

TO: Fort Wayne Senate

FROM: Student Affairs Committee
Timothy Grove, Chair

SUBJECT: Proposed Amendments to SD 89-28 (IPFW Code of Student Rights, Responsibilities, and Conduct)

DATE: September 25, 2006

WHEREAS, there are currently no time limits for students to appeal faculty/staff decisions which are purported violations of established student rights before the Campus Appeals Board (see proposed amendment on pp. 16 – 17); and

WHEREAS, there is a need to identify which procedural process or processes (Grade Appeal or Campus Appeals Board) should have jurisdiction over a student's appeal if it cannot be resolved informally by the interested parties (see proposed amendment on page 4); and

WHEREAS, there is need to state more explicitly that the Campus Appeals Board has the authority to determine whether or not there is basis to hear an appeal (see proposed amendment on pp. 12 – 13); and

WHEREAS, the Student Affairs Committee which is charged under Bylaw 5.3.4 with proposing resolutions (for the approval by the Fort Wayne Senate) concerning the practical welfare of students as well as student conduct;

THEREFORE, be it resolved, that the Fort Wayne Senate approve the proposed amendments to the IPFW Code of Student Rights, Responsibilities, and Conduct by adding the text in boldface and deleting the text in strikethrough in the following document.

(Language to be added is shown in boldface, and language to be removed is shown in strikeout.)

Senate Document SD 06-3
(Amends Senate Document SD 89-28)
(Last Amended, 3/17/2003)
(Approved, 10/16/2006)

IPFW Code of Student Rights, Responsibilities, and Conduct

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Part I: Student Rights and Responsibilities

Preamble

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

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

A. Individual Rights and Responsibilities as Citizens

1. Students retain all of their citizenship rights when enrolled at IPFW.
2. Students who violate civil law may incur penalties prescribed by civil authorities. Only where IPFW's interests as an academic community are distinct from those of the general community should the special authority of IPFW be asserted.
3. Nondiscrimination. IPFW is committed to maintaining a community which 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. In pursuit of its goal of academic excellence, the University seeks to develop and nurture diversity. The University believes that diversity among its many members strengthens the institution, stimulates creativity, promotes the exchanges of ideas, and enriches campus life.

D. Summary of Rights and Responsibilities

1. This statement of Student Rights and Responsibilities is a reaffirmation by the entire IPFW community that the constitutional guarantees and the basic principles of fair treatment and respect for the integrity, judgment, and contribution of the individual student, coinciding with each student's freedom to learn set forth in the foregoing articles, are essential to the proper operation of an institution of higher learning. Accordingly, in the interpretation and enforcement of the policies, rules, and regulations of IPFW, these student rights shall be preserved and given effect, but they shall not be construed or applied so as to limit the rights guaranteed students under the Constitution of the United States or the Constitution of the state of Indiana.

Whenever a student or a group of students claims/claim that these rights have been violated and that the student or group of students has/have been or will be adversely affected thereby, and such complaint is not resolved informally by the interested parties, it may be presented to an appropriate body of the campus appeals system. In case of grade appeals, the individuals and committees designated in the IPFW grade appeals system shall have final authority. In all other cases, the Campus Appeals Board shall submit recommendations to the Chancellor of IPFW. If necessary the Chancellor of IPFW may present such recommendations to the university president and board of trustees for their consideration. **If the student has a question as to whether grade appeals procedures or student complaint procedures (Part V) shall be used to resolve a complaint, the dean of students shall decide which 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 timelines associated with that process.**

2. The enumeration of these rights and responsibilities shall not be construed to deny or disparage others retained by the student. Nothing contained in this bill shall be construed as any denial or limitation upon the legal authority or responsibility of the board of trustees to establish policies and to make rules and regulations governing the operation of IPFW.

E. Amendment of Rights and Responsibilities

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

F. Definitions

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

C. Campus Appeals Board

1. Composition. The Campus Appeals Board shall consist of nine members selected in the following manner: Four students appointed by the president of Indiana-Purdue Student Government Association subject to confirmation by the Student Senate; three faculty members elected by the Fort Wayne 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 such panels of members and alternates, the chair shall designate a hearing panel consisting of a minimum of five members including at least two students.
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 the initial appointments to the Campus Appeals Board within the time specified, or to fill any vacancy on the panel of alternates within five days after being notified to do so by the Chancellor, or if at any time the Campus Appeals Board cannot function because of the refusal of any member or members to serve, the Chancellor may make appointments, fill vacancies, or take such other action as deemed necessary to constitute a Campus Appeals Board.
3. Hearings.
 - a. The Campus Appeals Board may hear the following types of appeals from students: appeals of disciplinary findings and sanctions imposed by the dean of students, including findings and sanctions concerning student organizations; appeals of Student Judicial Court rulings; and appeals of faculty/staff decisions claimed to violate established student rights. Students who wish to request a hearing before the Campus Appeals Board shall submit a written request to the dean of students **who shall in turn contact the chair of the Board. Before hearing the details of a case in which a faculty/staff decision or action is claimed to violate established rights, the designated hearing panel shall decide by majority vote whether there is a basis to grant the request for hearing. The bases for a decision to grant a request for hearing include (but are not limited to) a finding that: 1) improper procedures have been followed at earlier steps of the appeals process; 2) new information is present; or 3) the faculty or staff member has declined to accept the recommendation of the unit head or the head of the next highest administrative level. The dean of students shall contact If a request for a hearing is granted, the chair of the Board who will make arrangements for the hearing by phone or email. The student and all other parties shall be notified of the arrangements for the hearing.**
 - b. In all cases where an appeal is heard the chair shall inform the parties to the appeal, in writing, of the following:
 - (1) The violation alleged to have been committed, by citing the relevant section of these regulations;
 - (2) The date, time, and place of the alleged violation, and other relevant circumstances of the complaint, including a summary of the evidence upon which the charges are based;

Part V: Student Complaint Procedures

Students having complaints concerning actions or decisions which are claimed to violate rights established under Part I of the Code, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, Ethical Guidelines for Computer Users, or HIV/AIDS Guidelines, must first seek to resolve their complaints with the faculty or staff members responsible for the actions or decisions claimed to violate their rights. **For a complaint to receive consideration under these procedures, the student must first make a reasonable effort to resolve the complaint informally with the responsible faculty/staff member.** The effort to resolve the complaint informally with the responsible faculty/staff member must be initiated by the student in a documented manner no later than the fourth week of the fall or spring semester immediately following the session in which the action or decision which is the basis for the complaint 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. If the complaint is not resolved informally between the student and the responsible faculty or staff member, the student may pursue the complaint informally with the faculty or staff member's unit head who shall investigate, mediate, and suggest a resolution. Good-faith efforts will ensure the timely handling of such complaints. **For a complaint to continue to receive consideration under these procedures, the student must initiate each successive step in the process within 30 calendar days of conclusion of the previous step. In addition, it is expected that each step in the process will be concluded within 30 days of initiation.** If the complaint remains unresolved after the unit head's attempt to mediate a resolution, the student may continue to pursue the complaint with the head of the next highest administrative level who shall investigate, mediate, and suggest a resolution. Only after all such remedies have been exhausted may the students request a hearing before the Campus Appeals Board. To request a hearing before the Campus Appeals Board the student must file a formal complaint with the dean of students. The formal complaint must describe the action or decision claimed to violate established rights, identify the right(s) claimed to have been violated, and specify the remedy sought. The dean of students shall direct properly received complaints to the chair of the Campus Appeal Board. The Campus Appeals Board shall have the authority and duty to reach findings and to convey recommendations to the Chancellor of IPFW.

Previous history of this document is as follows:

Amended and Approved, 4/23/1990

Amended, 3/25/1991

Approval Withdrawn, 9/16/1991

Amended, 2/13/1995

Amended, 3/17/1997

Amended, 3/16/1998

Amended, 4/16/2001

Amended, 11/18/2002