

MEMORANDUM

DATE: April 6, 2016

TO: Fort Wayne Senate

FROM: Kathy Pollock
Students Affairs Committee

SUBJECT: Endorsement of the revised IPFW Code of Student Rights, Responsibilities, and Conduct
(the Code)

DISPOSITION: To the Presiding Officer for Implementation WHEREAS, the campus has undertaken the revision of the Code and

WHEREAS, the Student Affairs Committee has reviewed and concurs with those revisions.

BE IT RESOLVED, that the IPFW Senate endorse the revisions to the Code.

Code of Student Rights, Responsibilities, and Conduct

Part I. Student Rights and Responsibilities

Preamble. IPFW regulations governing the actions of students are intended to enhance the values that must be maintained in the pursuit of IPFW's mission and goals. These values include freedom of inquiry, intellectual honesty, freedom for the open expression of ideas and opinions within limits that protect the rights of others, and respect for the views and the dignity of other persons.

In exercising their rights, students must bear responsibility to act in accordance with local, state, and national laws, and IPFW rules. No right should be construed as enabling students to infringe upon the individual rights of another member of the academic community.

A. Individual Rights and Responsibilities as Citizens

1. Students retain all of their citizenship rights when enrolled at IPFW.
2. Students who violate civil law may incur penalties prescribed by civil authorities. Only where IPFW's interests as an academic community are distinct from those of the general community should the special authority of IPFW be asserted.
3. Nondiscrimination. IPFW is committed to maintaining a community that recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential. (see vanity URL - from p22 Fostering..) ~~The most effective way to work toward preventing Harassment is through education that emphasizes respect for every individual.~~
4. ~~It is essential that IPFW demonstrate its intellectual and ethical leadership by reaffirming its strong position against Harassment in all forms.~~ All members of the University community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by intolerance and Harassment.
5. In pursuit of its goal of academic excellence, the university seeks to develop and nurture diversity. The university believes that diversity among its many members strengthens the institution, stimulates creativity, promotes the exchanges of ideas, and enriches campus life.

IPFW views, evaluates, and treats all persons in any university-related activity or circumstance in which they may be involved, solely as individuals on the basis of their own personal abilities, qualifications, and other relevant characteristics.

IPFW prohibits discrimination against any member of the university community on the basis of race, religion, color, sex, age, national origin or ancestry, genetic

information, marital status, parental status, sexual orientation, gender identity, and expression, disability, or status as a veteran. The university will conduct its programs, services, and activities consistent with applicable federal, state, and local laws, regulations and orders and in conformance with the procedures and limitations as set forth in Purdue University's Executive Memorandum No. D-1, which provides specific contractual rights and remedies. Additionally, the University promotes the full realization of equal employment opportunity for women, minorities, persons with disabilities and veterans through its affirmative action program. IPFW is an equal access, equal opportunity, affirmative action university.

6. It is the policy of IPFW to maintain the campus as a place of work and study for faculty, staff, and students free from all forms of harassment. In providing an educational and work climate that is positive and harassment-free, faculty, staff, and students should be aware that harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. [See Anti-harassment Policy as stated in Executive Memo C-33] This policy addresses harassment in all forms, covering those with legally protected status for reasons of race, gender, religion, color, age, national origin or ancestry, or disability, as well as those who are harassed for other reasons such as sexual orientation.

7. Academic Freedom and Freedom of Speech

Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment of the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

B. Individual Rights and Responsibilities as Students

1. Degree-seeking students have the responsibility for selecting a major field of study, choosing an appropriate degree program within the discipline, planning class schedules, and meeting the requirements for degrees. IPFW will provide advisors to assist students in academic planning, but students are responsible for being knowledgeable about all academic requirements that must be met before a degree is granted.
2. Students have the right to receive in writing (the terms "in writing" or "written" here and throughout this Code include both printed and electronic communication)

accurately and plainly stated information that enables them to understand clearly:

- a. the general qualifications for establishing and maintaining acceptable academic standing within a particular major and at all other levels within IPFW,
 - b. the graduation requirements for specific curricula and majors, and
 - c. at a minimum, the course objectives, requirements, and grading policies set by individual faculty members for their courses by means of a course syllabus.
3. In the classroom, students have the freedom to raise relevant issues pertaining to classroom discussion, to offer reasonable doubts about data presented, and to express alternative opinions to those being discussed. However, in exercising this freedom, students shall not interfere with the academic process of the class. Students who interfere with the academic process of a class may be directed to leave class for the remainder of the class period. Longer suspensions from a class must be preceded by the disciplinary procedures set forth in Part III.B of this Code.
 4. Students' course grades shall be based upon academic performance, and not upon opinions or conduct in matters unrelated to academic standards. Students have the right to discuss and review their academic performance with their faculty members. Students who feel that any course grade has been based upon criteria other than academic performance have the right to appeal through the IPFW grade appeals system. [See IPFW Academic Regulations-Grade Appeals.]
 5. Students have the right to obtain a clear statement of basic rights, obligations, and responsibilities concerning both academic and personal conduct.
 6. Students have the responsibility to become familiar with, uphold, and follow all codes of conduct, including this Code, relevant codes of colleges/schools and departments, professional programs, and all rules applicable to conduct in class environments or university-sponsored activities, including off-campus clinical, field, internship, or in-service experiences.
 7. Students have the right to participate in the formulation of IPFW policies that directly affect them. In exercising this right, students have the right of access to appropriate information, to express their views, and to have their views considered.
 8. Students have the privacy rights specified in the IPFW policy on the release of student information. [See IPFW Academic Regulations-Release of Student Information.]
- C. Rights and Responsibilities as Participants in Student Groups, Student Organizations, and Campus Activities**
1. Students have the right to form, join, and participate in groups or organizations that promote the common interests of students, including but not limited to groups or

organizations that are organized for academic, professional, religious, social, economic, political, recreational, or cultural purposes.

2. Any group of students may petition to become a recognized IPFW student organization in accordance with the established guidelines. Any appeal of a campus decision to discontinue or refuse recognition of a student group shall be made through the Campus Appeals Board.
3. Any student group recognized as an IPFW student organization shall be entitled to the use of available campus facilities in conformity with regulations. [See IPFW Regulations Governing the Use and Assignments of University Facilities at the Fort Wayne Campus.] Recognition shall not imply IPFW endorsement of group goals and activities.
4. Any recognized IPFW student organization or any group of students able to secure sponsorship by a recognized student organization and to demonstrate financial responsibility has the right to present speakers of its choice to address members of the IPFW community using appropriate campus facilities. These assemblies shall be subject to regulations necessary to prevent space and time conflicts and to protect the operations of the campus and the safety of persons or property.
5. Freedom of assembly shall be guaranteed to all members of the IPFW community. Such assemblies shall be consistent with IPFW regulations regarding the time, place, and manner of such assemblies.
6. A student, student group, or student organization has the right to distribute written material on campus without prior approval providing such distribution is consistent with appropriate regulations concerning the time, place, and manner of distribution and does not interfere with IPFW activities.
7. Students who publish student publications under IPFW auspices have the right to be free of unlawful censorship. At the same time, students who publish such publications must observe the recognized canons of responsible journalism such as the Sigma Delta Chi Code of Ethics and avoid libel, obscenity, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. Editors and managers of The Communicator may not be arbitrarily suspended or removed from their positions because of student, faculty, administrative, or public disapproval of their editorial policies or publications. Student editors and managers may be suspended or removed from their positions only for proper cause and by appropriate proceedings conducted by the Board of Directors. All student publications shall explicitly state on the editorial page that the opinions expressed are not necessarily those of IPFW or of the student body.

D. Summary of Rights and Responsibilities

1. This statement of Student Rights and Responsibilities is a reaffirmation by the entire IPFW community that the constitutional guarantees and the basic principles of fair treatment and respect for the integrity, judgment, and contribution of the individual student, coinciding with each student's freedom to learn set forth in the foregoing

articles, are essential to the proper operation of an institution of higher learning. Accordingly, in the interpretation and enforcement of the policies, rules, and regulations of IPFW, these student rights shall be preserved and given effect, but they shall not be construed or applied so as to limit the rights guaranteed students under the Constitution of the United States or the Constitution of the State of Indiana.

Whenever a student or a group of students claims that these rights have been violated and that the student or group of students has been or will be adversely affected thereby, and such complaint is not resolved informally by the interested parties, it may be presented to one (and only one) appropriate body of the campus appeals system. In case of grade appeals, the individuals and committees designated in the IPFW grade appeals system shall have final authority. In the case of Student Housing decisions, the individuals and committees designated in the Housing Agreement shall have final authority. In the case of complaints of discrimination and harassment, the individuals and committees named in the Purdue University Procedures for Resolving Complaints of Discrimination and Harassment shall have the authority designated. In all other cases, the Campus Appeals Board shall submit recommendations to the chancellor of IPFW. If necessary, the chancellor of IPFW may present such recommendations to the university president and Board of Trustees for their consideration.

2. If the student has a question as to whether grade appeals procedures, Student Housing procedures, or student complaint procedures (Part IV) shall be used to resolve a complaint, the dean of students shall decide which one set of procedures shall be used after consulting with the unit head of the faculty or staff member with whom the student or group of students has the complaint. Once the appropriate process is identified, the dean of students will explain the time lines associated with the process.
3. The enumeration of these rights and responsibilities shall not be construed to deny or disparage others retained by the student. Nothing contained in the Code of Student Rights, Responsibilities, and Conduct shall be construed as any denial or limitation upon the legal authority or responsibility of the Board of Trustees to establish policies and to make rules and regulations governing the operation of IPFW.

~~E. Amendment of Rights and Responsibilities~~

~~Proposed amendments of these rights and responsibilities may be initiated by the Indiana-Purdue Student Government Association, IPFW Senate, administrative officials, or the Board of Trustees and shall be submitted to the Indiana-Purdue Student Government Association and IPFW Senate, for consideration and recommendation before adoption by the Community Advisory Council and approval by the President of Purdue University. In the event the Community Advisory Council adopts an amendment not approved by the Indiana-Purdue Student Government Association and IPFW Senate, either the Indiana-Purdue Student Government Association or IPFW Senate may withdraw its endorsement of the rights and responsibilities in whole or in part.~~

F. Definitions

Senate Document SD 15-27
(Approved & Endorsed, 4/18/2016)

1. An IPFW activity is any teaching, research, service, administrative, or other function, proceeding, ceremony, program, or activity conducted by or under the authority of IPFW or with which IPFW has any official connection, whether taking place on or off campus. Included within this definition without limitation are IPFW cooperative education programs, internships, practicums, field experiences, and athletic or other intercollegiate activities.
2. IPFW property means property owned, controlled, used, or occupied by IPFW.

Part II. Student Conduct Subject to Disciplinary Action

Preamble. Students are expected and required to abide by the laws of the United States, the State of Indiana, and the ~~rules and regulations~~ policies and procedures of IPFW. Students are expected to exercise their freedom to learn with responsibility and to respect the general conditions that maintain such freedom. IPFW has developed the following general regulations concerning student conduct which safeguard the right of every individual student to exercise fully the freedom to learn without interference. IPFW may hold a student responsible for their behavior. This is inclusive of academic or personal misconduct ~~discipline a student for committing acts of academic or personal misconduct.~~

A. Academic Misconduct

This type of misconduct is generally defined as any act that tends to compromise the academic integrity of the University or subvert the educational process. At IPFW, specific forms of academic misconduct are defined as follows:

1. Using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term "academic exercise" includes all forms of work submitted for credit or hours.
2. Falsifying or fabricating any information or citation in an academic exercise.
3. Helping or attempting to help another in committing acts of academic dishonesty.
4. Adopting or reproducing ideas or statements of another person as one's own without acknowledgment (plagiarism).
5. Submitting work from one course to satisfy the requirements of another course unless submission of such work is permitted by the faculty member.
6. Serving as or permitting another student to serve as a substitute (or 'ringer') in taking an exam.
7. Altering of answers or grades on a graded assignment without authorization of the faculty member.
8. Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding, or altering resource material.
9. Violating professional or ethical standards of the profession or discipline for which a student is preparing (declared major and/or minor) as adopted by the relevant academic program.

In order to ensure that the highest standards of professional and ethical conduct are promoted and supported at IPFW, academic departments should establish a written policy/statement, addressing the professional or ethical standards for their discipline, which ~~is distributed~~ if developed, ~~should~~ must be available to all students who are preparing in the discipline. Students have the responsibility to familiarize

themselves with the academic department's policy/statement.

B. Personal Misconduct

IPFW may discipline a student for the following acts of personal misconduct that occur on campus property or in connection with an IPFW activity: or when the health, safety, property, or security of the campus may be adversely impacted.

1. Dishonest conduct, including but not limited to false accusation of misconduct; forgery, alteration, or misuse of any IPFW document, record or identification; and giving to an IPFW official information known to be false.
2. Release of access codes for IPFW computer systems to unauthorized persons; use of an access code for a purpose other than that stated on the request for service.
3. Lewd, or indecent conduct, or obscene conduct, or obscene expression as defined by law.
4. Disorderly or disruptive conduct that interferes with teaching, research, administration, or other IPFW or IPFW-authorized activity.
5. Failure to comply with the directions of authorized IPFW officials in the performance of their duties, including failure to identify oneself when requested to do so, and violation of the terms of a disciplinary action.
6. Unauthorized entry, use, or occupancy of campus facilities; refusal to vacate a campus facility when directed to do so by an authorized official of IPFW.
7. Unauthorized taking or possession of IPFW property or services; unauthorized taking or possession of the property or services of others. This is inclusive of selling or bartering notes/handouts/recordings from academic classes..
8. Intentional action or reckless disregard that results in damage to or destruction of IPFW property or of property belonging to others.
9. Possession of firearms or other weapons; possession or display of any firearm except as authorized by the IPFW police; and intentional possession of a dangerous article or substance as a potential weapon, or of any article or explosive calculated to injure or discomfort threaten any person. Public law enforcement officials who are required by their departments to carry their firearms at all times must register with the IPFW police.
10. Acting with violence; and aiding, encouraging, or participating in a riot.
11. Harassment, as defined by the IPFW Purdue Anti-harassment Policy. Use of the term Harassment includes all forms of harassment, including Stalking, Racial Harassment, and Sexual Harassment as defined more completely by the Purdue Anti-Harassment Policy
https://www.purdue.edu/ethics/policies/FosteringRespect_accessible.pdf

12. Hazing, defined as any conduct that subjects another person, whether physically, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.
13. Physical abuse of any person or conduct that threatens or endangers the health or safety of another person.
14. Any form of communication that involves an expressed or implied threat to interfere unlawfully with an individual's personal safety, ~~or personally abusive language~~ ("fighting words") inherently likely to provoke a violent reaction in a face-to-face situation.
15. Possession, consumption, distribution, or sale of alcoholic beverages ~~as defined by state law~~, on campus except as expressly permitted by the Internal Operating Procedures for the Possession, Consumption, Distribution, and Sale of Alcoholic Beverages on the Fort Wayne campus.
16. Use, possession, manufacture, processing, distribution, or sale of any drug or controlled substance except as expressly permitted by law. The term "controlled substance" is defined in Indiana statutes, and includes, but is not limited to, substances such as marijuana, cocaine, narcotics, certain stimulants and depressants, hallucinogens, and unauthorized use of prescription drugs.
17. Violations of other published IPFW regulations, policies, or rules, such as the IPFW Tobacco and Smoke Free Campus policy.
18. Violation of any IPFW rule governing student organizations, or the use of IPFW property (including the time, place, and manner of meetings or demonstrations on IPFW property), or of any other IPFW rule that is reasonably related to the orderly operation of IPFW.
19. Obstruction or disruption of any IPFW activity or inciting, aiding, or encouraging other persons to engage in such conduct. Obstruction or disruption means any unlawful or objectionable acts or conduct: (1) that seriously threaten the ability of IPFW to maintain its facilities available for performance of its educational activities, or (2) that are in violation of the reasonable rules and standards of IPFW designed to protect the academic community from unlawful conduct, or (3) that present a serious threat to person or property of the academic community. Such phrases shall include, without limitation of the foregoing general definition, the unlawful use of force or violence on or within any buildings or grounds owned, used, occupied, or controlled by IPFW; using or occupying any such buildings or grounds in violation of lawful rules or regulations of IPFW, or for the purpose or with the effect of denying or interfering with the lawful use thereof by others; and injuring or harming any person or damaging or destroying the property of IPFW or the property of others, within such buildings and grounds.

C. Other Student Conduct Issues

1. *Demonstrations.* Any individual or group activity or conduct apparently intended to call attention to the participants' point of view on some issues is not of itself misconduct. Demonstrations that do not involve conduct beyond the scope of constitutionally protected rights of free speech and assembly are, of course, permissible. However, conduct that is otherwise improper cannot be justified merely because it occurs in the context of a demonstration.
2. *Misconduct Subject to Other Penalties.* As provided by Indiana statute, misconduct that constitutes a violation of these rules and regulations may be ~~punished~~ sanctioned after determination of ~~guilt~~ responsibility by the procedures herein provided without regard to whether such misconduct also constitutes an offense under the criminal laws of any state or of the United States or whether such conduct might result in civil liability of the violator to other persons.
3. *Personal Conduct Not on IPFW Property.* IPFW may ~~discipline~~ find a student responsible for acts of personal misconduct that are not committed on campus property or in connection with an IPFW activity if the acts distinctly and adversely affect the security of the campus community, the safety of others, or the integrity of the educational process.
4. ~~*Status During Disciplinary Proceedings.* Except where summary action is taken as provided in Part III C, the status of a student charged with misconduct shall not be affected, pending the final disposition of charges. The effective date of any disciplinary penalty shall be a date established by the final adjudicating body (dean of students or the Campus Appeals Board). In case of suspension or expulsion, the student shall not be withdrawn any earlier than the date the notice of charges originated or later than the effective date established by the final adjudicating body.~~

Part III. Student Complaint Procedures

- A. Students having complaints concerning actions or decisions of faculty or staff members which are claimed to violate rights established under Part I.A.3 or Part I.A.4 of the Code, by using the Purdue University Procedures for Resolving Complaints of Discrimination and Harassment.
- B. Students having complaints concerning actions or decisions which are claimed to violate other rights established under Part I of the Code must first make a reasonable effort to resolve the complaints informally with the faculty/staff member whose action or decision is the basis for the complaint. The effort to resolve the complaint informally with the faculty/staff member must be initiated by the student in a documented manner within 21 days ~~no later than the fourth week of the fall or spring semester immediately following the session in which the action or decision occurred.~~ The documentation only needs to be dated and indicate that the student has made a good faith effort at initiating the conversation with the responsible faculty/staff member. For a complaint to continue to receive consideration under these procedures, the student must initiate each successive step in the process within 1 calendar days of conclusion of the previous step. In addition, it is expected that each step in the process will be concluded within 21 calendar days of initiation.
- C. If the complaint is not resolved informally between the student and the responsible faculty or staff member, the student may pursue the complaint informally with the faculty or staff member's department head who shall investigate, mediate, and suggest a resolution.
- D. If the complaint remains unresolved after the department head's attempt to mediate a resolution, the student may continue to pursue the complaint with the head of the next highest administrative level, e.g., the college/school/division dean/director, who shall investigate, mediate, and suggest a resolution.
- E. Only after all such remedies have been exhausted may the student request a hearing before the Campus Appeals Board. To request a hearing before the Campus Appeals Board the student must file a complaint with the dean of students. The complaint must describe the action or decision claimed to violate established rights, identify the right(s) claimed to have been violated, and specify the remedy sought. The dean shall direct properly received complaints to the chair of the Campus Appeal Board. The Campus Appeals Board shall have the authority and duty to reach findings and to convey recommendations to the chancellor of IPFW. See Part V of the Code for information about the Campus Appeals Board.

Part IVII. Student ~~Disciplinary~~ Misconduct Procedures

Preamble. IPFW procedures for imposing academic and ~~disciplinary~~ personal misconduct sanctions are designed to provide students with the guarantees of due process and procedural fairness. Except as provided in Part IV, the procedures hereby established shall be followed in all cases in which IPFW institutes ~~disciplinary~~ proceedings against students for violations of rules of student conduct set forth in Part II.

A. ~~Disciplinary~~ Procedures for Academic Misconduct

1. The process for investigating ~~disciplinary~~ complaints of academic misconduct may vary depending upon the situation. An essential component of any ~~disciplinary~~ misconduct process should incorporate the ideals of due process. As such, a student whose conduct is being reviewed should know the nature of the information presented against them and be able to have a meaningful opportunity to be heard. Therefore, throughout Part III, Section A, of the herein Code, whenever there is a requirement for the student to have an “opportunity to be heard,” the minimum standard for that meaningful opportunity will include all of the following:
 - notice of the nature of the alleged misconduct
 - notice of the date, time, location, and general procedure of the review of the allegation
 - notice of the potential outcomes of the review
 - opportunity to address the information supporting the allegation
2. When a student in a course commits an act of academic misconduct related to that particular course, the faculty member teaching the course has the authority to initiate academic misconduct proceedings against the student in accordance with these procedures.
 - a. A faculty member who has information that a student enrolled in a course being conducted by the faculty member has committed an act of academic misconduct related to that course is required to hold a conference with the student concerning the matter within ~~seven calendar~~ 10 business days of discovering the alleged misconduct. The faculty member must advise the student of the alleged act of misconduct and afford the student the opportunity to address the information supporting the allegation.
 - b. If the faculty member finds that the student did commit the act of misconduct as alleged, the faculty member is authorized to impose an appropriate academic sanction related to the particular course involved. An

appropriate academic sanction for such misconduct may include, and is limited to, one or more of the following:

- (1) The student may be given a lower grade than the student would otherwise have received or a failing grade for any assignment, course work, examination, or paper involved in the act of misconduct.
 - (2) The student may be required to repeat the assignment, complete some additional assignment, or resubmit any assignment, course work, examination, or paper involved in the act of misconduct.
 - (3) The student may be given a lower grade than the student would otherwise have received or a failing grade for the course.
- c. After imposing an academic sanction, the faculty member is required to report the matter and action taken within ~~seven calendar~~ 10 business days in writing to the student, the chair of the department in which the course is offered, the dean/director of the college/school/division in which the course is offered, the chair of the student's department, the dean/director of the student's college/school/division, and the dean of students.
- d. The student has the right to appeal the faculty member's findings and/or sanction through the procedures specified in Part IV of this Code.
- e. The chair of the student's department has the authority to initiate additional academic sanctions against the student if the chair concludes, in consultation with the dean of students, that additional sanctions may be warranted by the nature of the act or because the student has committed previous acts of academic misconduct. The chair must notify the student in writing within ~~seven calendar~~ 10 business days of the date of the faculty member's report if additional sanctions are contemplated at the department level. If additional sanctions are contemplated the student shall be provided an opportunity to be heard in accordance with the standards articulated in the opening paragraph of Part III, Section A.

The chair must report the decision, including any sanctions imposed, in writing to the student, the college/school/division dean/director, and the dean of students within 10 ~~calendar~~ business days of the student's opportunity to be heard.

Sanctions imposed at the department level may include academic probation, denial of future admission, or dismissal from the department. The student may appeal the chair's decision (including sanctions) through the procedures specified in Part IV of this Code.

- f. The dean/director of the student's college/school/division also has the authority to initiate additional academic sanctions against the student if the dean/director concludes, in consultation with the dean of students, that additional sanctions may be warranted by the nature of the act or because the

student has committed previous acts of academic misconduct. The dean/director must notify the student in writing within ~~seven calendar~~10 business days of the date of the chair's report if additional sanctions are contemplated at the college/school/division level. If additional sanctions are contemplated, the student shall be provided an opportunity to be heard in accordance with the standards articulated in the opening paragraph of Part III, Section A.

The dean/director must report the decision, including any sanctions imposed, in writing to the student, the chair, and the dean of students within 10 ~~calendar~~ business days of the student's opportunity to be heard.

Sanctions imposed at the college/school/division level may include academic probation, denial of future admission, or dismissal from the college/school/division. The student may appeal the dean's/director's decision (including sanctions) through the procedures specified in Part IV of this Code.

2. When a student is alleged to have committed an act of academic misconduct that is not related to a course in which the student is enrolled, the chair of the student's department has the authority to initiate a review of the allegation.

a. After discovering the alleged academic misconduct, the Chair must notify the Dean of Students and the student in writing within 10 business days if action is contemplated at the department level: provide the student an opportunity to be heard, pursuant to Part III Section A. ~~The chair must notify the student in writing within seven calendar 10 business days of discovering the alleged misconduct if, in consultation with the dean of students, disciplinary action is contemplated at the department level. If disciplinary action is contemplated the student shall be provided an opportunity to be heard in accordance with the standards articulated in the opening paragraph of Part III, Section A.~~

The chair must report the decision, including any sanctions imposed, in writing to the student, the student's college/school/division dean/director, and the dean of students within 10 ~~calendar~~ business days of the student's opportunity to be heard.

Sanctions imposed at the department level may include, and are limited to, one or more of the following: academic probation, denial of future admission, or dismissal from the department. The student may appeal the chair's decision (including sanctions) through the procedures specified in Part IV of this Code.

b. Similarly, The dean/director of the student's college/school/division has the authority to initiate additional academic sanctions against the student if the dean/director concludes that additional sanctions may be warranted by the nature of the act or because the student has committed previous acts of academic misconduct in accordance with the procedures above. ~~The~~

~~dean/director must notify the student in writing within seven calendar~~
~~business days of the date of the chair's report if, in consultation with the~~
~~dean of students, additional sanctions are contemplated at the~~
~~college/school/division level. If additional sanctions are contemplated, the~~
~~student shall be provided an opportunity to be heard in accordance with~~
~~the standards articulated in the opening paragraph of Part III, Section A.~~

The dean/director must report the decision, including any sanctions imposed, in writing to the student, the chair, and the dean of students within 10 ~~calendar~~ business days of the student's opportunity to be heard.

Sanctions imposed at the college/school/division level may include, and are limited to, one or more of the following: academic probation, denial of future admission, or dismissal from the college/school/division. The student may appeal the dean's/director's decision (including sanctions) through the procedures specified in Part IV of this Code.

3. A student may not be placed on disciplinary probation or suspended or expelled from IPFW because of an act of academic misconduct unless the dean of students concludes that such a sanction is justified by the nature of the act or because the student has committed previous acts of misconduct. If the dean of students concludes that additional disciplinary sanctions are warranted, the proceedings will be governed by the same procedures that apply to acts of personal misconduct (Part III-B).

B. ~~Disciplinary~~ Procedures for Personal Misconduct

Any member of the IPFW community may initiate a complaint with the dean of students. ~~Disciplinary~~ Misconduct proceedings are ~~those proceedings~~ initiated by the issuance of a notice of charges and are governed by the following procedures.

1. Notice of Charges

- a. A disciplinary proceeding is initiated by the dean of students by sending a notice to the student who is the subject of the complaint. If disciplinary proceedings are initiated against a student under the age of 18, the dean is required to make reasonable efforts to assure that the parent(s) or, when appropriate, the legal guardian of the student is notified concerning the proceedings and the nature of the complaint.
- b. The notice shall be sent by ~~certified mail~~ IPFW email to the student's address as it appears in the official records of IPFW or shall be delivered personally to the student. The notice shall quote the rule claimed to have been violated and shall fairly inform the student of the reported circumstances of the alleged misconduct. The notice shall require the student to appear in the office of the dean of students at a time and on a date specified (which ordinarily will not be earlier than three calendar days

after the mailing of the notice) for a hearing on the alleged violations. A copy of these regulations ~~shall accompany each notice of charges~~ can be found on the web page:
<http://bulletin.ipfw.edu/content.php?catoid=38&navoid=1019>.

c. The notice shall inform the student of the following:

- (1) The offense the student is alleged to have committed by citing the relevant section of these regulations;
- (2) The date, time, and place of the alleged offense, and other relevant circumstances;
- (3) The date, time, and place of the hearing to discuss the alleged violation;
- (4) That the student may have an advisor or other counsel present during the hearing; that an advisor or counsel is limited to the role of advising the student; and that an advisor or counsel may not participate in presenting the case, questioning the witnesses, or making statements during the hearing;
- (5) That the student need not answer questions and that a choice to remain silent will not be taken as an admission of ~~guilt~~ responsibility, nor shall it be detrimental to the student's position;
- (6) That, if the student fails to appear for the hearing, the dean of students may (a) reschedule the conference; (b) dismiss the charges; or (c) if the dean reasonably believes the failure to appear to be inexcusable, impose any of the prescribed ~~disciplinary penalties~~ sanctions.

2. Hearing

- a. When the student appears as required, the dean of students shall inform the student as fully as possible of the facts concerning the alleged misconduct and of the procedures that follow. The student may, but need not, make responses and explanations.
- b. If, after discussion and such further investigation as may be necessary, the dean of students determines that the violation alleged is not supported by the ~~evidence~~ information, the dean shall dismiss the accusation and notify the student.
- c. If, after discussion, or if the student fails to appear, the dean of students believes that the violation occurred as alleged, the dean shall so notify the student and shall impose a ~~disciplinary~~ sanction by means of a written notice. The student, by such notice, shall have the option of accepting the

~~finding and sanction~~ or appealing the finding and/or sanction through the procedures specified in Part V of this Code.

- d. Both the student and the student's accuser shall be informed of the outcome of any hearing brought alleging any form of physical violence, ~~violence,~~ threat, or harassment. ~~a sexual assault.~~

3. ~~Disciplinary~~ Personal Misconduct Sanctions

The dean of students is authorized to impose a sanction including, and limited to, one or more of the following:

- a. *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.
- b. *Disciplinary Probation.* A student may be placed on ~~disciplinary~~ probation for a specified period 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 IPFW. As a condition of probation, the student may be required to participate in a specific program, such as 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.
- c. *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.
- d. *Participation in a Specific Program.* A student may be required to participate in a specific program, such as an alcohol-education program. If the student fails to participate in the program as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
- e. *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.
- f. *Suspension.* A student may be suspended from classes and future enrollment and excluded from participation in all aspects of campus life for a specified period of time.
- g. *Expulsion.* A student may be permanently dismissed from IPFW.

C. Summary Action

Summary action by way of temporary suspension and exclusion from IPFW property may be taken against a student without the issuance of a notice of charges and without the procedures prescribed in Part III-B or Part IV on the following conditions: Summary action shall be taken only by the chancellor or the chancellor's designee, and only after the student shall have been given an opportunity to be heard if such procedure is practical and feasible under the circumstances. Summary action shall be taken only if the chancellor or the chancellor's designee is satisfied that the continued presence of the student on IPFW property threatens imminent harm to the student or to any other persons or to the property of IPFW or of others, or to the stability and continuance of normal university functions. Whenever summary action is taken under this provision, the procedures provided for in Part III-B for hearing and appeal or the procedures provided for in Part IV shall be expedited so far as possible in order to shorten the period of summary action.

D. Time Limitations

Time limitations specified in the preceding sections of this code may be extended by either the dean of students or the Campus Appeals Board for a reasonable period if an extension is justified by good cause under the totality of the circumstances. The documentation for extending the time limitations must be provided to the student.

E. Status During Conduct Proceedings. Except where summary action is taken as provided in Part III-C, the status of a student charged with misconduct shall not be affected, pending the final disposition of charges. The effective date of any disciplinary penalty shall be a date established by the final adjudicating body (dean of students or the Campus Appeals Board). In case of suspension or expulsion, the student shall not be withdrawn any earlier than the date the notice of charges originated or later than the effective date established by the final adjudicating body.

Part V. ~~Campus Appeals Board~~ Petition for Hearing

A. Preamble

Students wishing to appeal any decision by a university official or body shall use this petition process.

B. Types of Appeals

The Campus Appeals Board may hear the following types of appeals from students: appeals of misconduct findings and sanctions imposed by the dean of students, including findings and sanctions concerning student organizations; appeals of academic misconduct findings imposed by faculty members, department chairs, or academic deans or division directors; appeals of IPSGA Judicial Court rulings; and appeals of faculty/staff decisions claimed to violate established student rights (per Part IV). Extension to any time limits specified below must be approved by the Chair of the Board.

C. Criteria for Appeal

Appeals may only be requested for one or more of the following reasons:

1. Failure to follow an established policy or procedure
2. The assigned sanction is unduly harsh or arbitrary
3. New information has become available since the conclusion of the process
- 4 Bias has been exhibited through the process

The purpose of an appeal is not a simple rehearing of the original matter.

CD. Filing the Petition.

Students who wish to request CAB action shall submit a written appeal to the dean of students within ~~ten~~10 business days of the date of the disciplinary sanction letter or within ~~twenty~~10 business ~~calendar~~ days of the conclusion of the previous step in the appeal process, as applicable. The dean shall in turn forward properly-filed appeals to the Chair of the Board.

To be properly filed, the appeal must be submitted within the established time limits, ~~signed and dated by the student~~, identify the action or decision being appealed, name the party whose decision or action is being appealed, and identify one or more of the criteria identified in the Criteria for Appeal, ~~list witnesses,~~.

E. Investigation of Appeals

Within ~~ten~~10 business days of the Chair's receipt of the appeal, the Chair will assign a Board member or alternate who is a faculty member or administrator to investigate the appeal and notify the party named that an appeal has been filed. Notification will include a copy of the appeal and the

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identity of the student who filed the appeal. The party whose action or decision is being appealed will be requested to respond in writing within ten business days from the date of notification. To protect both the student and the named party CAB appeals will be treated with the greatest degree of confidentiality possible.

DF.

As soon as practicable following appointment, the investigator will interview the student who filed the appeal. The student may have an advisor or legal counsel (at their own expense) present at meetings with the investigator. However, the advisor or counsel may not stand in place of the student or otherwise participate in the investigation process.

Within ~~ten~~ 10 business days following completion of the interview with the student, the investigator will notify the Chair as to whether or not the allegations set forth in the appeal, if substantiated, would constitute a violation of established rights. If the investigator's notification indicates such allegations, if substantiated, would not constitute a violation of established rights, the Chair may dismiss the appeal, and the decision shall be final. The Chair shall provide the student and named party with written notice of such dismissal. In all other cases, the investigator will conduct a thorough fact-finding investigation, and will meet separately with the student and named party, interview pertinent witnesses, and review relevant documents regarding the appeal. The investigation shall be completed within 21 calendar days following the assignment of the appeal to the investigator.

Within 10 business days following conclusion of the investigation, the investigator will prepare and deliver a report to the Chair, the student filing the appeal, and the named party. The report will include a finding based upon a preponderance of information that the appeal shall be upheld or denied. The 'preponderance of information' standard requires that the information supporting the finding is more convincing than the information offered in opposition to it. The report will include the basis upon which the investigator reached the finding and recommendation for remedy, if any.

G. Composition

The Campus Appeals Board (CAB) shall consist of nine members selected in the following manner: Four students appointed by the president of Indiana-Purdue Student Government Association subject to confirmation by the IPSGA Senate; three faculty members elected by the IPFW Senate; and two administrative staff members appointed by the chancellor, one of whom shall be designated as chair of the Campus Appeals Board. An equal number of alternates from each constituent group shall be appointed at the same time and in the same manner as the regular members. From the members and alternates, the chair shall designate a hearing panel consisting of a minimum of three members including at least one student. A minimum of three panel members including at least one student is required for quorum.

BH. Terms of Office

The term of office for student members and their alternates shall be one year, and for the faculty and administrative members, it shall be two years, except that members shall continue to have jurisdiction of any case under consideration at the expiration of their term. The terms of office for all members shall begin at the start of the fall semester. No member shall serve more than two consecutive terms. If any appointing authority fails to make the initial appointments to the Campus

Appeals Board, or to fill any vacancy on the panel of alternates within seven calendar days after being notified to do so by the chancellor, or if at any time the Campus Appeals Board cannot function because of the refusal of any member or members to serve, the chancellor may make appointments, fill vacancies, or take such other action as deemed necessary to constitute a Campus Appeals Board.

I. Determination

Within ~~ten~~ 10 business days of receipt of the investigator's report, the Chair will convene a meeting of the CAB hearing panel. The student and the named party will be notified of the date, time, and location of the meeting. Prior to the meeting the student, named party, and panel members shall be furnished with a copy of the investigator's report and copies of the appeal and response. The student may have an advisor or legal counsel (at their own expense) present at the meeting. However, the advisor or counsel may not stand in place of the student or otherwise participate in the hearing process. At the meeting the panel will be afforded the opportunity to ask questions of the investigator. The student who filed the appeal and the named party will be afforded the opportunity to make a brief statement to the panel, after which the panel members may ask questions. The panel shall meet separately with the student and the named party.

Within 10 business days following the final meeting with the panel, the Chair shall render the written recommendation of the hearing panel and include a brief explanation of the recommendation setting forth the findings upon which the recommendation is based. The Chair shall furnish copies of the recommendation to the Chancellor, the student who filed the appeal, the party whose decision is being appealed, and to others within IPFW with a need to know as determined by the panel. The Chancellor shall render a written and final decision within 10 business days of receiving the panel's recommendation.

Part VII. Authority, Application, and Amendments

A. Authority

As provided in the Indiana University-Purdue University Fort Wayne Management and Academic Mission Agreement, "Purdue University shall be responsible for all policies related to student matters. IPFW student rights, responsibilities, and standards of conduct will be established by campus administrators in consultation with the student and faculty government organizations and with the IPFW Community Advisory Council and shall be consistent with the principles established by Purdue and Indiana universities."

B. Application

These regulations, as from time to time amended, shall apply to all undergraduate and graduate students with either Indiana or Purdue University affiliation while enrolled at IPFW and shall be deemed a part of the terms and conditions of admission and enrollment at IPFW. In case of any conflict or inconsistencies with any other rules, regulations, directives, or policies now existing, these regulations shall govern. They shall be enforced by the chancellor of IPFW.

C. Amendments

These regulations, and any amendments hereto, shall remain in effect until rescinded or modified by the Community Advisory Council subject to approval by the President of Purdue University. Amendments may be proposed by the Indiana-Purdue Student Government Association, IPFW Senate, administrative officials, or the Board of Trustees and shall be submitted to the Indiana-Purdue Student Government Association and IPFW Senate, for consideration and recommendation before adoption by the Community Advisory Council and approval by the President of Purdue University. In the event the Community Advisory Council adopts an amendment not approved by the Indiana-Purdue Student Government Association and IPFW Senate, either the Indiana-Purdue Student Government Association or IPFW Senate may withdraw its endorsement of the rights and responsibilities in whole or in part.