



## OFFICE OF STUDENT CONDUCT

DIVISION OF STUDENT AFFAIRS  
Indiana University

*Note: The final versions of the following sections appear on separate webpages. Therefore, within this version, formatting may not flow from one section to the next.*

### **General Principles**

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## General Principles

- a. 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.

- b. 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 (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.

- c. 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.
- d. All notices specified in the procedures for addressing academic and personal misconduct shall be made in writing, which may include electronic mail.
- e. 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.
- f. 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.

- g. 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.
- h. The term “~~calendar business~~ days” is defined as days when the institution is open / when we can expect people are working to conduct business. [definition approved in academic misconduct procedures Fall 2021] ~~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.~~
- i. Any deadline set out in these procedures may be extended by the relevant authority only for good reason shown.

## *[ A. Academic Misconduct omitted: not under review ]*

### B. Personal Misconduct

Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.

Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic misconduct are governed by the following procedures unless the Dean of Students and the faculty member involved agree otherwise.

The disciplinary procedures in this section do not govern proceedings involving the alleged violation of campus motor vehicle and residence hall or on-campus apartment housing contractual provisions. The procedures likewise do not govern proceedings involving the university's collection of fees from students.

The campus judicial process is not the only method to resolve student behavior issues. Alternatives to the campus judicial process may also exist as resources allow and conditions are appropriate. There are several requirements and considerations where alternatives are concerned:

- The Dean of Students or designees shall decide when alternatives (mediation, conduct coaching, alternative dispute resolution, etc.) may be appropriate.
- The offending behavior(s) must cease and not be repeated.
- Outcomes of any alternatives must be agreeable to the university's sense of academic excellence and personal development.
- Alternatives should not constitute in or of themselves subsequent violations of the Code of Student Rights, Responsibilities, and Conduct and/or Bloomington procedures.
- Any person may make a report that a student has committed an act of personal misconduct. The report must be submitted in writing to the Dean of Students. The Dean of Students may designate representatives to conduct fact-finding investigations, to serve as judicial hearing officers, and to recommend disciplinary action. After reviewing a report, the Dean of Students has the discretion to decide whether disciplinary proceedings should be instituted.

Disciplinary proceedings are initiated by the Dean of Students by sending the student who is the subject of the report a written notice by mail. The written notice requires the

student to meet with the Dean of Students in a judicial conference on a specified date and time to discuss the alleged violation/s. The notice includes information about:

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

A student has the right to view his or her disciplinary file with proper notice to the Dean of Students. Students may seek advice from the IU Student Advocates Office, the IU Student Association Department of Student Rights, or others when preparing for judicial proceedings.

***[Note: The following appears in an explanation box set apart from the rest of the content. This portion is formatted to align with the box format.]***

### **ALLEGED VIOLATION OCCURS**

Written report to the Dean of Students from student, faculty, staff, administrator, police or another person

Written notification from Dean of Students designee to student

Judicial Conference

- A. Meet with a judicial officer or judicial board
- B. student reviews report(s)
- C. Explain judicial conference process
- D. Explain student rights
- E. Fact finding phase
- F. Responsible or Not Responsible
- G. Sanctioning phase
- H. Explain confidentiality policy, record keeping, hearing commission process, and Parent/Guardian Notification Policy (if applicable), SMART Program (if applicable)

*NOTE: Very few cases proceed beyond this level*

Hearing Commission/Formal Hearing

- A. Student requests hearing commission no later than 7 business10 calendar days after date of judicial conference decision letter
- B. Meet with 3 members (1 student, 2 faculty)
- C. Student is required to be present

- D. Fact finding phase
- E. Responsible or Not Responsible
- F. Sanctioning phase
- G. Explain confidentiality policy, record keeping, hearing commission process, and Parent/Guardian ~~Notification~~Notification Policy (if applicable)

*NOTE: Proceedings are audio recorded.*

#### Review Board (Final Step in Process)

- A. Student submits written appeal no later than 7 calendar business days after date of hearing commission decision letter
- B. Meet with 3 members (1 student, 1 faculty, 1 administrator)
- C. Board considers only the record of the case; no additional evidence is accepted
- D. Decision

## 1. Judicial Conference

If the Dean of Students initiates disciplinary proceedings after receiving documentation that alleges student misconduct, the student is required to attend a judicial conference. The disciplinary process is finalized in most cases at the conclusion of the judicial conference.

- a. When the student attends the judicial conference, as required, the Dean of Students or a designee shall inform the student as fully as possible of the facts alleged. The student may, but need not respond to allegations.
- b. If, after discussion and any necessary investigation, the Dean of Students determines that the violation alleged is not supported by a preponderance of evidence, the Dean of Students shall dismiss the accusation and notify the student.
- c. If, after discussion, the Dean of Students believes that the violation occurred as alleged, the Dean of Students shall so notify the student and shall propose a sanction by means of a written notice. The student, by such notice, may either consent to the determination and imposed sanction or request a formal hearing before a hearing commission (see [2. Formal Hearing](#)).
- d. A victim who has participated in the judicial conference may request a delay in approval of decisions regarding responsibility and sanctions until after a reconvening of the conference if any of the following criteria are met:
  - A substantive procedural error

- New evidence is presented that was not available at the time of the judicial conference and is relevant to establish that the accused student may be responsible for misconduct as charged
- Substantial bias on the part of the hearing officer/s

The request for delay must be submitted to the Dean of Students within two (2) business days of the initial judicial conference.

- If no written request for a formal hearing is received by the Dean of Students within the time specified (see [2. Formal Hearing](#)), no hearing shall be held. The sanction(s) proposed by the Dean of Students shall be imposed, and the action shall be final.
- If a student fails to appear at the judicial conference, the student may explain the failure to appear in writing to the Dean of Students within 5 business ~~10~~ days of the scheduled conference. Written documentation supporting the cause of absence must be included. Within 5 business ~~10~~ days after receiving the student's letter, the Dean of Students will notify the student whether the judicial conference may be rescheduled.
- If a student fails to appear and that absence is not excused for good cause, the Dean of Students may decide, in the student's absence, whether the violation occurred as alleged. The student will be notified in writing of the decision by the Dean of Students within 5 business ~~10~~ days of approval. Unless the sanction imposed is any one or a combination of expulsion from university housing, suspension from the university, or expulsion from the university, the student's right to any further hearings automatically will be forfeited, and the sanctions imposed in absentia will go into effect.
- Sanctions: The Dean of Students is authorized to impose any one or a combination of the following sanctions after finding a student responsible for acts of personal misconduct. Guidelines for the length of time records are maintained are indicated below. If a student has more than one incident in the file, the incident to be kept on file the longest will determine the length of time all records are kept.
  - **Reprimand and Warning.** A student may be given a reprimand accompanied by a written warning that the student may receive additional sanctions if the student engages in the same misconduct again or commits any other violation of this Code. A Reprimand and Warning will remain a part of a student's disciplinary record at least until he or she graduates.
  - **Disciplinary Probation.** A student may be placed on disciplinary probation for a specified period of time under conditions specified in writing by the Dean of Students, with a warning that any violation of the conditions or any further acts of misconduct may result in additional disciplinary sanctions, including suspension or expulsion from the

university. As a condition of probation, the student may be required to participate in a specific program, such as a counseling program or an alcohol education program, or to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. A record of any disciplinary probation will remain a part of a student's disciplinary record for five years after a student graduates.

- **Restitution.** A student may be required to pay the cost for the replacement or repair of any property damaged by the student. If the student fails to pay the cost or make the repairs, the student may be subjected to additional sanctions, including suspension or expulsion. A record of any restitution that a student is required to pay will remain a part of a student's disciplinary record until he or she graduates.
- **Participation in a specific program.** A student may be required to participate in a specific program, such as a counseling program, a program designed 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. A record of participation in any specific program that a student is required to complete will remain a part of a student's disciplinary record until he or she graduates.
- **Provision of a specific service.** A student may be required to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. If the student fails to provide the service as directed, the student may be subjected to additional sanctions, including suspension or expulsion. Completion of a specific service that a student is required to complete will remain a part of a student's disciplinary record until he or she graduates.
- **Expulsion from University Housing.** A student may be expelled from university housing, and the student's contract for such housing may be rescinded. Expulsion from university housing remains a part of a student's disciplinary record for five years after a student graduates.
- **Transfer to a Different Residence Hall or Housing Unit.** A student may be required to transfer to a different residence hall or housing unit. If the student fails to transfer to a different residence hall or housing unit as directed, the student may be subjected to additional sanctions, including suspension or expulsion. A transfer to a different residence hall or housing unit remains a part of a student's disciplinary record until he or she graduates.
- **Suspension.** A student may be prohibited from participating in all aspects of university life for a specified period of time (some portion of which may be deferred at the discretion of the Dean of Students). When a student is suspended from the university, the suspension applies to all campuses of the university. The Dean of Students is required to notify the Office of the Registrar to indicate the suspension on all copies of the student's academic transcript. When the term of the suspension has ended, the

Registrar will remove the notation from the student's transcript. A record of the term of suspension will remain a permanent part of the student's disciplinary record. Suspension notations on transcripts remain for the term of the suspension.

- **Expulsion.** A student may be dismissed from the university permanently. When a student is expelled from the university, the expulsion applies to all campuses of the university. The Dean of Students is required to notify the Office of the Registrar to indicate the expulsion on all copies of the student's academic transcript. Furthermore, the student may not thereafter petition for readmission to the university. A record of expulsion will remain a permanent part of the student's disciplinary record. Expulsion notations on transcripts are permanent.
- **Deferred Sanction.** Sanctions of Expulsion from University Housing and/or Suspension from Indiana University may be deferred for a period of time not to exceed one year, with the provision that lesser sanction/s be completed and/or no further violations are committed within that period of time. If the student does not consent to the determination of responsibility or the sanction imposed, the student may request a hearing before a hearing commission or review board, depending on the level at which the deferred and lesser sanctions were imposed. If the deferred sanction is imposed, the following apply:
  - a. If the lesser sanction(s) is/are completed in the time period assigned, the deferred sanction will not be implemented.
  - b. If the lesser sanction(s) cannot be completed in the time period assigned due to medical, academic, or personal reasons, the student may apply, in writing, to the Dean of Students for an extension of that time period. The written request must be submitted at least ~~3~~ three calendar business days prior to the end of the time period. With their applications for an extension, students must present documentation of the personal, academic, or medical reasons they were unable to meet the deadlines, and they must show that they have completed a significant portion of their lesser sanction(s). The Dean of Students will deliver a decision about the extension to the student within ~~40~~ calendar 5 business days after receipt of the request.
  - c. If the lesser sanctions are not completed in the time period assigned and no extension to the time period is requested or granted, or the student is found responsible for a new violation, the deferred sanction will automatically go into effect, and the student will have no further opportunity to appeal the deferred sanction.
  - d. Deferred suspensions that are put into effect will begin in the semester in which the lesser sanction deadline was not met, or in which a new violation occurred. If the suspension is to

- include more than one semester, it will include the semester in which the lesser sanction deadline was not met or the new violation occurred, plus the subsequent semester/s.
- e. A student who is suspended risks losing all fees and grades for the semester in which the suspension is implemented.
  - f. A record of a deferred sanction will remain a part of a student's disciplinary record for five years after the student graduates (or permanently if the suspension has been implemented).

## 2. Formal Hearing

A formal hearing can be arranged for a student who does not wish to accept the outcome of the judicial conference and requests a new hearing of his or her case.

- a. If the student disagrees with the decision of responsibility for misconduct reached by the Dean of Students, or the student believes the sanction imposed by the Dean of Students is inappropriate, the student may request a formal hearing before a hearing commission. The written request must be submitted to the office of the Dean of Students no later than ~~740~~ business calendar days after the date of the letter informing the student of the decision of the Dean of Students at the judicial conference.
- b. A hearing commission shall consist of three members, including one student and two faculty members. One of the faculty members will serve also as the presiding officer of the commission (See Hearing Commission section.)
- c. By initiating this request, the student assumes the responsibility of preparing information and any witnesses to present at the formal hearing. A list of the student's witnesses must be submitted in writing to the Dean of Students no later than ~~57~~ calendar business days before the scheduled hearing.
- d. A student may seek advice from the Student Advocates Office, the IU Student Association Department of Student Rights, or other sources, but the student remains responsible for presenting his/her case to the hearing commission.
- e. The Dean of Students shall make arrangements for the hearing; but thereafter with notice to the student, the dean may request the hearing commission to dismiss the matter.
- f. Upon receiving the written request for a formal hearing, the Dean of Students will set aside the proposed finding and sanction reached at the judicial conference.
- g. The Dean of Students shall send a written notice by mail (hard copy or electronic) to the student's address to inform the student that a hearing date has been set and charges are pending. The notice shall inform the student of the following information:

- Sections of the Code of Student Rights, Responsibilities, and Conduct claimed to have been violated,
  - Specific information about the behaviors that allegedly caused the violation(s), including date(s) of the incident(s) and names of witnesses,
  - The date, time, and place of the hearing, procedures used in the judicial process, and resources for assistance in preparing for the proceeding.
- h. The student is required to be present at the hearing and is entitled to present witnesses unless the hearing commission decides to proceed in the absence of the student because of extraordinary circumstances.
- i. The hearing will be closed to the public, unless the student indicates in writing to the Dean of Students, at least ~~seven calendar~~ 5 business days in advance of the hearing, a desire to open the hearing to the public.
- j. At the hearing, the Dean of Students and the student may present and question witnesses, and/or present other information. The student charged with an offense may testify, but shall not be ordered to testify by the hearing commission, nor shall failure to testify be considered an admission of responsibility. The burden of proving that the student has committed the offense or offenses, as charged, shall be upon the university.
- k. The decision of the hearing commission shall be based solely upon information introduced at the hearing and must be based upon a preponderance of evidence. A decision shall be made by majority vote.
- l. The hearing commission shall make a finding whether the student has committed the offense(s) as charged. If the hearing commission finds that the student has committed the offense(s), it shall, after a review of any disciplinary record the student may have, impose one, or a combination of, the disciplinary sanctions enumerated under Section B.1 (h) of this code.
- m. If the student is contesting only the sanction portion of the Dean of Students' decision at the judicial conference, the hearing commission will hear statements from the university representative and from the student, and any witnesses called by either party to determine a sanction only.
- n. Within ~~10 calendar~~ 5 business days after the conclusion of the hearing, the presiding officer of the hearing commission shall render a written decision and include a brief explanation of the decision and set forth the findings of fact upon which the decision is made. The presiding officer shall furnish copies of the decision to the student and the Dean of Students.
- o. If a student fails to appear at the hearing commission, the student may explain the failure to appear in writing within 40-5 business days to the presiding officer of the hearing commission. Written documentation supporting the cause of absence must

be included. The presiding hearing commission officer will notify the student within 4-5 business days whether the formal hearing may be rescheduled.

- p. If the student fails to appear at the hearing without good cause, the hearing commission is required to impose the disciplinary sanction initially proposed by the Dean of Students after determining that the failure to appear is without good cause and that there is a preponderance of evidence to believe that the violation occurred as alleged. The student waives the right of further appeal.

### 3. Appeal

The student may appeal the decision of the hearing commission to the review board based on the standard established by paragraph b.(6) below. The review board consists of a faculty member, an administrative officer, and a student, as defined in [Appendix D](#). An appeal may be initiated by filing a notice of appeal with the Dean of Students, including a memorandum stating the reason(s) for believing the decision to be improper.

1. The review board shall be composed of three persons who are appointed as follows:
  - a. A student appointed by the president of the student body upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body;
  - b. A faculty member appointed by the faculty council president upon recommendation of the faculty council or other appropriate representative body as determined by the faculty council; and
  - c. An administrative officer appointed by the president. The administrative member shall serve as the presiding officer.
2. The members of the review board shall hold office from the first day of the fall semester for a term of one year, but they shall complete the review of any case which they have begun to consider.
  - a. A member of the review board may be reappointed to the board, but no member may serve more than two consecutive terms.
  - b. A member of the review board may be appointed at any time during the year to fill a vacancy on the board.
  - c. If a vacancy on the review board occurs and there is a failure or refusal of the appropriate authority to make an appointment to fill the vacancy, the president may make an appointment to fill the vacancy or take such other action as may be necessary to constitute the review board.
3. No hearing shall be held unless all three of the members of the review board are present. If any member of the review board is unable to be present or should request to be excused from serving for any good cause, another review board member shall be appointed in accordance with the provisions of sections 1. and

2. above.
4. The presiding officer of the review board, in consultation with other members, shall maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the appeal hearing. Decisions by the review board shall be by majority vote only.
5. The review board is required to listen to the audio recording of the hearing commission, consider any written statements submitted by the student and the Dean of Students, and hear any oral arguments by the parties or their representatives. The student requesting the appeal shall have the burden of proving that the decision of the hearing commission was not based on a preponderance of evidence, or was substantially deficient in providing the student due process.
6. The review board must render a decision within 10-5 business calendar days of the hearing and may take any of the following actions:
  - a. Affirm the original decision that the student did commit the alleged act of misconduct.
  - b. Affirm the original decision concerning the disciplinary sanction to be imposed.
  - c. Reverse the original decision that the student did commit the alleged act of misconduct and direct that the complaint be dismissed.
  - d. Set aside the original decision that the student did commit the alleged act of misconduct and order that a new hearing be held before a new hearing commission.
  - e. Set aside the original decision concerning the disciplinary sanction to be imposed and impose a less severe sanction.
7. The presiding officer of the review board is required to notify the Dean of Students concerning the board's decision.
8. The Dean of Students is required to notify the student and to initiate the necessary procedures to effectuate the decision.

## 4. Summary Action

A student may be summarily suspended from the university and summarily excluded from university property and programs by the Provost or designee of a university campus. The Provost or designee may act summarily without following the hearing procedures established by this section if the officer is satisfied that the student's continued presence on the campus constitutes a serious threat of harm to the student or to any other person on the campus or to the property of the university or property of other persons on the university campus.

- a. A student who is summarily suspended and excluded from the university shall be required to leave the property of the university immediately and shall be notified that he or she will thereafter be treated as a trespasser if he or she returns to university property. Within 24 hours after the student is excluded, a written notice must be sent to the student by certified mail informing the student of the following:
1. That the student has been suspended from the university;
  2. That the student has been excluded from being on university property;
  3. That the student will be considered a trespasser if he or she returns to university property;
  4. The reasons for the suspension from the university and the exclusion from university property;
  5. Any conditions that must be met before the student may petition the Provost or designee for reinstatement;
  6. That the student may not petition for reinstatement for at least one calendar year from the implementation date of the summary suspension.
- b. Allegations of misconduct filed against a student who has been summarily suspended will be adjudicated by a hearing commission, only if requested in writing by the student within ~~40-7 business~~ days of receiving notice of the summary suspension. Procedures to be followed by the hearing commission include the following:
1. If the student disagrees with the decision of responsibility for misconduct reached by the Provost of the campus, or the student believes the sanction of summary suspension is inappropriate, the student may request a formal hearing before a hearing commission. The written request must be submitted to the Dean of Students no later than ~~40-7 business calendar~~ days after receiving notice of the summary suspension.
  2. A hearing commission shall consist of three members, including one student and two faculty members. One of the faculty members will serve also as the presiding officer of the commission.
  3. By initiating this request, the student assumes the responsibility of preparing information and any witnesses to present at the formal hearing. A list of the student's witnesses must be submitted in writing to the Dean of Students no later than ~~seven-5 business calendar~~ days before the scheduled hearing.
  4. A student may seek advice from the Student Advocates Office, the IU Student Association Department of Student Rights, or other sources, but the student remains responsible for presenting his/her case to the hearing commission.
  5. The hearing will be closed to the public, unless the student indicates in writing to the Dean of Students, at least ~~seven-calendar~~ 5 business days in advance of the hearing, a desire to open the hearing to the public.

6. At the hearing, the representative of the Provost and the student may present and question witnesses, and/or present other information. The student charged with an offense may testify, but shall not be ordered to testify by the hearing commission, nor shall failure to testify be considered an admission of responsibility. The burden of proving that the student has committed the offense or offenses, as charged, shall be upon the university.
  7. The decision of the hearing commission shall be based solely upon information introduced at the hearing and must be based upon a preponderance of evidence. A decision shall be made by majority vote.
  8. The hearing commission shall make a finding of whether the student has committed the offense(s) as charged. If the hearing commission finds that the student has committed the offense(s), it shall uphold the summary suspension decision. If the hearing commission does not find the student to be responsible for the offense(s), a recommendation to dismiss the case will be submitted to the Provost.
  9. Within ~~10 calendar~~ 5 business days after the conclusion of the hearing, the presiding officer of the hearing commission shall render a written recommendation and include a brief explanation of the recommendation and set forth the findings of fact upon which the recommendation is made. The presiding officer shall furnish copies of the recommendation to the student, the Dean of Students, and the Provost of the campus.
  10. If a student fails to appear at the hearing commission, the student may explain the failure to appear in writing within ~~10~~ 5 business days to the presiding officer of the hearing commission. Written documentation supporting the cause of absence must be included. The presiding hearing commission officer will notify the student within 4-5 business days whether the formal hearing may be rescheduled.
  11. If the student fails to appear at the hearing without good cause, the hearing commission is required to uphold the summary suspension.
  12. The Provost will decide whether to accept or reject the recommendation from the hearing commission.
  13. If the student does not consider the recommendation from the hearing commission to be acceptable, he or she may submit a written appeal to the Provost, explaining the reasons for not accepting the recommendation, which may include the length of time of the suspension; the Provost will consider the student's written statement prior to making a final decision.
  14. This is the final step in the appeal process for summary suspension.
- c. The student shall thereafter be permitted to enter the university campus only for the limited purpose of participating in the disciplinary proceedings conducted under this section.
  - d. The Dean of Students may require that the student be escorted to and from the disciplinary proceedings by members of the university police department.

- e. At the student's request, the Dean of Students will expedite the formal hearing.

## 5. Time Limitations

- a. Time limitations that are specified in the preceding sections of this code may be extended for a reasonable period of time if an extension is justified by good cause under the totality of the circumstances.
  - An interested party to a proceeding may make a request for an extension of a specific time limitation.
  - A request for an extension must be submitted in writing to the person conducting the proceeding or the presiding officer of the commission hearing the matter.
- b. If a time limitation is not specified for a particular action or proceeding under this code, the action or proceeding must be taken or conducted promptly or within a reasonable period of time as determined from a consideration of the totality of the circumstances.
  - An interested party to a proceeding may make an appropriate objection concerning the promptness or reasonableness of the time within which an action is taken or a proceeding is conducted.
  - An objection must be made to the person conducting the proceeding or the presiding officer of the commission hearing the matter.
- c. Any interested party to a proceeding may appeal a decision concerning an objection or request concerning a time limitation.
  - The appeal must be taken to the person or body that is authorized under this code to consider any other appeal from the person or body making the decision concerning the time limitation
  - The decision concerning the appeal is a final decision and is not subject to a further appeal.

***[6. Misconduct by Student Organization omitted – not under review]***

*[Appendices A – C Omitted: Not under review]*

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## Appendix D

### Review Board for Personal Misconduct Appeals

1. The review board shall be composed of three persons who are appointed as follows:
  - a. A student appointed by the president of the student body upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body;
  - b. A faculty member appointed by the faculty council president upon recommendation of the faculty council or other appropriate representative body as determined by the faculty council; and
  - c. An administrative officer appointed by the president. The administrative member shall serve as the presiding officer.
2. The members of the review board shall hold office from the first day of the fall semester for a term of one year, but they shall complete the review of any case which they have begun to consider.
  - a. A member of the review board may be reappointed to the board, but no member may serve more than two consecutive terms.
  - b. A member of the review board may be appointed at any time during the year to fill a vacancy on the board.
  - c. If a vacancy on the review board occurs and there is a failure or refusal of the appropriate authority to make an appointment to fill the vacancy, the president may make an appointment to fill the vacancy or take such other action as may be necessary to constitute the review board.
3. No hearing shall be held unless all three of the members of the review board are present. If any member of the review board is unable to be present or should request to be excused from serving for any good cause, another review board member shall be appointed in accordance with the provisions of sections 1. and 2. above.
4. The presiding officer of the review board, in consultation with other members, shall maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the appeal hearing. Decisions by the review board shall be by majority vote only.
5. The review board is required to listen to the audio recording of the hearing commission, consider any written statements submitted by the student and the

Dean of Students, and hear any oral arguments by the parties or their representatives. The student requesting the appeal shall have the burden of proving that the decision of the hearing commission was not based on a preponderance of evidence, or was substantially deficient in providing the student due process.

6. The review board must render a decision within ~~10 calendar~~ 5 business days of the hearing and may take any of the following actions:
  - a. Affirm the original decision that the student did commit the alleged act of misconduct.
  - b. Affirm the original decision concerning the disciplinary sanction to be imposed.
  - c. Reverse the original decision that the student did commit the alleged act of misconduct and direct that the complaint be dismissed.
  - d. Set aside the original decision that the student did commit the alleged act of misconduct and order that a new hearing be held before a new hearing commission.
  - e. Set aside the original decision concerning the disciplinary sanction to be imposed and impose a less severe sanction.
7. The presiding officer of the review board is required to notify the Dean of Students concerning the board's decision.
8. The Dean of Students is required to notify the student and to initiate the necessary procedures to effectuate the decision.

## Appendix E

### Interim Suspension

- A. When the Vice Provost for Student Affairs and Dean of Students or their designee have reasonable cause to believe that a student's presence poses a continuing danger to person or property, or ongoing threat of disrupting the academic process, the student may be immediately trespassed from the Indiana University Bloomington campus, and suspended from university-related classes, services, activities, or registered student organization activities. Notice of this measure will be provided to the student in writing as soon as practicable. The interim suspension will remain in effect until the conclusion of the disciplinary process or upon modification by the designated reviewer.
- B. Upon the issuance of a notice of interim suspension, the Vice Provost for Student Affairs and Dean of Students or their designee will initiate the disciplinary procedures, as outlined in the Code of Student Rights, Responsibilities, and Conduct, without undue delay.
- C. The student may, within five (5) business days of the imposition of the interim suspension, petition the Vice Provost for Student Affairs and Dean of Students or their designee to have the interim suspension modified or removed. This petition does not replace the disciplinary process. The petition must be made in writing by the student and include why the interim suspension should be modified or removed, and must demonstrate that the student does not pose a continuing danger to person or property, or ongoing threat of disrupting the academic process. The designated reviewer will render a decision without undue delay.
- D. These Interim Suspension procedures will be applied in accordance with the applicable Title IX policy.