice Chancellor of Student Services is in charge of setting up the hearing commission. Procedures for a hearing on summary suspension are the same as described under personal misconduct, with the exception that the Chancellor is not bound by the decision of the hearing commission. Summary suspensions, if upheld, generally lead to suspension for a specified period of time or possibly expulsion. [See Appendix B, sanctions for personal misconduct].

*Advisor---- The *Code of Student Rights, Responsibilities, and Conduct* outlines parameters for the role of advisor [See *Code* page 13]. In general, the advisor advises the student but is not permitted to be actively engaged in the review processes until a final hearing. Each IU campus is permitted to establish guidelines/procedures regarding the role of advisor. The Kokomo campus has restricted advisors to not be legal counsel, unless governed otherwise by University-wide procedures.

Appendix A

Sanctions for Academic Misconduct Related to Coursework

- **Required repeat of coursework** - [particular assignment, paper, or exam] under question
- **Required additional assignment** - paper, or exam relevant to the coursework under question
- **Lowered grade** - [lowered grade may be for the course, a particular assignment, paper or exam]
- **Failing grade** - [a failing grade may be for the course, a particular assignment, paper, or exam]
- **Administrative withdrawal** - from the course with appropriate grade of W or F at faculty discretion
- **Disciplinary probation** – probation involves a specific period of time where the student may receive more severe sanctions if any other violation occurs
- **Suspension** – prohibition from course enrollment and campus student activities for a

- specified time period [Note: a campus suspension applies to all IU campuses]
- **Expulsion** - permanent dismissal from the University [all campuses] with official notation on the academic record [transcript]

Generally acts of academic misconduct result in a grade of “F” for the course. Whenever a failing grade is imposed at the end of the semester and the student has requested a review, an Incomplete (“I”) will be temporarily entered on the record until final disposition. Grades of “F” as an academic sanction cannot be removed from the permanent record (such as through repeat and applying extended “X”). The official transcript contains no entry of the reason for an academic sanction of “F”.

Appendix B

Sanctions for Personal Misconduct

- **Letter of warning and reprimand** – generally the letter states “do not repeat again”
- **Disciplinary probation** – probation involves a specific period of time where the student may receive more severe sanctions if any other violation occurs
- **Disciplinary probation with conditions** – in addition to a probation period a student may be asked to participate in a program [example: alcohol awareness, counseling for anger management, or other activity that entails relevant learning]
- **Provision of a specific service** – a specific service will usually have some learning aspect to the violation [Example: if a student is disruptive at an event the student may be required to participate as a worker at a similar event]
- **Restitution** – requirement to pay for the cost for replacement or repair of damaged property loss resulting from personal misconduct
- **Participation in a specific program** – A student may be required to participate in a specific program, such as a counseling program, a program designated to stimulate good citizenship within the university community, an alcohol education program, or any other activity which would foster civic participation. If the student fails to participate in the program as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
- **Suspension** – prohibition from course enrollment and campus student activities for a specified time period [Note: a campus suspension applies to all IU campuses]
- **Expulsion** - permanent dismissal from the University [all campuses] with official notation on the academic record [transcript]

Appendix C

Grade Appeal Process for End-of-Term Grades

The grade appeal process will follow the procedures of the unit in which the student earned the grade, not the major to which the student belongs.

General Overview

The grade appeal process applies to all students and is a review mechanism for end-of-term grades only. This process should only be utilized when a student believes a grade is incorrect and the burden of proof always falls on the student. A student must first attempt to solve the grade issue with the faculty member. If there is no resolution, a student can then ask for a review by the faculty member's supervisor. If the disputed grade is not resolved at the second level, then the third and final level is a Unit Level Committee or the Dean. Students can consult with the Dean of Students in assistance in preparing a grade appeal.

Deadlines

An appeal must be initiated no more than four weeks after the end of the fall, spring, or summer semester in which the grade was assigned. The total review process from faculty to supervisor to appeals committee should take no more than 30 days.

Level 1 – Course Instructor

Because of the seriousness of a grade dispute, there is an expectation that the student and faculty will have met as a condition of further review. Therefore, the student should first make an appointment with the faculty member to discuss the matter. [Note: if the faculty member is physically not on campus, the student should consult with the Chair/Dean/Director on how to proceed.] An email exchange between faculty member and student does not meet the requirement of a first-level review.

If there is no satisfactory resolution, the student can request a second-level review.

Level 2 – Supervisor

If the student feels that the matter has not been resolved after the meeting with the faculty member, then the student can request a second level review. The student's appeal to the second level must be writing and must include information on the dates/times of the initial meeting with the faculty member to ensure that the first level meeting requirement has been met.

For Humanities –the Program Director is the second level of appeal; For Social Sciences –the Chair is the second level of appeal; for Nursing–the Assistant Dean is the second level of appeal; for Education – the Associate Dean is the second level of appeal; for Allied Health – the Chair is the second level of appeal; and for Business and Science– the Dean is the second and FINAL level of appeal.

There is an expectation that most grade disputes will be handled at the first or second level and will not result in appeals to the third level.

Level 3 – Unit Level committee or the Dean

If the student feels that the matter has not been resolved at the second level, a student can request a third level review. The request for review must be in writing, stating that the grade dispute was not resolved at the second level, plus it must include sufficient information and facts to demonstrate that the third level review is warranted. This is the last level of review and the decision they render is final.

For Business, Education, Humanities and Social Sciences, Sciences, and Nursing – the Dean is the final level of appeal. For Allied Health - see below for composition of the committee

The Allied Health Sciences Grade Appeal Committee will be composed of 3 faculty members from The School of Sciences. The faculty members will be at the Schools' Dean's discretion.