

MEMORANDUM

TO: Fort Wayne Senate
FROM: Steven A. Hanke, Chair of the Education Policy Committee
DATE: 2/26/2021
SUBJ: Endorsement and Revision of Student Code of Rights, Responsibilities and Conduct

WHEREAS, Part VI. C. 1. Amendments, of the Student Code of Rights, Responsibilities and Conduct (hereinafter Code) states that any proposed amendments to the Code shall be submitted to the Faculty Senate for review and comment before adoption; and

WHEREAS, a presentation of the revised Code was made to the EPC given that Procedures for Academic Misconduct is part of the Code; and

WHEREAS, the Student Affairs Committee agrees with the revised Code; and

WHEREAS, the Purdue University Deputy General Counsel, Trent Klingerman, reviewed the revised Code and has no further suggested changes; and

WHEREAS, the Student Senate, of the Student Government Association, unanimously ruled in favor of the revised Code;

BE IT RESOLVED, That the attached revised Code be approved by the Senate; and

BE IT RESOLVED, That the attached revised Code officially replace the old Student Code resolution (SR 89-28, as revised and amended).

Code of Student Rights, Responsibilities, and Conduct Part I. Student Rights and Responsibilities

University Principles

As Purdue University Fort Wayne faculty, staff, and administrators, we have an obligation to uphold the university's statements of diversity, civility, integral and ethical conduct, academic freedom, and the freedom of speech. Read the university principles at pfw.edu/about/statements.

Purdue University Fort Wayne Bill Of Student Rights

Preamble

Purdue University Fort Wayne regulations governing the actions of students are intended to enhance the values that must be maintained in the pursuit of Purdue Fort Wayne'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 university rules, regulations, policies, and procedures. No right should be construed as enabling students to infringe upon the individual rights of another member of the academic community. **It is imperative that students become thoroughly familiar with this part of Student Regulations in order to avoid jeopardizing their relationships with the university and to fully understand their responsibility as citizens and members of the university community.**

A. Individual Rights and Responsibilities as Citizens

1. Students retain all of their citizenship rights when enrolled at Purdue University Fort Wayne.
- ~~2. Students who violate civil law may incur penalties prescribed by civil authorities. Only where university interests as an academic community are distinct from those of the general community should the special authority of the university be asserted.~~
- ~~3. Nondiscrimination. The university 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 www.purdue.edu/purdue/ea_eou_statement.html)~~

The university 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. The university 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. (see purdue.edu/policies/ethics)
4. All members of the university community must be able to pursue their goals, educational needs, and working lives without intimidation or injury generated by harassment **as defined in Purdue University's policy on Anti-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. This Policy addresses harassment in all forms, including harassment toward individuals for reasons of race, sex, religion, color,**

Comment [AB1]: Inserted

Comment [AB2]: Inserted

Comment [AB3]: Taken out per EPC. Not replaced.

Comment [AB4]: Taken out and replaced with green paragraph below. Per Office of Institutional Equity

age, national origin or ancestry, genetic information, disability, sexual orientation, gender identity, gender expression, marital status, parental status, or status as a veteran.

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 exchange of ideas, and enriches campus life.~~

~~The university 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.~~

~~The university 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 by the Purdue University Equal Opportunity, Equal Access, and Affirmative Action policy, 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. Purdue University Fort Wayne is an equal access, equal opportunity, affirmative action university.~~

6. ~~It is the policy of the university to maintain the campus as a place of work and study for faculty, staff, and students, free from all forms of harassment, as defined in Purdue University's policy on Anti Harassment (III.C.1) (hereinafter, the "Anti Harassment Policy"). 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.] This Policy addresses harassment in all forms, including harassment toward individuals for reasons of race, sex, religion, color, age, national origin or ancestry, genetic information, disability, sexual orientation, gender identity, gender expression, marital status, parental status, or status as a veteran.~~

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.~~

Academic Freedom and Freedom of Speech is the foundation of our academic community and requires an atmosphere of mutual respect among diverse persons, groups, and ideas. The policy of the university to promote such behavior in all forms of expression and conduct. The university reaffirms its commitment of freedom of speech as

Comment [AB5]: Added per Office of Institutional Equity

Comment [AB6]: Information added in above paragraphs. Combined for easier reading. Per Office of Institutional Equity

guaranteed by the First Amendment of the United States Constitution. Accordingly, any form of speech or expression that is protected by the First Amendment is not subject to this policy.

Comment [AB7]: Re-written per Office of Institutional Equity. Edited Green Paragraph below.

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. The university 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 the university,
 - 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 personal misconduct 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 university grade appeals procedure. [See 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, student housing, 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 university 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.

Comment [AB8]: Taken Out as this Code provide the basic rights, obligations and responsibilities. All student have access to this Code online and through the DOS Office.

8. Students have the privacy rights specified in the university policy on the release of student information. [See 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 university 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 a university student organization shall be entitled to the use of available campus facilities in conformity with university regulations. [See Regulations Governing the Use and Assignment of University Facilities at Purdue University Fort Wayne.] Recognition shall not imply university endorsement of group goals and activities.
4. Any recognized university 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 university 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 university community. Such assemblies shall be consistent with university 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 university activities.
7. Students who publish student publications under university 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 student publications 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 publication's governing body. All student publications shall explicitly state on the editorial page that the opinions expressed are not necessarily those of the university or of the student body. ~~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 the university or of the student body.~~

Comment [AB9]: The Communicator is no longer active.

D. Summary of Rights and Responsibilities

This statement of Student Rights and Responsibilities is a reaffirmation by the entire Purdue Fort Wayne 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, procedures, rules, and regulations of the university, 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.

~~Except in the case of grade appeals and appeals of Student Housing decisions, which are addressed further below in this paragraph, a complaint by a student or a group of students that the rights described in this Part I have been violated and that the student or group of students has been or will be adversely affected thereby shall be submitted and resolved in accordance with the procedures described in Part IV. In case of grade appeals, the individuals and committees designated in the university grade appeals procedure shall have final authority to decide the appeal. In the case of an appeal of Student Housing decisions, the individuals and committees designated in the Housing Agreement shall have final authority to decide the appeal. In the case of complaints of discrimination and harassment, the individuals and committees identified in the Purdue University Procedures for Resolving Complaints of Discrimination and Harassment shall have the authority designated in such procedures.~~

- ~~1. If the student has a question as to whether the university grade appeals procedures, Student Housing procedures, or the student complaint procedures described in Part IV should 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.~~

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 the university.

Comment [AB10]: Information given later on in the Code. Found in Campus Appeals Board Section.

E. Definitions

Advisor means any person selected by a student to assist them in a disciplinary proceeding. A student has the right to be assisted by an advisor, but the advisor is not permitted to speak or participate directly in any other manner during any disciplinary proceeding, nor may they appear in lieu of the student. Students are responsible for representing themselves. The advisor need not be an attorney, but the student is allowed to have an attorney serve as their advisor in the disciplinary proceeding, at their own expense, with the understanding that the attorney's role is as an advisor rather than as an advocate. It is the responsibility of the student to arrange for an advisor who is available at the time of the scheduled disciplinary proceeding. Postponement or

Comment [AB11]: Additional definitions added in green. Expanded section for transparency.

rescheduling of student disciplinary proceedings due to availability of an advisor will not be permitted.

Chancellor means the chief executive officer of the Purdue University Fort Wayne and Purdue Northwest regional campuses.

Conduct Officer means a staff member authorized by the Office of the Dean of Students to administer disciplinary proceedings and represent the university at the Conduct Review Board hearings.

Dean of Students means the dean of students or their designee.

Disciplinary proceeding means an administrative hearing conducted by a conduct officer or by a Conduct Review Board panel in the manner described in these regulations for the purpose of considering whether a violation has been committed and making a determination as to any related disciplinary sanction/decision to be imposed.

Disciplinary sanction/decision means expulsion, degree deferral, suspension, disciplinary probation, written warning, restriction(s), and/or educational sanctions, as these terms are defined herein as determined appropriate for the charge by the respective conduct officer.

In writing or written includes both printed and electronic communication. Most often, an email is sent to the student's university-issued email address as it appears in the official records with the university.

Obstruction or disruption of a university activity means any unlawful or objectionable act or conduct (1) that seriously threatens the ability of the university to maintain or use its facilities for the performance of its educational, research and engagement activities, functions, or processes; (2) that is in violation of the reasonable rules and standards of the university designed to protect the academic community from unlawful conduct; or (3) that presents a serious threat to person or property of the academic community. Such phrases shall include, without limitation of the foregoing general definition: (a) the unlawful use of force or violence on or within any buildings or grounds owned, used, occupied, or controlled by the university; (b) using or occupying any such buildings or grounds in violation of reasonable rules or regulations of the university, or for the purpose or with the effect of denying or interfering with the lawful use thereof by others; (c) injuring or harming any person or damaging or destroying the property of the University or the property of others within such buildings and grounds; (d) obstructing building entrances, walkways, and rights-of-way or otherwise obstructing vehicular or pedestrian traffic on or adjacent to campus; and (e) interfering with classes, meetings, events or ceremonies sanctioned or sponsored by the university or with other essential processes of the university.

Restriction means the withdrawal or limitation of privileges for a defined period of time. This may include but not limited to the ability to access or enter certain campus facilities, the ability to participate in co-curricular activities, the removal from Housing or the ability to hold positions in which one may represent the University in an official capacity.

Student means an individual who has been offered and accepted an offer of admission to Purdue University at the West Lafayette campus, a regional campus, or a Purdue Polytechnic Statewide location or who is otherwise enrolled or participating in any Purdue course or program of study at one of the campuses or locations. This definition includes individuals who withdraw after allegedly violating this code or who are registered for a future semester, even if not currently enrolled. In addition, persons who are living in Student Housing, although not enrolled in the institution, are also considered “students” for the purpose of enforcing this code.

Interim Suspension means an immediate disciplinary suspension and exclusion from university property imposed under certain circumstances, as more particularly described in Part III.C of these regulations.

University activity is any teaching, research, service, administrative, or other function, proceeding, ceremony, program, or activity conducted by or under the authority of Purdue University Fort Wayne or with which the university has any official connection, whether taking place on or off campus. Included within this definition without limitation are Purdue Fort Wayne cooperative education programs, internships, practicums, field experiences, and athletic or other intercollegiate activities.

University business day means any day other than Saturday, Sunday, and any day on which the university is closed, whether by virtue of its being a university holiday or otherwise.

University property means property owned, controlled, used, or occupied by Purdue University Fort Wayne.

Part II. Student Conduct Subject to University Action

Preamble

Students are expected and required to abide by the laws of the United States, the State of Indiana, and the rules, regulations, policies, and procedures of Purdue University Fort Wayne. Students are expected to exercise their freedom to learn with responsibility and to respect the general conditions that maintain such freedom. The university has developed the following general regulations concerning student conduct which are intended to safeguard the right of every individual student to exercise fully the freedom to learn without interference. The university may hold a student responsible for his or her behavior, including for 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 Purdue Fort Wayne, 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, including, but not limited to, sharing papers and assignments.
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 the university, academic departments should establish a written policy/statement addressing the professional or ethical standards for their discipline, which if developed, 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

The university may find a student responsible for the following acts of personal misconduct that occur on campus property or in connection with a university 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 university document, record, or identification; and giving to a university official information known to be false.
2. Release of access codes for university computer systems to unauthorized persons; use of an access code for a purpose other than that stated on the request for service.
3. Lewd, indecent, or obscene conduct as defined by law.
4. Disorderly or disruptive conduct that interferes with teaching, research, administration, or other university or university authorized activity.
5. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so, and violation of the terms of a sanction.
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 the university.
7. Unauthorized taking or possession of university property or services; unauthorized taking or possession of the property or services of others, including but not limited to selling or bartering notes/handouts/recordings from academic classes.
8. Intentional action or reckless disregard that results in damage to or destruction of university property or of property belonging to others.
9. Possession of firearms, fireworks, other explosives, or other weapons; possession or display of any firearm except as authorized by the university police; and intentional possession of a dangerous article or substance as a potential weapon, or of any article or explosive calculated to injure, intimidate, or threaten any person. Public law enforcement officials who are required by their departments to carry their firearms at all times must register with the university police.
10. Acting with violence; and aiding, encouraging, or participating in a riot.
11. Harassment, as defined by the 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 Anti Harassment Policy (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 (a) involves a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals or to cause damage to another person's property, or other conduct which threatens or endangers the health and safety of another person or another person's property, or (b) that is inherently likely to provoke a violent reaction or incite an immediate breach of the peace in a face-to-face situation.~~
15. ~~Possession, consumption, distribution, or sale of alcoholic beverages 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 prescription drugs used without proper authorization.~~
17. ~~Violations of other published university regulations, policies, procedures, or rules, such as the Tobacco and Smoke Free Campus policy.~~
18. ~~Violation of any rules governing student organizations, or the use of university property (including the time, place, and manner of meetings or demonstrations on university property), or of any other rule that is reasonably related to the orderly operation of the university, including, but not limited to, university solicitation policies~~
19. ~~Obstruction or disruption of any university 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 the university to maintain its facilities available for performance of its educational activities; or (2) that are in violation of the reasonable rules and standards of the university designed to protect the academic community from unlawful conduct; or (3) that present a serious threat to persons 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 Purdue University Fort Wayne; using or occupying any such buildings or grounds in violation of lawful rules, regulations, policies, or procedures of the university, 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 the university or the property of others, within such buildings and grounds.~~

1. Offenses Against Persons:

a. **Harassment:** Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to

Comment [AB12]: While not all of the charges have been changed, the new order and sections are pasted in green below.

maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Harassment, including Harassment toward individuals for reasons of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity and/or gender expression. (Anti-Harassment Policy, Interim III.C.1) Harassment is defined as: Conduct towards another person or identifiable group of persons that is so severe, pervasive or objectively offensive that it has the purpose or effect of:

1. Creating an intimidating or hostile educational environment, work environment or environment for participation in a University program or activity
2. Unreasonably interfering with a person's educational environment, work environment or environment for participation in a University program or activity
3. Unreasonably affecting a person's educational or work opportunities or participation in a University program or activity

Use of the term Harassment includes all forms of harassment, including Stalking, Racial Harassment and Sexual Harassment.

b. Hazing: Any mental or physical action, requirement, request of, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate, or team member) which could be harmful to the health, welfare, or academic progress of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws, or university policy. Individual acceptance of or consent to any activity covered by the foregoing definition in no way validates or excuses the activity

c. Harm, Threat or Endangerment: Conduct that causes or threatens physical harm to any person is prohibited, as is any reckless or unauthorized conduct that threatens, endangers or reasonably could threaten or endanger the health or safety of any person. Conduct covered under this rule also includes but is not limited to intimidation, coercion, or impairment of any person's freedom of movement as well as verbal or written threats of any action described above. This includes consideration of how a reasonable person similarly situated would perceive harm, threat, or endangerment.

d. Privacy Violation: Use of audio, video, or photographic devices to make an image or recording of an individual without that person's prior knowledge, or without that person's effective consent, when such image or recording is likely to cause injury or distress as determined by a reasonable person, and when there is a reasonable expectation of privacy. This includes, but is not limited to, secretly taking audio recordings, video recordings, or other images/pictures of another person in a private area such as a residence hall room, a public or private restroom, a dressing/locker room, or personal website.

e. **Sexual Misconduct:** Sexual misconduct is acts of Sexual Harassment or Sexual Violence as defined by the Anti-Harassment Policy, Interim (III.C.1), including: any act of Sexual Violence; any Act of Sexual Exploitation; any unwelcome sexual advance, request for sexual favors or other written, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in a University program or activity;
- Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education or participation in a University program or activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a University program or activity.

As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age.

f. **Stalking:** Stalking is any knowing or intentional course of conduct involving repeated or continued following, threatening or intimidating another person by telephone, mail, electronic communication, social media, in person, or by any other action, device or method when such conduct; that would cause a reasonable person to suffer substantial emotional distress or fear of bodily injury or death, or actually causes such person substantial emotional distress or fear of bodily injury or death.

g. **Title IX Harassment:** Title IX Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Title IX Harassment toward individuals for reasons of sex, sexual orientation, gender identity and/or gender expression, Title IX Harassment, Interim (III.C.4). Title IX Harassment is conduct on the basis of sex that is:

- A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. *quid pro quo*); or
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

Retaliation Prohibited: The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Harassment investigation, proceeding or hearing.

2. Offenses related to the Operation of the University:

- a. Aiding, Abetting, or Being in the Presence: Knowingly or willfully encouraging or assisting others to commit acts prohibited by this Code. Being in the knowing presence of others committing acts prohibited by this Code without removing yourself from the situation or reporting it to a university official will be deemed complicit with the act.
- b. Computer Misuse: Any behavior that is a violation of the Ethical Guidelines for Purdue University Fort Wayne Information Technology Users.
- c. Disorderly or Disruptive Conduct: Conduct that interferes, obstructs or disrupts the teaching and/or learning process in any campus classroom, building, or meeting area, or any university-sponsored activity, pedestrian or vehicular traffic, classes, lectures, or meetings; obstructing or restricting another person's freedom of movement; or inciting, aiding, or encouraging other persons to do so.
- d Failure to Comply: Failing to comply with verbal or written instructions of university officials acting in the performance of their duties and made within the scope of their authority or failing to identify oneself upon request of a university official.
- e. False Information: Intentionally submitting false information, verbally or in writing, to a university official or office.
- f. Fraudulent Use: Forgery, alteration, taking possession of, or the unauthorized use of university documents, records, keys, or identification without the consent or authorization of appropriate university officials.
- g. Student Housing Published Policies or Contract: Violating Student Housing rules, regulations, the Housing contract or it's amendments as necessary.
- h. Violation of the Law: Committing or attempting to commit any act that would be a violation of local, state, or federal law on or off university property, when such behavior is judged by the Dean of Students or designee to be detrimental to the university's educational process or objectives. (see Appendix A for policy requiring students to disclose a felony charge or conviction occurring after admission to the university.)
- i. Other Policy Violations: Violating any other published university policies not specifically a part of this Code.
- j. Student Athlete Regulations or Handbook: Violating Athletics' rules and regulations put forth in the Student-Athlete Code of Conduct
- k. Demonstrations: Any individual or group activity or conduct purposefully intended to call attention to the participants' point of view is not in itself misconduct. Demonstrations that do not involve behavior beyond the scope of constitutionally protected rights of free

speech and assembly are permissible. However, conduct that is otherwise improper cannot be justified merely because it occurs in the context of a demonstration.

l. Misconduct Subject to Other Penalties: As provided by Indiana statute, misconduct that constitutes a violation of this Code may be sanctioned after determination of responsibility under 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.

m. Personal Conduct Not on University Property. The university may find a student responsible for acts of personal misconduct that are not committed on campus property or in connection with an university 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, including, but not limited to, drug and alcohol violations or offenses against another person.

3. Offenses that compromise the Health/Safety/Welfare of Others

a. Alcohol:

- Possession of alcoholic beverage by any student, regardless of age, on campus property is prohibited.
- Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited.
- Providing alcoholic beverages to an individual who is under 21 years of age.
- Adverse behavior, such as public intoxication or public indecency, as a result of alcohol consumption and regardless of age is prohibited.
- The hosting of events (including but not limited to parties, "pre-gaming," "socials" etc.) where minors consume alcohol, alcohol is provided to minors, or alcohol is otherwise distributed in violation of local ordinances or state laws is prohibited.

b. Drugs:

- The use, abuse, possession, sale, distribution, manufacture, or transfer of narcotics, illegal drugs, as defined by state or federal law, or any controlled substance is prohibited at all times, except as expressly permitted by law.
- Possession or manufacture of drug paraphernalia which is to be used for any one of the following purposes:
 1. to introduce a drug, marijuana or any controlled substance into a person's body
 2. to test the strength, effectiveness or purity of a drug, marijuana or any controlled substance
 3. to enhance or is perceived to enhance, the physiological effect of a drug, marijuana or any controlled substance, is also a violation of this policy.

c. Weapons: The possession, use, or distribution of any explosives, guns, or other deadly or dangerous weapons reasonably calculated to cause bodily injury on university property or in connection with a university activity, unless specifically authorized by the university.

4. Offenses Against Property

a. Misuse of Property: Trespass, occupancy of, unauthorized entry into, possession of, or use of the property of another person, of the university, or of university services, facilities, or resources including, but not limited to, the university's name, seal, or insignia. This includes unauthorized use of wheeled vehicles (e.g., skateboards, "hoverboards," bicycles, etc.) inside of any building.

b. Theft: Attempted or actual theft, unauthorized use, or unauthorized possession of public property, university property, or personal property.

c. Vandalism: Attempted or actual vandalism, damage to, or destruction of public property, university property, or personal property.

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 this Code may be sanctioned after determination of responsibility under 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 University Property. The university may find a student responsible for acts of personal misconduct that are not committed on campus property or in connection with an university 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, including, but not limited to, drug and alcohol violations or offenses against another person.~~

Part III. Student Misconduct Procedures

Preamble

Purdue University Fort Wayne procedures for imposing academic and 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 Purdue Fort Wayne institutes proceedings against students for violations of rules of student conduct set forth in Part II.

Comment [AB13]: These are included in the new charges listed above.

General Procedures: Any individual (student, employee of the university, or other person) who believes a student or student organization may have committed a violation of the Code published above, may file an incident report or complaint report with one of the following offices:

- Office of the Dean of Students
- Office of Student Housing
- Office of Institutional Equity/Deputy Title IX Coordinators (Harassment, Title IX Harassment, sexual harassment and sexual misconduct)
- University Police Department (reports of crimes)

Student's Status During Conduct Proceedings: Except where interim suspension is used 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 sanction shall be a date established by the final adjudicating body (Dean of Students, the Conduct Review Board, or Vice Chancellor for Student Affairs). 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.

Good Neighbor Exception: Students are always encouraged and expected to call for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. When another person needs critical care or when a situation warrants emergency response, call 911 immediately. The Good Neighbor Exception provides students the opportunity for university conduct action to be waived for drug or alcohol policy violations if they risked revealing one's own violation of the Code of Student Rights, Responsibilities and Conduct in order to seek medical or other emergency assistance to another person in distress. The decision to provide the exception shall be the judgment of the designated conduct officer.

NOTE: The exception does not apply to criminal charges that might be incurred as a result of an offense.

A. Procedures for Academic Misconduct

When a student allegedly commits an act of academic misconduct, the faculty member teaching the course has the authority to initiate academic misconduct proceedings against the student in accordance with the following procedures.

Hold

Once a faculty member decides to initiate an academic misconduct proceeding against a student, the instructor shall inform the Chair/Director promptly to place an academic hold on the student's account in order to prevent the accused student from dropping or withdrawing from the course. If the student is found not responsible, the hold should be removed after the proceeding has concluded. If the student is found responsible, the hold shall be removed after the point which the student would have been able to drop or withdraw from the course.

Comment [AB14]: This was never an official part of the Code. Added for Transparency.

Comment [AB15]: Information added for transparency

Comment [AB16]: Information changed to reflect the Senate Document 20-9.

Academic Misconduct Conference

The faculty member of the course in which the student has allegedly violated the Code, is required to hold a conference with the student concerning the matter within 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. At minimum, the requirement for the student to have the opportunity to be heard must include 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

Any action that must be performed by faculty under these procedures may be performed by the faculty chair or next highest administrator.

The process for investigating complaints of academic misconduct may vary depending upon the situation. An essential component of any misconduct process should incorporate the requirements 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 this 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

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.

If a faculty member initiates academic misconduct proceedings, the faculty member must contact the registrar to place a hold on the student’s account. A student may not withdraw from a course during the pendency of these proceedings or to avoid any imposed sanction.

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 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. Any action that must be performed by faculty under these procedures may be performed by the faculty chair or next highest administrator.

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,

Comment [AB17]: Information not deleted or changed, instead re-organized for clarity in green sections above.

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.

Finding and Sanctions

If after the conference, 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 is limited to one or more of the following:

1. The student may be given a lower grade than the student would otherwise have earned 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 earned or a failing grade for the course.

After imposing an academic sanction, the faculty member is required to report the matter and action taken within 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 (if different from above), the dean/director of the student's college/school/division (if different from above), and the dean of students.

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.

Additional Sanctions from the Department

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 of the student's department must notify the student in writing within 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.

Comment [AB18]: Information not deleted. Re-organized for clarity in green below.

Comment [AB19]: Heading placed in sections for clarity. Previous numbering taken out. No Information changed.

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

Additional 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 about additional sanctions through the procedures specified in Part IV of this Code.

Additional Sanctions from the College/School/Division

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 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 any decision to initiate additional sanctions in writing to the student, the chair, and the dean of students within 10 business days of the student's opportunity to be heard.

Additional 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 about additional sanctions through the procedures specified in Part IV of this Code.

Procedures for Specialty/Other Cases of Academic Misconduct

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.

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 and provide the student an opportunity to be heard in accordance with the standards articulated in the opening sentence 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 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.

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 report any decision to initiate additional sanctions in writing to the student, the chair, and the dean of students within 10 business days of the student's opportunity to be heard.

Additional 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 about additional sanctions through the procedures specified in Part IV of this Code.

Sanction Restrictions

A student may not be placed on disciplinary probation, suspended, or expelled from the university 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) and may be commenced when notified of the outcome from the faculty member.

I. Appeals for Academic Misconduct

The Campus Appeals Board (CAB) may hear the following types of appeals from students:

1. appeals of academic misconduct findings imposed by faculty members, department chairs, or academic deans or division directors
2. appeals of SGA Judicial Court rulings
3. appeals of faculty/staff decisions claimed to violate student rights recognized in Part I of the Code. Extension to any time limits specified below must be approved by the chair of the board.

II. Campus Appeals Board

Composition. The Campus Appeals Board (CAB) shall consist of nine members selected in the following manner: four students appointed by the president of Purdue University Fort Wayne Student Government Association subject to confirmation by the SGA Senate; three faculty members elected by the Faculty 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.

Comment [AB20]: Section moved from different part of Code. No information changed within it.

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 its prescribed 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 the Campus Appeals Board with a full complement of members.

III. 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 shall not be simply to hold a rehearing of the original matter.

IV. Filing the Petition

Students who wish to request Campus Appeals Board action shall complete the online form within 10 business days of the date of the sanction letter or within 10 business 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 Campus Appeals Board.

To be properly filed, the appeal must be submitted within the established time limits, identify the action or decision being appealed, name the party whose decision or action is being appealed (sometimes referred to below as the “named party”), and identify one or more of the criteria identified in the Criteria for Appeal set forth above. If the above criteria are not met, the CAB chair shall dismiss the appeal.

V. Investigation of Appeals

Within 10 business days of the chair’s receipt of the appeal, the CAB 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 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 10 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.

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 the student’s 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 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 support the basis for the appeal and, if so, whether the action or decision being appealed would constitute a violation of one or more student rights recognized in Part I of the Code. If in such notification the investigator answers these inquiries in the negative, 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 10 business 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.

VI. Determination

Within 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 the student’s 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 the university 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.

VII. Student Complaint Procedures

The following student complaint procedures are designed to ensure that students have an identified and well-understood mechanism for registering and resolving complaints of the types described below.

A. Students having complaints concerning alleged violations of the Anti-Harassment Policy should use 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 recognized in 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 no later than within 21 calendar days 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 21 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.

If the complaint is not resolved informally between the student and the responsible faculty/ staff member, the student may pursue the complaint informally with the faculty/ staff member's department head, who shall investigate, mediate, and suggest a resolution.

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.

Only after all such remedies have been exhausted may the student petition for a hearing before the Campus Appeals Board. To petition for a hearing before the Campus Appeals Board, the student must complete the online form. The complaint must describe the action or decision claimed to violate one or more of the student rights recognized in Part I of the Code, 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. If necessary, the chancellor may present such recommendations to the university president and Board of Trustees for their consideration.

B. Procedures for Personal Misconduct

Any member of the university community may initiate a complaint of student personal misconduct with the dean of students. Misconduct proceedings are initiated by the issuance of a notice of charges and are governed by the following procedures.

1. **Notice of Charges**

- a. A personal misconduct proceeding is initiated by the dean of students by sending a notice to the student who is the subject of the complaint. If 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 email to the student's address as it appears in the official records of the university 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 business days after the emailing of the notice) for a hearing on the alleged violations. A copy of these procedures can be found on the webpage: catalog.pfw.edu, a link to which will be included in the email or other notice to the student.

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 this Code;
- (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, but with the understanding that such an advisor or counsel is limited to the role of advising the student and that such 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 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 sanctions set forth in Part III.B.3 below.

Comment [AB21]: Information not deleted.
Re-formatted in green below.

I. Notice of Charges

Personal misconduct proceedings are initiated by the Office of the Dean of Students by sending a notice to the student who is the subject of the complaint. If proceedings are initiated against a student under the age of 18, the Conduct Officer is required to make reasonable efforts to assure that the legal guardian of the student is notified concerning the proceedings and the nature of the complaint.

For each case, the Conduct Officer will determine whether:

1. An administrative conduct conference with the Conduct Officer should occur or
2. A hearing before the Conduct Review Board panel should occur.

The notice shall be sent by email to the student's address as it appears in the official records of the university. The notice shall quote the policy claimed to have been violated. The notice shall require the student to appear at a time and on a date specified (which ordinarily will not be earlier than three business days after the emailing of the notice) for a conduct conference on the alleged violations.

The notice shall inform the student of the following:

1. The offense that the student is alleged to have committed by citing the relevant section of this Code
2. The date, time, and place of the conduct conference to discuss the alleged violation
3. That the student may have an advisor or other counsel present during the hearing, but with the understanding that such an advisor or counsel is limited to the role of advising the student and that such an advisor or counsel may not participate in presenting the case, questioning the witnesses, or making statements during the hearing
4. That the student need not answer questions and that a choice to remain silent will not be taken as an admission of responsibility, nor shall it be detrimental to the student's position.

II. Failure to Respond to Charges

If the student fails or refuses to appear, an administrative hold will be placed on their account. The Conduct Officer may, after conducting such investigation as they may deem necessary, dismiss the charges or impose a disciplinary sanction and a decision as defined in these regulations.

If the Conduct Officer imposes a disciplinary sanction and a decision as defined in Part III.B.VII. of these regulations, they shall notify the student in writing of such action, and the student may appeal this action to the Dean of Students per the administrative conduct conference appeal procedure outlined below.

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 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 sanction by means of a written notice. The student, by such notice, shall have the option of accepting 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, threat, or harassment.~~

Comment [AB22]: Hearing information has been changed to Green text below.

III. Administrative Conduct Conference

The conduct conference is a meeting with a designated Student Conduct Officer at which time the accused student is made aware of university conduct procedures, the nature of the complaint,

alleged violations, and the range of sanctions possible for the type of offense of which they have been charged. Students will be sent notification of the conference at least three (3) business days in advance. The student is also given an opportunity to respond to the complaint at this conference. Based on the information available, the Student Conduct Officer may:

- a) dismiss some or all of the charges if determined that the violation alleged is not supported by the information
- b) continue an investigation into the complaint to determine if the allegations have merit
- c) Find the student responsible and impose sanction(s) by means of a written notice if the information supports the alleged violation.

The student is also informed of their options in adjudicating the violation(s), including one of the following:

- a) To take responsibility for the violation. The designated Conduct Officer conducting the preliminary meeting may choose to refer the determination of sanctions to another administrator or to the conduct review board if the level of offense warrants more serious sanctions.
- b) To not take responsibility for the violation.
 - a. In the case of minor offenses, the designated staff person may choose to hear the case administratively or to refer the case to another administrative hearing officer or conduct review board.
 - b. Cases that are complicated in nature and scope, or where the violations may result in removal from Housing, suspension, or expulsion are referred to the Conduct Review Board.

Comment [AB23]: An Administrative conduct conference is part of DOS's current process.

Comment [AB24]: The Conduct Review Board is the new addition to the proposed Code.

Administrative Conduct Conference Appeal Information: The student may appeal the result (finding and sanctions) of an administrative hearing decision to the next level administrator. The student has five (5) business days from the date of the decision letter in which to submit an appeal. It is the student's responsibility to ensure that the appeal notice is received by the appropriate appeal officer by the specified due date. Disciplinary decisions not properly appealed by such date are deemed final.

A student may appeal based on the following reasons:

1. There is significant new information related to the case that was not available at the time of the conduct conference with the Conduct Officer that would alter the finding and/or sanction(s) assigned in the case. The new information must be detailed in an appeal letter with an explanation of why the information was not available at the time of the individual hearing with the Conduct Officer. A student who fails to appear for his/her initial conduct conference after the sanction notice has been sent to their University-issued email address will be deemed to have waived the right to present witnesses and relevant information in the student's own behalf and thus precluded from presenting "significant new information" for an appeal.

2. There is evidence that the University failed to follow established procedures outlined in this Code.

3. The assigned sanction of disciplinary probation, suspension, expulsion, degree deferral, or restrictions, is grossly disproportionate to the violation. Assigned sanctions of a written warning and/or educational sanctions such as apology letters, reflection papers, and community service may not be appealed.

IV. Conduct Review Board

The Conduct Review Board hears conduct cases referred to it by the Dean of Students or designated Conduct Officer. Cases heard by the Conduct Review Board (CRB) typically involve behavior that potentially warrants removal from housing, suspension or expulsion. Additionally, the Dean of Students or designated Conduct Officer may refer other student cases to a CRB hearing.

- a) *Student Membership.* Students are typically recruited and selected by Office of the Dean of Students during the fall semester. Student members must participate in an initial orientation before they are eligible to serve as panelists in a hearing. Student members are expected to serve through one academic year (Fall to Spring). A student member may stay a panelist for unlimited number of terms.
- b) *Faculty and Professional Staff Membership.* The Senate will elect faculty representatives. Staff employees shall be selected by the Office of the Dean of Students. These members must participate in an initial orientation before they are eligible to serve as panelists in a hearing. Faculty and staff employees are expected to serve a term for one calendar year (Fall to Summer). Additionally, they may serve for unlimited number of terms.
- c) *Quorum.* To conduct a hearing for a student conduct case, a hearing panel composed of at least three but no more than five members of the CRB, including both faculty/staff and student representation.
- d) *Hearing Chairperson.* The hearing shall be chaired by one member of the hearing panel designated in advance by the Office of The Dean of Students. The chairperson shall be a voting member of the Board. The Dean of Students, a Conduct Officer or designee will be present at all hearings as a non-voting Board Advisor to the hearing panel.
- e) *Hearings during Summer Session and Breaks.* To ensure the functioning of the hearing panel during summer terms and at other times when regular classes are not in session, the Dean or designee may convene a CRB hearing with a minimum of three panelists chosen from the pool of the Conduct Review Board members who are available. Should a minimum of three panelists be unavailable from the CRB pool, the Dean of Students, Conduct Officer, or designee may select unappointed or unconfirmed faculty, professional employees, or students to serve.

Comment [AB25]: New Option for the Conduct Process. Reasons for this addition:

- Balance the decision-making power from just 1 conduct hearing officer to a board made up of students, staff and faculty.
- Students will feel that a group decision was made regarding their future instead of 1 person.
- A type of Conduct Board is typical at the majority of colleges and universities. PFW has been behind in adding this to its processes.

- f) *Cases That Do Not Warrant Suspension.* The Dean of Students or designated Conduct Officer may refer cases that do not warrant suspension or expulsion to CRB hearings. These cases may be complex in nature.

V. Procedures for Conduct Review Board Hearings

Procedures for disciplinary cases resolved by a hearing shall be as follows:

- a) *Written Notice of Hearing.* In cases where removal from housing, suspension or expulsion is under consideration, the accused student shall be notified by the Conduct Officer or designee in writing of the date, time, and place of the hearing at least five (5) business days before the hearing. This notice shall also include a statement of the allegations of policy violations and information about the hearing process.
- b) *Pre-Hearing Information Session.* The Dean of Students or designated Conduct Officer will meet informally with the student prior to the hearing to explain the disciplinary process and to answer questions about the procedures and possible consequences. The pre-hearing information session may be held either before or after a notice of charges is formally delivered to the student.
- c) *Absence of the Accused Student.* Accused students may choose not to attend the hearing and may instead submit a written presentation of their case at least one (1) business day before the hearing. The hearing may proceed in the absence of the accused. By such absence, accused students forfeit their right to question witnesses and the Conduct Officer.
- d) *Witnesses.* The accused student, and the designated Conduct Officer may invite persons who have information relevant to the alleged violation to present testimony at the hearing; however, the chairperson of the Board may limit the number of witnesses to avoid repetition and cumulative testimony. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Office of the Dean of Students a minimum of two (2) business days before the hearing. Each party shall be responsible for ensuring the presence of their witnesses at the hearing or delivery of a written or recorded statement in lieu of personal testimony. Witnesses invited by either party shall be present only while they are testifying. Character witnesses may not provide testimony directly to the Board but may provide written statements to be considered only if a student is found responsible. Character witness statements will be considered for sanctioning purposes only.
- e) *Student Assistance.* The accused student may be accompanied and assisted at the hearing by an advisor of their choice. Students must provide the name of their advisor to the Office of the Dean of Students at least one business day before the hearing. At no time may the advisor participate directly in the hearing proceedings. They may only consult and speak with the student they are supporting. If the advisor does not comply with this directive, they may be asked to remove themselves from the proceedings.

Comment [AB26]: Information laid out for transparency for all parties involved in the conduct process.

- f) *Recusals and Challenges.* Board members may recuse themselves if they have a conflict of interest with the case, with the accused student, or when the Board member believes a personal bias makes it impossible to render a fair decision. The accused student may challenge a Board member on the grounds of conflict of interest or personal bias.
- g) *Conduct of the Hearing.* The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. The chairperson may limit questioning deemed to be irrelevant, immaterial, and unduly repetitious. The hearing and the deliberations of the Board shall be private. Decisions of the Board shall be made by majority vote.
- h) *Record of the Hearing.* There shall be a single verbatim record, such as an audio recording, of all Conduct Review Board hearings. The Board's deliberations shall not be recorded. No other recording shall be made. The accused student may review the recording in the Office of the Dean of Students upon request, for any reason. The recording shall be the property of Purdue University Fort Wayne and shall be maintained by the Office of the Dean of Students until the conclusion of all appeal proceedings, until the appeal deadline has surpassed, or as required by law.
- i) *Additional Rules:* Procedural rules not inconsistent with this process may be established by the Board from time to time to fulfill its functions in an orderly manner.

VI. The Conduct Review Board Decision

The Board shall submit its recommendations regarding responsibility and sanction, if applicable, to the referring Conduct Officer who shall

- a. Accept the recommendation and impose the recommended sanctions.
- b. Refer the case back to the Hearing Board with a written request to reconsider its recommendations, giving specific reasons for doing so.
- c. Modify the Board's decision: only lesser sanctions may be imposed.

Personal Misconduct Sanctions

- ~~1. The dean of students is authorized to impose a sanction including, and limited to, one or more of the following:~~

VII. Range of Sanctions

Office of the Dean of Students Conduct Officers or the Conduct Review Board panel may impose any of the sanctions listed below and one or more of the following sanctions when a student is found responsible for violations of the Purdue University Fort Wayne's Code of Student Rights, Responsibilities, and Conduct:

- ~~a. Reprimand and Warning. A student may be given a reprimand accompanied by a~~

Comment [AB27]: Heading and paragraph changed to below green information.

~~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.~~

Comment [AB28]: Reprimand and Warning changed to paragraph listed below in Green.

a. **Warning:** a disciplinary action consisting of an official notification to a student that their behavior is inappropriate and not in compliance with the standards set forth in these regulations. Additionally, the student may receive additional sanctions if the student engages in the same misconduct again or commits any other violation of this Code.

b. **Educational Requirements:** the imposition of mandatory learning opportunities for students who violate the university's regulations, which require them to participate in reasonable and relevant educational activities that foster their personal, ethical and social development. Educational sanctions may be proposed in combination with other disciplinary actions. Examples include interviews, a research project, a reflection paper, university or community service or other type of assignment to provide a learning experience related to the violation.

Comment [AB29]: Although no new sanctions are added; more definitions have been added for transparency.

b. **Disciplinary Probation.** A student may be placed on 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 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 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.

Comment [AB30]: Information not deleted. Re-worded in below green paragraph

c. **Disciplinary Probation:** a status imposed for a limited, specified period of time during which the student must demonstrate a willingness and ability to conform to all university regulations. Any violation of university policy while on Disciplinary Probation is more likely to result in more severe sanctions up to and including suspension or expulsion from the university. A sanction of disciplinary probation does not include any other restrictions. However, disciplinary probation may be combined with restrictions and loss of privileges and other sanctions. Additionally, other university offices and programs may consider disciplinary probation and choose to restrict/deny a student's involvement in certain activities such as participation in athletics, service as student organization leader, international study abroad, or other off-site programs.

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.

Comment [AB31]: Updated Language in below green paragraph

Restitution: a student whose actions cause damage to, defacing of or destruction of public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.

d. **Participation in a Specific Program, Assessment, or Evaluation.** A student may be required to participate in a specific program, assessment, or evaluation, 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.~~

Referral: a student may be referred to an appropriate university office or to an outside agency to assist that student in achieving personal, social, or emotional growth.

Persona Non Grata/Trespass Warning: a student may be prohibited from entering or being on the premises of specific locations, facilities or buildings or the entire campus.

Restriction and Loss of Privileges: denial or restriction of specified privileges (including contact with a specific person or persons) for a designated period of time.

Removal from Housing: termination of housing contract for current term and all future terms. During removal, the student is issued a persona non grata/trespass notice and may not be present on Student Housing property at any time without prior authorization by the Director of Student Housing or their designee. Conditions of re-contracting prior to or following a period of removal will be determined by Student Housing.

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.~~ termination of enrollment for a specific period of time. During the period of suspension, the student is issued a persona non grata/trespass notice and may not be present on university property at any time or attend any university-sponsored event or activity without prior authorization by the Office of the Dean of Students. Conditions of re-enrollment prior to or following a period of suspension will be determined by the Office of the Dean of Students.

g. **Expulsion.** ~~A student may be permanently dismissed from the university.~~ permanent termination of enrollment. Upon expulsion, the student is issued a trespass notice and may not be present at Purdue University Fort Wayne, any Purdue sanctioned event, or any Purdue University affiliated campus at any time or attend any university-sponsored event or activity without prior authorization by the Office of the Dean of Students.

Revocation of Admission and/or Degree: admission to, or a degree awarded from Purdue University may be revoked for fraud, misrepresentation, or other violation of Purdue University Fort Wayne standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

Comment [AB32]: Information was replaced with less specific "referral" paragraph below. New paragraph is all-encompassing.

Comment [AB33]: New sanctions listed for transparency

Comment [AB34]: Updated Definition to include specifics.

Comment [AB35]: Updated Definition to include specifics.

Comment [AB36]: Additional sanction listed out for transparency. (not previously listed in Code)

VIII. The Appeal Process for a Conduct Review Board Hearing

Comment [AB37]: Appeal Process for any Conduct Review Board Hearing

Decisions by the Conduct Review Board and subsequent sanctions may be appealed to the Vice Chancellor for Student Affairs.

The student has five (5) business days from receipt of the original decision in which to submit an appeal in writing.

A student may appeal based on the following reasons:

1. A procedural or substantive error occurred that significantly affected the outcome of the hearing, such as substantiated bias or material deviation from established procedures
2. An unduly harsh sanction
3. New information of a substantive nature sufficient to alter a decision, because such information and/or facts were not known to the student appealing at the time of the original hearing

An appeal may be resolved in one of the following ways:

1. The original decision may be upheld
2. Modified, lesser sanctions, may be imposed
3. The case may be remanded to the Board reconstituted with new members to allow reconsideration of the original determination and/or sanctions.

The appellate decision shall be final and not subject to any further appeal.

C. Summary Action

~~Summary action by way of temporary suspension and exclusion from university property may be taken against a student without the issuance of a notice of charges and without following 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 university property threatens imminent harm to any other persons or to the property of the university 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 a hearing or the procedures provided for in Part V for appeals 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

Comment [AB38]: Information changed and listed below in green.

Comment [AB39]: Paragraph moved to beginning of Student Conduct Procedures. (pg. 16)

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 sanction 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.

C. Interim Measures Including Interim Suspension

I. Interim Measures

Should there be reasonable cause, the university may find it necessary to take interim measures before a formal decision is made in order to mitigate the effects of alleged misconduct and otherwise promote the safety of university community members. If a student fails to comply with the requirements of the interim measure(s), the university may take further actions as it deems necessary to ensure the safety of the campus community. Interim measures may include, but are not limited to

1. No contact orders
2. Student Housing reassignments or removal
3. Changes to student employment assignments
4. Changes to academic schedule
5. Counseling
6. Temporary delay of graduation or other academic progress
7. Restriction on the student's presence in university buildings, on university property, at university events, and/or use of the university's online resources

No contact and other orders do not always involve actions that threaten the safety or operations of the university community.

The Dean of Students or designee will make decisions on interim measures after appropriate review. The Director of Student Housing or designee may initiate a residential move or removal in cases concerning immediate safety. They may also issue temporary no contact order under the same circumstances. All interim measures described above will be documented in writing.

Interim Measures cannot be appealed.

II. Interim Suspension

When the behavior of a student poses an immediate risk to the safety of or a substantial disruption to the effective operations of the university community, the university may interim

Comment [AB40]: Listed Interim Measures for transparency

Comment [AB41]: Proposed Code lists out Interim Measures vs. Interim suspension.

suspend the student. This interim suspension immediately suspends the student from all university premises and activities.

The interim suspension will be decided by the Dean of Students or their designee. The interim suspension will be confirmed via email in writing to the student and remain in effect until such time as the alleged violations of the Purdue University Fort Wayne Code are resolved. The student will be notified of the interim suspension by the Dean of Students or designee. Within three (3) business days of the notification of the interim suspension, the student may request a review of the interim suspension. The request for review must be submitted in writing and include all relevant documentation the student wishes to be considered as part of the review. The purpose of the review is to determine only if the student poses an ongoing threat. After a thorough and comprehensive review of the available information, the Vice Chancellor for Student Affairs or designee will then determine if the interim suspension remains in effect, is modified, or is rescinded. The Vice Chancellor for Student Affairs or designee may make their decision in consultation with other personnel. The decision on the review will be provided to the student in writing and is final.

Comment [AB42]: Authority has been transferred from the Chancellor to the Dean of Students.

The student may request an extension of the deadline to submit a request for review in extreme circumstances, such as hospitalization or incarceration. Students may be required to provide documentation related to their request for an extension.

The outcome of the review will not impact the pending disciplinary process. If the Vice Chancellor for Student Affairs or designee upholds the interim suspension, the decision will remain in effect until the matter has been resolved through formal procedures including investigation and adjudication as needed. The student will be notified of the decision of the Vice Chancellor for Student Affairs or designee in writing within a reasonable time frame.

If the final decision of the student conduct process is to suspend or expel the student, the sanction will take effect from the date of the interim suspension. The student has the right to appeal the final decision.

Part IV. Student Complaint Procedures

Preamble

The following student complaint procedures are designed to ensure that students have an identified and well-understood mechanism for registering and resolving complaints of the types described below.

A. Students having complaints concerning alleged violations of the Anti-Harassment Policy, as referenced in Part I.A.3, Part I.A.4 and Part I.A.6 of the Code, should use 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 recognized in 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.

1. The effort to resolve the complaint informally with the faculty/staff member must be initiated by the student in a documented manner no later than within 21 calendar days 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 21 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.

2. If the complaint is not resolved informally between the student and the responsible faculty/ staff member, the student may pursue the complaint informally with the faculty/ staff member's department head, who shall investigate, mediate, and suggest a resolution.
3. 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.
4. Only after all such remedies have been exhausted may the student petition for a hearing before the Campus Appeals Board. To petition for a hearing before the Campus Appeals Board, the student must complete the online form. The complaint must describe the action or decision claimed to violate one or more of the student rights recognized in Part I of the Code, 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. If necessary, the chancellor may present such recommendations to the university president and Board of Trustees for their consideration.
5. See Part V of the Code for information about the composition of the Campus Appeals Board.

Part V. Petition for Hearing

Preamble

Students wishing to appeal any decision by a university official or body under the preceding sections of this Code shall use this petition process.

A. Types of Appeals

The Campus Appeals Board (CAB) may hear the following types of appeals from students: (1) appeals of misconduct findings and sanctions imposed by the dean of students, including findings and sanctions concerning student organizations; (2) appeals of academic misconduct findings imposed by faculty members, department chairs, or academic deans or division directors; (3) appeals of SGA Judicial Court rulings; and (4) appeals of faculty/staff decisions claimed to violate student rights recognized in Part I of the Code (per Part IV). Extension to any time limits specified below must be approved by the chair of the board.

B. Campus Appeals Board

1. **Composition.** The Campus Appeals Board (CAB) shall consist of nine members selected in the following manner: four students appointed by the president of Purdue Fort Wayne Student Government Association subject to confirmation by the SGA Senate; three faculty members elected by the Faculty 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.

2. **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 its prescribed 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 the Campus Appeals Board with a full complement of members.

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; or
4. Bias has been exhibited through the process.

The purpose of an appeal shall not be simply to hold a rehearing of the original matter.

D. Filing the Petition

Students who wish to request Campus Appeals Board action shall complete the online form within 10 business days of the date of the sanction letter or within 10 business 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 Campus Appeals Board.

To be properly filed, the appeal must be submitted within the established time limits, identify the action or decision being appealed, name the party whose decision or action is being appealed (sometimes referred to below as the “named party”), and identify one or more of the criteria identified in the Criteria for Appeal set forth above. If the above criteria are not met, the CAB chair shall dismiss the appeal.

E. Investigation of Appeals

Within 10 business days of the chair’s receipt of the appeal, the CAB 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 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 10 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.

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 the student’s 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 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 support the basis for the appeal and, if so, whether the action or decision being appealed would constitute a violation of one or more student rights recognized in Part I of the Code. If in

such notification the investigator answers these inquiries in the negative, 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 10 business 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.

F. Determination

Within 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 the student’s 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 the university 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 VI. Authority, Application, and Amendments

A. Authority

Student rights, responsibilities, and standards of conduct will be established by campus administrators in consultation with the student and faculty government organizations and shall be consistent with the principles established by Purdue University.”

B. Application

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

C. Amendments

1. In General. This Code, and any amendments hereto, shall remain in effect until rescinded or modified by or under the authority of the Board of Trustees of The Trustees of Purdue University, as exercised by the president of the university under delegated authority from

Comment [AB43]: Information not deleted. Section moved to page 21 after Procedures for Academic Misconduct.

the Board and in consultation with the chancellor. Amendments may be proposed by the Purdue Fort Wayne Student Government Association, Purdue Fort Wayne Senate, university administrative officials, , or the Board of Trustees, and any such proposed amendment shall be submitted to the Purdue Fort Wayne Student Government Association and Faculty Senate for review and comment before adoption.

2. Amendments to Part I: Student Rights and Responsibilities. Without limiting the generality of the amendment process described in Part VI.C.1 above, the following additional provisions shall apply to amendments to the student rights and responsibilities set forth in Part I. Proposed amendments of such rights and responsibilities may be initiated by the Purdue Fort Wayne Student Government Association, the Faculty Senate, university administrative officials, or the Board of Trustees and shall be submitted to the Purdue Fort Wayne Student Government Association, and the Faculty Senate for consideration and recommendation before adoption by or under the authority of the Board of Trustees, as exercised by the president of the university under delegated authority from the Board. In the event such an amendment to the rights and responsibilities set forth in Part I is adopted without approval of the Purdue Fort Wayne Student Government Association or the Faculty Senate, either of such bodies may withdraw its endorsement of such rights and responsibilities, in whole or in part.

APPENDIX A – Requirement to Disclose Felony Conviction or Charge after Admission

Purdue University Fort Wayne is concerned with the safety and achievement of its students and employees. Out of that concern, the university requires students who have been charged with or convicted of a felony after being admitted to report felony charge or conviction to the Office of the Dean of Students within five (5) business days (reports can be made via the following ways to the Office of the Dean of Students: located in Walb Union, Room 111; phone 260-481-6601; email dos@pfw.edu).

As noted in section Part II.B.2.9 of the Code of Student Rights, Responsibilities and Conduct, persons “may be subject to the university sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a university rule. At the discretion of the Office of the Dean of Students, disciplinary action under this Code, may proceed in advance of or during the pendency of criminal proceedings. Determinations made or sanctions imposed under this Code, shall not be subject to change because criminal charges arising out of the same set of facts giving rise to university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.”

Disclosing a felony charge or conviction will not result in an automatic separation from the university. Any disciplinary action that is taken will take place according to procedures noted in Part III of this Code.

Per Part III.C.2 of this Code, discovery of a student’s failure to report a felony charge or conviction as required in this policy may result in an interim suspension from the university pending a conduct proceeding.

Comment [AB44]: Appendix A added per various scenarios from the past year & a half.