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PROCEDURES FOR BLOOMINGTON CAMPUS

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I. STUDENT COMPLAINT PROCEDURES

Preamble

Indiana University has established procedures for students to follow when they believe that any of their rights, as defined in the Code of Student Rights, Responsibilities, and Conduct, have been violated by a member of the university community. **Information about procedures for filing complaints can be found in the following sections:**

- **A. Complaints Against Members of the University Faculty and Administration**
- **B. Complaints Against Other University Employees**
- **C. Complaints Against Members of the University Faculty, Administration, or Other University Employees Involving Discrimination, Including Harassment**
- **D. Complaints Against Other Students**
- **E. Complaints Against Student Organizations**

F. Complaints by Student Organizations

~~The procedures to be followed when a student complaint is filed against a member of the university faculty or administration, other university employees, other university students, or student organizations are documented here. This section also describes the supplementary procedures that may be followed when a student has a complaint against any member of the university community which involves discrimination or sexual or racial harassment.~~ ~~(~~Complaints against graduate students in their role as course instructors are considered in accordance with Section A. Complaints against graduate students in their role as students are considered in accordance with Section C.~~)~~ Students employed by the university who wish to file complaints arising from their employment should consult the student employment office or personnel overseeing employment issues about the appropriate procedures.

A. Complaints Against Members of the University Faculty and Administration.

1. Informal Resolution

a. When a student believes that any of his or her rights, as defined in the Code of Student Rights, Responsibilities, and Conduct, have been violated by a member of the university faculty or administration, the student should ordinarily attempt to resolve the matter by making an informal complaint to the person involved.

b. If contacting the person involved does not resolve the problem to the complainant's satisfaction, the student may contact the Dean of Students Office for help.

c. Grade appeals are handled by academic units in accordance with Bloomington Faculty Council Resolution Document H-XXVII regarding Academic Fairness Committees.

2. Formal Complaints.

a. A student who believes that his or her rights have been violated by a member of the university faculty or administration may make a formal complaint to an appropriate administrative officer **(see A.2.b.)** under the following circumstances:

(1) A student may make a formal complaint after making an informal complaint and receiving a response from the person involved that is not satisfactory to the student (i.e., if informal resolution fails at that level).

(2) A student may make a formal complaint without having made an informal complaint if the student has a justifiable basis for not going directly to the person involved. **The administrative officer receiving the formal complaint will determine whether or not the basis is justifiable. If the complaint is not determined to be justifiable, the complaint procedure ends.**

b. A formal complaint should be made to the administrative officer who is the immediate supervisor of the person involved in the alleged violation. The appropriate administrative officer may be one of the following:

(1) A department head or similar academic officer, if one exists within the particular school or unit involved.

(2) The dean or director of a school or unit, if the school or unit does not have a department head or similar academic officer.

(3) Even if a school or unit has a department head or similar academic officer, the dean or director of the school or unit may adopt a rule that formal complaints are to be submitted directly to the dean or director.

c. A formal complaint must be in writing, signed by the complainant, and must be submitted to the appropriate official. A copy of the signed, formal complaint will be given to the individual charged. This formal complaint must be filed within the following time limitations:

(1) After making an informal complaint and receiving an unsatisfactory response, a student must file a formal complaint within 21 calendar days after the termination of discussions with the person charged in the complaint.

(2) If a formal complaint is made without the making of a prior informal complaint, the formal complaint must be filed within six months after the student should reasonably have learned about the event

which is the basis of the complaint.

d. A formal complaint must be considered within ~~21~~ **14** calendar days by the appropriate administrative officer.
   (1) The officer shall inquire into the facts of the complaint and discuss the matter individually with the student and the person charged in the complaint.
   (2) If the officer considers it to be appropriate, the officer may ask the student and the person charged in the complaint to meet together with the officer in an effort to resolve the complaint.
   (3) The officer shall have the opportunity to remove himself or herself from considering a complaint for reasons of bias or personal involvement.
   (4) If the complaint is not resolved within ~~21~~ **14** calendar days from the day it was filed, the officer must refer the complaint along with a written response concerning the incident to the ~~Dean of Faculties~~ **Campus Grievance Commission**. The response shall include all documents pertaining to the complaint.

~~e. The Dean of Faculties shall inquire into the facts of the complaint and then discuss the matter individually with the student and the person who is charged in the complaint.~~
~~(1) If the Dean of Faculties considers it to be appropriate, the Dean may ask the student and the person who is charged in the complaint to meet together with the Dean in an effort to resolve the complaint.~~
~~(2) If the complaint is not resolved within 21 calendar days of the date the complaint is received, the Dean of Faculties must submit the complaint to a campus grievance commission for consideration.~~

~~**3. Campus Grievance Commission.**~~
~~a. The Dean of Faculties has the authority to appoint the members of the campus grievance commission to consider a particular complaint.~~
~~b. The campus grievance commission must consist of five members, including three members of the administration or tenured faculty of the campus involved and two students from the campus. Nontenure-track faculty are eligible to serve on the grievance commission, but no more than one member may come from such an appointment category.~~
~~c. The grievance commission shall be selected by the Dean of Faculties from a grievance commission list containing names of students, faculty members, and members of the administration that are placed on the list as follows:~~
~~(1) Four or more students appointed by the student body president upon recommendation of the student assembly or other appropriate representative body as determined by the student governing body; one or more students appointed by the graduate and professional student moderator upon recommendation of the representative assembly or other appropriate representative body as determined by the representative assembly;~~
~~(2) Five or more faculty members, to be representative of the various academic disciplines, to be appointed by the presiding officer of the campus faculty council upon recommendation of the faculty council or other appropriate representative bodies as determined by the faculty council; and~~
~~(3) Five or more members of the campus administration to be appointed by the President or designee.~~
~~d. Students, faculty members, and members of the administration are to be appointed to membership on the grievance committee list for a one year period of time, beginning with the first day of the fall semester each year. A person may be appointed at any time during the year to fill a vacancy on the list. A person may also be reappointed to the list from year to year.~~
~~e. If a person is selected to serve on a particular grievance commission by the Dean of Faculties, the person is authorized to serve on the commission until the commission completes the hearing of any case submitted to the commission even though this may require the person to serve beyond the one-year period of appointment.~~
~~f. If a vacancy on the grievance commission list occurs and there is a failure or refusal of the appropriate authorities to make an appointment to fill the vacancy, the chief administrative officer of a campus may make appointments, fill vacancies, or take other action necessary to constitute the grievance commission.~~
~~g. The Dean of Faculties appoints the presiding officer of the grievance commission, who must be a tenured member of the faculty not engaged in full-time administration.~~

~~4.~~ 3. Formal Hearing. (Campus Grievance Commission – See Appendix A.)

a. The campus grievance commission is required to conduct a formal hearing to consider the complaint.
   (1) The presiding officer, in consultation with the other members of the grievance commission, must determine an appropriate time and place for the hearing.
   (2) The presiding officer is required to make arrangements for a public hearing if requested to do so by the person who is charged in the complaint by no later than seven calendar days before the date of the

hearing. The presiding officer is required to conduct the hearing in a place that will accommodate a reasonable number of observers, but the officer is authorized to make a final decision concerning the place where the hearing is to be held and the number of observers to be accommodated.

(3) The presiding officer has a duty, to the greatest extent practical under the circumstances, to summon witnesses, compel the production of documents, and structure the hearing to afford all participating parties procedural due process.

b. When a hearing is to take place, the presiding officer is required to notify the person who is charged in the complaint concerning the following:

(1) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice;

(2) The date, time, and place of the alleged act of misconduct and a summary of the information upon which the allegation is based;

(3) The names of the witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;

(4) That the person charged in the complaint is required to provide to the presiding officer, no later than two calendar days prior to the hearing, all documents in his or her possession, pertinent to the complaint;

(5) That the person charged in the complaint may submit to the presiding officer, no later than two calendar days prior to the hearing, a request for any documents related to the complaint which the subject wishes the complaining student to produce;

(6) That the person charged in the complaint must submit to the presiding officer, no later than two calendar days prior to the hearing, a list of witnesses whom the subject may present at the hearing or whose statements may be offered as evidence;

(7) That the person charged in the complaint is required to be present at the hearing and is entitled to present witnesses and to cross-examine witnesses who appear, unless the grievance commission decides to proceed in the subject's absence because of extraordinary circumstances;

(8) That the person charged in the complaint is entitled to be accompanied at the hearing by counsel or an advisor of his or her choice at his or her own expense, but the person charged is still required to be present;

(9) That the complaining student is entitled to be present at the hearing and may be accompanied by an advisor of his or her own choosing, including an attorney at his or her own expense;

(10) That the person charged in the complaint may testify but will not be required to testify at the hearing, and that a decision not to testify will not be considered as an admission of guilt;

(11) That the hearing will be closed to the public unless the person charged in the complaint notifies the presiding officer in writing by not later than seven calendar days before the hearing that he or she desires the hearing to be open to the public;

(12) The disciplinary sanctions that may be imposed for the alleged act of misconduct are enumerated in A.5 Disciplinary Sanctions (below);

(13) That a failure by the person charged to appear at the hearing would be sufficient to justify the imposition of any disciplinary sanction without a right of further appeal if the grievance commission determines that the failure to attend was without good cause.

c. When a hearing is to take place, the presiding officer is also required to notify the student who filed the complaint concerning the following:

(1) The date, time, and place of the hearing, which shall not be earlier than seven calendar days after the date of the notice;

(2) That the complaining student must submit to the presiding officer, no later than two days prior to the hearing, a list of witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;

(3) That the complaining student's failure to attend the hearing would be sufficient to justify the dismissal of the complaint without any further action if the grievance commission should thereafter find that the failure to attend was without good cause.

d. The formal hearing is to be conducted by the presiding officer of the grievance commission.

(1) The hearing may be held only if all members of the grievance commission are present, or a majority of the members, at least one of whom is a student, are present and both the student filing the grievance and subject of the grievance agree to proceed. A hearing may not be held without the presiding officer being present.

(2) The presiding officer, in consultation with the other members of the grievance commission, is responsible for conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the fair, orderly, and expeditious consideration of the complaint.

(3) The presiding officer shall call the complaining student as a witness to testify concerning the act of misconduct alleged in the student's complaint.

(a) The advisor for the student, if any, shall be given the opportunity to question the student.

(b) The presiding officer may question the student concerning the complaint. The other members of the commission may then be given the opportunity to question the student.

(c) The person charged in the complaint shall be given the opportunity to question the student concerning the complaint.

(4) The presiding officer shall also call any other persons to testify as witnesses as requested by the student or otherwise considered appropriate by the officer. The student shall be given the opportunity to question these witnesses. The person who is the person charged in the complaint shall also be given the opportunity to question these witnesses. The presiding officer and the other members of the commission may question any of these witnesses as they consider appropriate.

(5) The presiding officer shall permit the student to present any other information that is appropriate and relevant to the student's complaint.

(6) After all of the testimony and information concerning the complaint has been submitted, the presiding officer must offer the person charged in the complaint the opportunity to testify concerning the matter.
   (a) If the person charged in the complaint chooses to testify, he or she may be questioned by the complaining student and/or the presiding officer and the other members of the commission.
   (b) If the person charged in the complaint chooses not to testify, the grievance commission may not consider the decision not to testify as an admission of guilt.

(7) The presiding officer must also offer the person charged in the complaint the opportunity to call other witnesses and to submit any information that is appropriate and relevant to the student's complaint.
   (a) If any witnesses are called to testify, they may be questioned by the person charged in the complaint.
   (b) The complaining student may also question the witnesses.
   (c) The presiding officer and the other members of the commission may question the witnesses as they consider appropriate.

(8) After the grievance commission has heard all of the witnesses and any other information submitted by the parties, the presiding officer must offer the complaining student the opportunity to make an argument concerning the validity of the allegations in the complaint. The presiding officer must then offer the person charged in the complaint a similar opportunity to make an argument to the commission.

(9) After hearing any concluding arguments, the grievance commission is required to reach a conclusion concerning the validity of the allegations in the complaint.
   (a) The grievance commission is required to conduct its deliberations concerning the complaint in a private, executive session. Decisions shall be by majority vote. Dissenters may choose to issue a dissenting opinion. The presiding officer shall require all persons other than the members of the grievance commission to leave the hearing room during the deliberations.
   (b) The grievance commission must reach its conclusion or conclusions solely upon the basis of the testimony and information introduced at the hearing.
   (c) A conclusion that the person charged in the complaint committed the alleged act must be based upon clear and convincing evidence.

(10) If a majority of the members of the grievance commission conclude that the evidence is insufficient to sustain the allegations of the complaint, the grievance commission is required to recommend that the complaint be dismissed.
   (a) The presiding officer shall reconvene the hearing and advise the complaining student and the person charged in the complaint concerning the conclusion and recommendation of the commission or issue a written opinion signed by a majority of the participating members within seven calendar days.
   (b) The presiding officer shall also advise the parties that the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** will be notified of the commission's conclusion and recommendation and that the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** is required to dismiss the complaint ~~unless the complaining student submits an appeal to the President or designee under the provisions of this code~~.

(11) If a majority of the members of the grievance commission concludes that the evidence is sufficient to sustain the allegations of the complaint, the grievance commission is required to conduct a hearing concerning an appropriate sanction.
   (a) The presiding officer shall reconvene the hearing and advise the complaining student and the person charged in the complaint concerning the conclusion of the commission.
   (b) The presiding officer must then offer the person who is charged in the complaint the opportunity to submit information and present an argument concerning an appropriate disciplinary sanction.
   (c) The presiding officer shall also offer the complaining student a similar opportunity with reference to the appropriate sanction.

(12) After hearing from the parties concerning an appropriate sanction, the grievance commission is required to make a recommendation concerning an appropriate sanction.

(a) The grievance commission is required to conduct its deliberations concerning the sanction in a private, executive session. The presiding officer must require persons other than the members of the grievance commission to leave the hearing room during the deliberations.

(b) A recommendation of the grievance commission must be based upon a vote by a majority of the members of the commission.

(13) After the grievance commission has concluded its deliberations concerning an appropriate sanction, the presiding officer shall reconvene the hearing and advise the complaining student and the person charged in the complaint concerning the recommended sanction or issue a written opinion signed by a majority of the participating members within seven calendar days following the close of the hearing.

(a) The parties must also be advised that the commission's conclusions concerning the validity of the complaint and the commission's recommendation concerning an appropriate sanction will be submitted to the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** for final action.

(b) In addition, the parties must be advised as follows:

~~(i)~~ If the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** decides to reject the recommendations of the grievance commission ~~and to dismiss~~ the complaint **is dismissed.** ~~, the complaint will be dismissed unless the complaining student submits an appeal to the President or designee under the provisions of this code.~~

~~(ii) If the Dean of Faculties decides to accept the grievance commission's conclusions and decides to impose the recommended sanction or any other appropriate sanction, the person charged in the complaint may submit an appeal to the President or designee under the provisions of this code.~~

(14) The presiding officer of the grievance commission is required to make record of the hearing before the commission which may be made by an electronic tape recorder or other appropriate means.

(15) Within seven calendar days after the hearing, the presiding officer must prepare a written report concerning the grievance commission's conclusions and recommendations with a brief explanation of the findings of fact upon which the commission's conclusions are based. The report must be submitted to the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs**, the person charged in the complaint, and the complaining student.

~~5.~~ 4. Disciplinary Sanctions.

Disciplinary sanctions that may be imposed for acts of misconduct by members of the university faculty and administration include, but are not limited to, any one or a combination of the following:

a. A written reprimand with a warning that additional sanctions will be imposed if there is a repetition of the misconduct;
b. A probationary period during which the person involved in the complaint must abide by certain specified conditions or be subject to the imposition of further sanctions;
c. A temporary suspension without pay;
d. Consideration of the misconduct in establishing the person's annual salary;
e. Consideration of the misconduct in any promotion decision concerning the person;
f. Consideration of the misconduct in any tenure decision concerning the person;
g. Termination of employment at a specified time in the future.
h. Immediate dismissal.

~~6.~~ 5. Action by the ~~Dean of Faculties~~ Vice Provost for Faculty and Academic Affairs.

a. If the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** receives a report that a student's complaint has not been sustained by the grievance commission, the ~~Dean~~ **Vice Provost for Faculty and Academic Affairs** is required to notify the complaining student and the person charged that the complaint will be dismissed **and the decision is final** ~~unless the student submits an appeal to the~~

~~President or designee within seven calendar days following the receipt of the decision~~.

b. If the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** receives a report that a grievance commission has concluded that a student's complaint should be sustained, the Dean is required to make a final decision concerning the validity of the complaint within seven calendar days following the receipt of the decision.

(1) The ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** shall review the written report and the record of the hearing, may consult with the presiding officer of the grievance commission to clarify an ambiguity in the record, but may not consult with other members of the commission, the complaining student, or any other person who has direct or indirect knowledge of the complaint.

(2) The ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** may take the following action concerning the complaint:

(a) Reject the commission's conclusion concerning the validity of the complaint and dismiss the complaint upon a finding that there is not clear and convincing evidence in the record to support the findings of the commission, or that procedural error has been committed which deprives the subject of the complaint of due process.

(b) Accept the commission's conclusion concerning the validity of the complaint and impose the sanction recommended by the commission.

(c) Accept the commission's conclusion concerning the validity of the complaint and impose an appropriate sanction that was not recommended by the commission.

(3) After the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** has made a final decision, the ~~Dean~~ **Vice Provost** is required to notify the subject of the complaint and the complaining student within seven calendar days following the final decision.

~~(4) If the Dean of Faculties decides to dismiss the complaint, the complaining student may take an appeal to the President or designee under the provisions of this code.~~

~~(5) If the Dean of Faculties decides that the complaint should be sustained and decides to impose the sanction recommended by the commission or any other appropriate sanction, the person charged in the complaint may take an appeal to the President or designee under the provisions of this code.~~

~~(6) The Dean of Faculties is required to effectuate the decision in accordance with university procedures unless the person charged in the complaint appeals the decision as authorized by university procedures.~~

~~**7. Appeals to the President or designee.**~~

~~a. If the Dean of Faculties notifies a student that the student's complaint is to be dismissed, the student may submit an appeal to the President or designee.~~

~~(1) The appeal must be submitted in writing.~~

~~(2) The appeal must be submitted within seven calendar days after the student receives notice from the Dean of Faculties concerning dismissal of the complaint.~~

~~(3) A copy of the appeal must be sent to the Dean of Faculties and to the person charged in the complaint.~~

~~b. If the Dean of Faculties notifies the person charged in a complaint that the complaint has been sustained and that a sanction is to be imposed, the person may submit an appeal to the President or designee.~~

~~(1) The appeal must be submitted in writing.~~

~~(2) The appeal must be submitted within seven calendar days after the person charged receives notice from the Dean of Faculties concerning the decision.~~

~~(3) A copy of the appeal must be sent to the Dean of Faculties and to the complaining student.~~

~~c. When the Dean of Faculties receives a notice of an appeal to the President or designee, the Dean is required to send the President or designee a copy of the grievance commission's written report, the transcript of the commission's hearing, and any other written information pertinent to the student's complaint.~~

~~d. The President or designee should review the written report and the transcript of the commission's hearing and may consult with the Dean of Faculties, but not other members of the grievance commission, the complaining student, or any other person who has direct or indirect knowledge of the complaint.~~

~~e. The President or designee may take the following action concerning an appeal:~~

~~(1) Sustain the dismissal of a complaint;~~

~~(2) Reject the decision of the Dean of Faculties concerning the validity of a complaint and dismiss the complaint;~~

~~(3) Accept the decision of the Dean of Faculties concerning the validity of a complaint and the sanction to be imposed;~~

~~(4) Accept the decision of the Dean of Faculties concerning the validity of the complaint and impose an appropriate sanction that differs from the sanction recommended by the Dean of Faculties.~~

~~f. After the President or designee has made a final decision, the President or designee is required to notify the person charged in the complaint and the complaining student.~~

~~g. The President or designee may dismiss the case or sustain the complaint and impose a sanction against the person charged in the complaint. The President or designee will inform the person charged in the complaint of the decision.~~

B. Complaints Against Other University Employees.

1. A student who believes that his or her rights have been violated by a university employee, other than a member of the faculty or administration, should ordinarily attempt to resolve the matter by making an informal complaint to the person involved.
   a. An informal complaint should be made as soon as possible after the alleged violation.
   b. A complaint must be initiated within 30 calendar days after the student should reasonably have learned about the event which is the basis of the complaint.

2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint against the person involved in accordance with the grievance procedures established by the university. The student should consult with the Dean of Students or the Assistant Vice President for University Human Resource Services concerning these procedures.

C. Complaints Against Members of the University Faculty, Administration, or Other University Employees Involving Discrimination, Including Harassment.

1. Indiana University prohibits discrimination, including harassment, based on arbitrary considerations of such characteristics as age, race, color, religion, sex, **gender, gender identity**, marital status, national origin, disability, veteran status, or sexual orientation. Because of the sensitivity in raising allegations of discrimination, a student may wish to consult first with an academic advisor, department chairperson, or dean. Complaints should be directed to the campus Affirmative Action Officer, Dean of Students, or ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs** for appropriate resolution.

2. The University has established procedures for handling allegations of discrimination and harassment. Under these procedures university administrators are responsible for publicizing and implementing the university's discrimination and harassment policies in their respective jurisdictions. Students may obtain information concerning the university's policies and complaint procedures from the campus Affirmative Action Officer, the Dean of Students, or the ~~Dean of Faculties~~ **Vice Provost for Faculty and Academic Affairs**.

3. Complaints of discrimination, including harassment, based upon age, race, color, religion, sex, **gender, gender identity**, marital status, national origin, disability, veteran status, or sexual orientation, by a student against a university faculty member, administrator, or other university employee should be processed under the campus complaint procedures for allegations of discrimination. These procedures also apply in a complaint against a student acting in her or his capacity as a teaching or research assistant or as an hourly or appointed employee. Complaints by a student against another student should be referred to the Dean of Students for resolution under the student disciplinary system.

~~D.~~ F. ComplaintS by a Student Organization.

1. A Student Organization that believes its rights have been violated by a student, the university, a person working for the university, or another university-affiliated organization may file a formal complaint for mediation by the Dean of Students.

2. Prior to filing a formal complaint with the Dean of Students, the organization must pass a resolution authorizing its highest elected officer to file a formal complaint. The resolution should state the efforts that the organization has taken to resolve its grievance informally.

~~E.~~ D. Complaints Against Other Students.

1. A student who believes that his or her rights have been violated by another student should ordinarily attempt to resolve the matter by making an informal complaint to the student involved.

2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint with the Dean of Students under the procedures of this code concerned with personal misconduct of students. The student should consult with the Dean of Students concerning these procedures.

~~F.~~ E. Complaints Against Student Organizations.

1. A student who believes that his or her rights have been violated by a student organization should ordinarily attempt to resolve the matter informally by discussing the matter with the person involved and the organization's advisor.

2. If the student is unable to resolve the matter on an informal basis, the student may file a formal complaint with the Dean of Students in accordance with the grievance procedures established by the university for such organizations. The student should consult with the Dean of Students concerning these procedures.

3. A student who believes his or her rights have been violated by the advisor of a student organization should consult the Dean of Students concerning appropriate procedures.