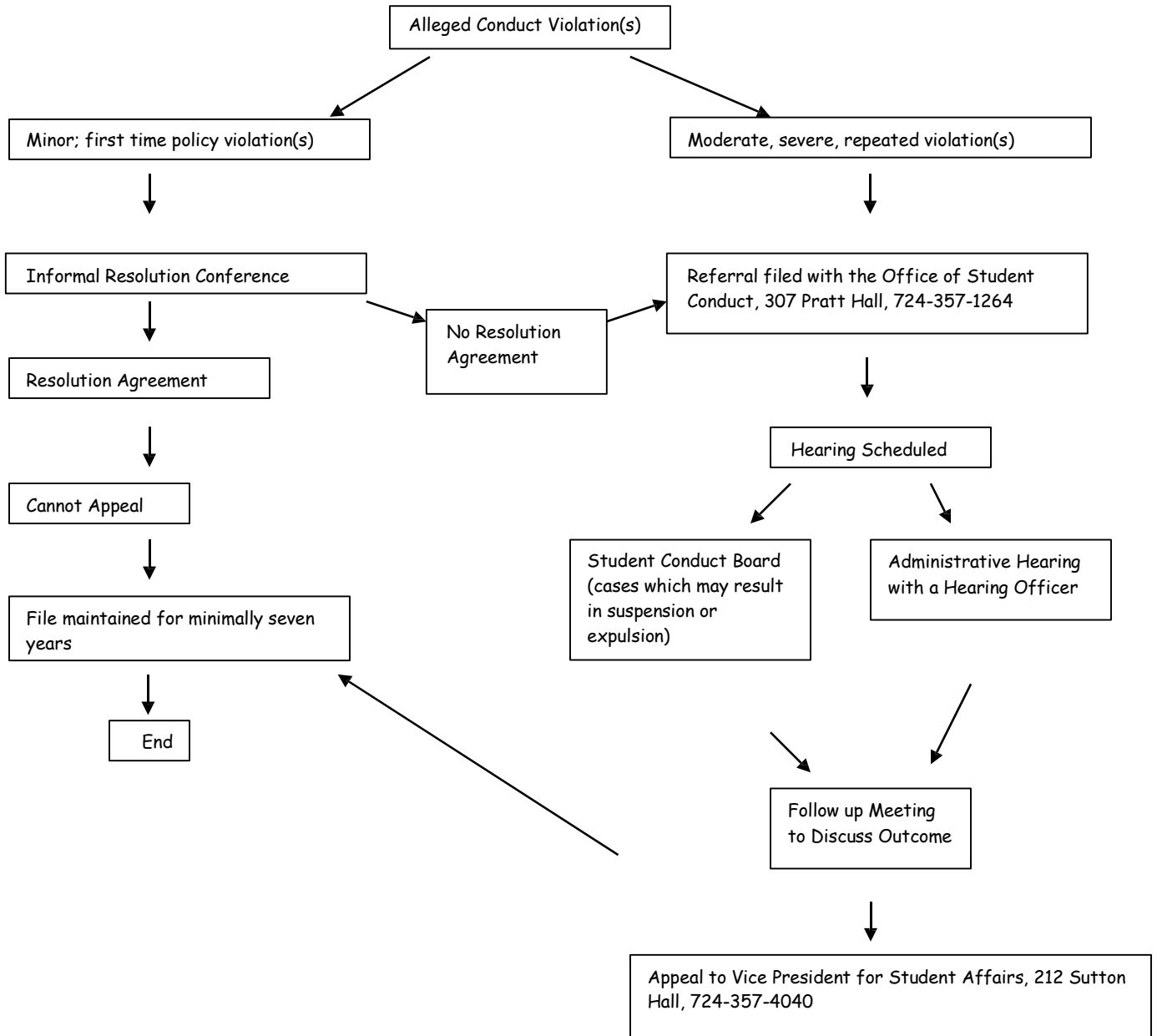


STUDENT CONDUCT POLICIES AND PROCEDURES

Office of Student Conduct (OSC) 724-357-1264

www.iup.edu/studentconduct/default.aspx

**Flow Chart for Adjudication of Conduct Allegations
—used for cases other than those involving violence—**



STUDENT CONDUCT POLICIES AND PROCEDURES

Office of Student Conduct 724-357-1264

A. Introduction

IUP is an academic community within the society at large. As a community, the university has developed a code of standards and expectations that are consistent with its purpose as an educational institution. IUP reaffirms the principle of student freedom, coupled with an acceptance of full responsibility for one's behavior and the consequences of such behavior. As a member of the academic community and of the larger society, a student retains the rights, protection, guarantees, and responsibilities which are held by all citizens. The University conduct system does not eclipse, in intention or application, the constitutional rights and guarantees of students.

When responding to behavior that violates federal, state, and local laws and ordinances, the university does not replace the criminal justice system or other responses in the larger community. The student should expect to be held accountable for her/his behavior through both the legal system and the university student conduct system. The primary function of the student conduct system is to adjudicate alleged policy violations by students that occur on campus. The University reserves the right to adjudicate violations by students in off-campus locations when those violations might adversely affect the University community.

The Office of Student Conduct (OSC) supports the academic mission of the university by encouraging behavioral change in the student while protecting the rights of the members of the university community and by promoting security, responsible behavior, civility, openness, justice, and respect. Through enforcement of university policies and procedures a student is challenged to take responsibility for her/his actions, demonstrate respect for her/himself, property, and other individuals, and develop skills that will enhance lifelong problem solving, communication, and decision-making abilities.

A student conduct hearing is the university's investigative process for addressing allegations of policy violations committed by students. The University Student Conduct process is separate from the investigation process implemented through the criminal system. The University investigation of allegation(s) may occur without any individual filing a police report. A University Conduct case may proceed without an individual making a report to the police.

Parent(s)/guardian(s) can have significant influence over their student's choice to follow the behavioral expectations of the university and are welcomed as partners in the student conduct process in accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA).

B. Definitions

- 1.** The term "university" shall refer to the community of faculty, staff, and students at IUP, as well as to premises and facilities.
- 2.** The term "University premises/facilities" shall mean all buildings or grounds owned, leased, operated, controlled, or supervised by the University or the Student Cooperative Association or other recognized University affiliates.
- 3.** The term "student" shall include any person currently enrolled, in the process of registration, or who will be registered for an academic term, course, program, or activity at the University within the next academic year. Persons who withdraw from the University after allegedly violating one or more student conduct regulations and persons who are not officially enrolled

for a particular term, but who have a continuing relationship with the University are also considered "students."

4. The term "faculty member" shall mean any person employed by the university who holds academic rank or performs teaching or research duties.
5. The term "staff member" shall mean any person employed by the university or the Student Cooperative Association who is not considered faculty.
6. The term "adjudicator" shall refer to any University official or Student Conduct Board authorized by the University to impose sanctions upon any student(s) found to have violated one or more student conduct regulations (see section "G. Adjudicator Structure and Selection").
7. The term "referring party" shall refer to any person who submits a statement to the Office of Student Conduct alleging a student has violated one or more student conduct regulations. The referring party may be a victim of the alleged behavior, including as a victim of violence.
8. The term "accused student" shall refer to any student accused of violating one or more student conduct regulations. Within this document, the term "student" can refer to one or multiple students.
9. The term "witness" shall refer to any person who has been identified by the referring party and/or the accused student as having relevant information concerning the alleged violation of one or more Student Conduct Regulations.
10. The term "victim" shall refer to any person who alleges that s/he has been directly impacted by the misconduct of the accused student. The term "victim of violence" shall refer to a victim who alleges that s/he has been assaulted (assault is defined by Student Conduct Regulations "C7a Assault/Dating Violence/Domestic Violence" and "C7c Attempted or completed sexual assault"). A victim of violence shall be afforded the same information and rights in the university student conduct process as those afforded to a referring party and accused student.
11. The term "advisor" shall refer to any person identified by an accused student or victim to consult privately with that person during University student conduct meetings and/or hearings.
12. The term "University regulation" shall mean any written policy of the University as found in, but not limited to, this document, the contracts for residential rooms/suites/apartments (including dining contracts), the University website, and the graduate and undergraduate catalogues.
13. The term "sanction" shall mean one or more consequences or requirements imposed by an adjudicator on a student found to have violated one or more Student Conduct Regulations.
14. The term "organization" shall mean a group of persons who have complied with University requirements for registration or recognition.
15. The term "university (sponsored) activity" shall mean any activity on or off campus, which is initiated, aided, funded, authorized, or supervised by the university or the Student Cooperative Association (Co-op).
16. The terms "will" and "shall" are to be used in the imperative sense, not imparting a choice.
17. The term "may" is to be deemed permissive, imparting a choice.
18. The terms "Vice President for Student Affairs", "Associate Dean of Students of Campus Living and Learning", and "Associate Dean of Students, Student Life and Community Engagement", refer to individuals holding those positions or their designees.
19. The term Student Cooperative Association (Co-op) shall mean the organization, funded by student activity fees, incorporated to provide educational, literary, social, recreational and cultural benefits of the students and faculty of Indiana University of Pennsylvania and to operate a bookstore and other facilities.

C. Student Conduct Regulations

The list of offenses which follows is not meant to be exclusive as to the grounds that might lead to the initiation of the student conduct system which may lead to sanctions being imposed against a student. The university reserves the right to discipline any student for any action (or any inaction in a situation where the student has a duty to act) that an ordinary, reasonable, intelligent college student knows or should know might result in discipline. This simply means that the university reserves the right to issue discipline for reasonable cause. The provisions of this clause are incorporated by reference in any notice of misbehavior, so long as the notice fairly describes the act(s) or omission(s) with which the student is charged.

The university maintains the right to amend its rules and to make such amendments effective immediately upon appropriate public notification of students.

The following actions and/or behaviors are expressly prohibited. It is the responsibility of each student to become familiar with these regulations.

1. Unauthorized Entry/Unauthorized Use

- a. Attempted or completed entry into or use of university facilities or property without authorization.
- b. Attempted or completed entry into the property of any individual, group or entry without authorization.

2. Property

- a. Theft or other unauthorized possession of University property or the property of any individual, group, or entity.
- b. Destruction and/or damage to University property or to the property of any individual, group, or entity.

3. Event Registration: Facilities Use

Violation of policies or regulations governing the registration of student organizations, events on campus, and/or use of university facilities.

4. Alcohol

- a. Possession of alcoholic beverages on university premises or facilities except as provided in the University Alcohol Policy.
- b. Possession of alcoholic beverages off campus by individuals under the age of twenty-one or illegal possession by an individual.
- c. Consumption of alcohol on university premises or facilities (including underage drinking) except as provided in the University Alcohol Policy.
- d. Consumption of alcohol off campus by individuals under the age of twenty-one.
- e. Excessive use of alcohol resulting in a state of intoxication that endangers oneself or other members of the community. Excessive use includes (but is not limited to) use resulting in a need for medical attention, inability to function without assistance, unconsciousness, inability to recall events, incoherent or disoriented behavior, loss of control of bodily functions, and/or having a blood alcohol level of .16 or more.
- f. Driving while under the influence of alcohol (blood alcohol level above .08 for individuals over twenty-one; blood alcohol level over .02 for individuals under the age of twenty-one).

- g.** Sharing, furnishing, and/or distributing alcohol by persons of any age to persons under the age of twenty-one, including, but not limited to, charging admission to a social event where alcohol is served, hosting or organizing a social gathering where persons under the age of twenty-one consume alcohol, and/or providing alcohol.

5. Transportation

- a.** Violation of university regulations and Student Cooperative Association (Co-op) policies governing the use of automobiles, motorcycles, or other motor vehicles parked or driven on university property and designated parking areas.
- b.** Skateboarding, in-line skating, and bicycling on university property in a manner that cuts, grinds, or that may deface the edges of steps and other property is prohibited.
- c.** Bicycles will be operated in a safe manner on campus and riders will comply with state and local regulations governing the use of bicycles.

6. Obstruction/Disruption

Obstruction or disruption of teaching, research, administration, disciplinary procedure, or other university activities including its public service functions, or of other authorized activities, and/or the performance of duties of University personnel.

7. Assault/Dating Violence/Domestic Violence/Harassment/Retaliation/Sexual Assault/ Stalking

- a. 1** Assault - physical conduct which threatens or endangers the health, safety, or well-being of any person or group. Abuse includes (but is not limited to) hitting, kicking, slapping, punching, pushing, and/or spitting on another person or persons.

2 Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the relationship is determined by consideration of length of relationship, type of relationship, and frequency of interaction.

3 Domestic Violence – Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person cohabitating or formerly cohabitating with the victim, and/or by a person whose situation is as a domestic partner under the law.

- b.** Harassment/Retaliation - Repeated, severe or pervasive actions directed towards specific individual(s) with the intent or effect to harass or alarm including actual, attempted or threatened physical contact or acts that serve no legitimate purpose.

Retaliation against any person, including individuals who report incidents, who initiate a complaint, act as a witness, assist with or participate in the conduct process in any way, is prohibited. Retaliating behaviors include, but are not limited to, actions meant to interfere with another's participation in the conduct process or threaten after the fact due to such participation. Retaliation includes, but is not limited to: intimidation, threats, coercion, damage to any property, action with the intent to influence outcomes, and/or discrimination perpetrated directly, indirectly, and/or through third parties, involving any communication medium.

- c. Attempted or completed sexual assault - includes (but is not limited to) sexual penetration, oral sex, genital contact, and/or touching of a sexual nature that is perpetrated against the will of the victim by a person or persons known or unknown to the victim. This includes engaging in sexual behavior with a person who is unable to consent.

Sexual activity requires consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no". A clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent cannot be obtained by threat, coercion, or force.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on decisions to engage in sexual activity. Consent cannot be obtained from a person whom you know, or reasonably should know, to be incapacitated.

- d. Stalking – Repeated conduct toward another person including (but not limited to) willfully following and/or contacting someone verbally, in writing, by telephone, electronic media, a third party, or by any other means with the intent and/or effect of creating fear or emotional distress.

8. Drugs

- a. Paraphernalia - Any equipment, product or material of any kind (containing evidence of any illegal drug and/or controlled substance) that is primarily intended or designed for use in planting, growing, harvesting, manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, smoking, or otherwise introducing into the human body a controlled substance. Examples include, but are not limited to items such as bongs, roach clips, miniature spoons, syringes, and various types of pipes.
- b. Illegal Possession/Personal Use of Drugs and/or Controlled Substances - Examples of illegal and/or controlled substances include but are not limited to cocaine, heroin, morphine, marijuana, ecstasy, gamma hydroxyl butyrate (GHB), amphetamines, solvents, oxycontin, methamphetamines, anabolic steroids, and lysergic acid diethylamide (LSD).
- c. Sharing, Furnishing, and/or Distributing Drugs - The action, intent, and/or possession of materials used for sharing, distributing, delivering, manufacturing, and/or selling drugs and/or controlled substances except as expressly permitted by law.
- d. Misuse of Medications or Other Substances- misuse of over the counter medications, prescriptions, and/or other legal materials or substances, creating potential danger to self or others.
- e. Driving while under the influence of drugs.

9. Disorderly Conduct

Behavior that disrupts or interferes with the orderly functions of the university, obstructs, impairs or perverts the administration of law, other duty, or governmental function (including

preventing a lawful arrest and/or resisting arrest), intentionally or recklessly creates a substantial risk of bodily injury, intentionally or recklessly creates a risk, creates a hazardous or physically offensive condition, fails to disperse upon official order, engages in a brawl or tumultuous behavior, causes public inconvenience, annoyance or alarm, makes unreasonable noise, breaches the peace, participates in acts which serve no legitimate purpose, and/or would be considered lewd or indecent by a reasonable person including (but not limited to) voyeurism, public urination/defecation, public exposure of private body parts, etc.

10. Noncompliance

Failure to:

- comply with the direction of an authorized University or Student Cooperative Association official acting in the performance of her/his duties.
- provide identification when requested to do so by a University or Student Cooperative Association official, including Community Assistants.
- comply with the direction of any person responsible for a facility or registered function who is acting in accord with those responsibilities.
- fulfill any sanction(s) levied as a result of a student conduct proceeding.
- meet with an authorized University or Student Cooperative Association official or staff member when directed to do so.

Note: The individuals referenced above must identify themselves and state the reason for a directive.

11. Contractual Obligations

Failure to honor all contracts with and debts to the university (including terms and conditions of the "Residence Hall Housing License Agreement and Dining Services Contract," the "Housing License Agreement for Apartment Living", the "Suite Housing License Agreement and Dining Services Contract") and/or to the Student Cooperative Association.

12. Weapons/Explosives

Possession and/or use of any weapon, which is any object used to inflict a wound or cause injury. This includes but is not limited to: possession and/or use of firearms, ammunition, knives, swords, nun chucks, stun guns, BB guns, look-alike weapons, or explosives, such as fireworks, unsecured compressed air cylinders, or dangerous chemicals, except as authorized for use in class, in connection with university-sponsored research, or in another approved activity (provisions may be made to store firearms with the University Police).

13. Fire/General Safety

- a. Fire Safety - Tampering with safety devices including (but not limited to) alarm systems, fire extinguishers, exit signs, smoke/heat detectors, fire hoses, etc. Failure to conform to safety regulations (including but not limited to) falsely reporting an incident, failure to evacuate facilities in a timely manner in emergency situations or in response to fire alarms, inappropriate use of the fire alarm system, etc. In addition, individuals are responsible for the safe use and disposal of outdoor grills, tobacco products, and other fire-related items in areas authorized for such use.
- b. General Safety – Conduct that unreasonably or recklessly threatens or endangers the well-being of any person is prohibited.

14. Arson

Illegally setting, attempting to set, creating, or causing a fire.

15. Gambling

All forms of gambling are prohibited unless a license has been secured and approval to solicit has been granted by the appropriate university office. Gambling consists of the payment of a consideration or fee for the chance to win a prize, the winner of which is determined by chance.

16. Dishonesty/Fraud

Dishonest or fraudulent behavior, such as forgery, alteration, or misuse of documents, records, or identification (including but not limited to I-cards, credit cards, debit cards, pin numbers, and/or computer usernames/passwords), or knowingly furnishing false information to university or Student Cooperative Association officials. Academic dishonesty and fraud are covered by the Academic Integrity Policy and Procedures.

17. Complicity

Presence during any violation of university policy in such a way as to condone, support, or encourage that violation. (NOTE: Students who anticipate or observe a violation of university policy are expected to remove themselves from the situation and are encouraged to report the violation.)

18. Other

Apparent or alleged violation of federal, state, and local ordinances and other university regulations as prescribed in this handbook, a housing license agreement, the university catalog, and other official university publications, including publications on the University website.

D. Jurisdiction

The primary function of the student conduct system is to adjudicate alleged policy violations by students that occur on campus. The university reserves the right to adjudicate violations by students in off-campus locations when those violations might adversely affect the University community.

Referrals of alleged behavioral violations will be adjudicated through the university student conduct system which is coordinated within the Office of Student Conduct, 307 Pratt Hall.

E. Procedures

Pre-hearing Procedure

Anyone may file university conduct charges against a currently enrolled student by completing a Conduct Case Referral Form located on the student conduct website, www.iup.edu/studentconduct/ and submitting it to the Office of Student Conduct, 307 Pratt Hall. This form must be complete, including references to the applicable behavior regulations listed in this document, *Section C, Student Conduct Regulations*, and corresponding explanations. Incomplete conduct referral forms, including forms without the signature of the referring party will not be accepted.

1. Charges of a violation can originate from any member of the university community and shall be reported to the Office of Student Conduct within 15 calendar days of the incident unless justifiable circumstances, as determined by the Office of Student Conduct, make such notification impossible or impractical.

- a. If a victim of violence is the referring party, s/he may elect not to proceed with a Student Conduct hearing.
2. A designated university official within the Office of Student Conduct will review the case and determine whether the case should be adjudicated by the student conduct system, and, if so, whether the case will be handled in an Informal Resolution Conference (IRC), assigned to a hearing officer, or heard by a university Student Conduct Board. Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking cases will not be handled via Informal Resolution Conference. In cases involving multiple accused students and/or multiple incidents, the Office of Student Conduct will determine if the students and/or incidents are to be adjudicated together or separately.
3. If an Informal Resolution Conference (IRC) is scheduled, the accused student will be notified of the expectation to participate in resolving minor first-time policy violations that do not require investigation. An informal resolution conference involves a meeting between the accused student and an assigned adjudicator to discuss the charge(s). If the accused student and the adjudicator reach an informal resolution of the charges, an appropriate sanction or sanctions will be issued and kept on file at the University according to the records policy (see "Records and Recording Keeping").
4. A student conduct hearing will be scheduled under the following circumstances:
 - a. If the accused student and the IRC adjudicator fail to reach an informal resolution.
 - b. The allegations involve assault, harassment/retaliation, sexual assault, stalking, dating violence, or domestic violence.
 - c. If the IRC adjudicator determines that the charges require further examination.
 - d. If a designated university official determines that the case is of moderate severity.
 - e. If the alleged incident involves more than one individual and a hearing is necessary to complete a thorough examination of the allegations.
 - f. If the outcome of the hearing may result in removal from/loss of university-owned/operated housing, stayed suspension, suspension, or expulsion.
5. If a student conduct hearing is scheduled, the accused student and any victim of violence shall be informed in writing of the alleged violation(s), the date(s), time(s), and location(s) of the alleged violation(s) and a summary of the actions which led to the charge(s). Notification of charges against the accused student shall also include, but is not limited to, the following information:
 - a. The date, time, and location of the hearing.
 - b. Whether the case will be adjudicated by a hearing officer, a Student Conduct Board, or a Special Interim Student Conduct Board.
 - c. Information regarding due process rights afforded the accused student and any victim of violence prior to and during the hearing.
6. An accused student any victim of violence will be given a minimum of three (3) calendar- days' notice prior to appearing before the assigned adjudicator. In cases assigned to a Student Conduct Board, the accused student and any victim of violence will be given a minimum of ten (10) calendar-days' notice between notification of the charges and appearance before the assigned Student Conduct Board.
7. The accused student (and alleged victim(s) of violence, if involved) may select an advisor to advise him/her at the student conduct proceeding. The advisor may consult and interact privately with the accused student or alleged victim(s) during student conduct proceedings. The advisor is not permitted, however, to represent the accused student or alleged victim(s) of violence.
8. The accused student may waive in writing his/her right to a hearing and accept one or more sanctions as determined by the adjudicator. The sanction(s) will reflect the severity of the current charge(s) against the student, as well as any previous disciplinary record. A student who waives his/her right to a hearing forfeits any right to appeal the sanction(s) as determined by the adjudicator. A Hearing Waiver is not an option for cases involving victims of violence.

9. Students who are considered an immediate or substantial threat to themselves, others, and/or property may be issued an interim suspension by the Office of the Vice President for Student Affairs (see section "K. Interim Suspensions.")

F. General Guidelines for Student Conduct Hearings

A student conduct hearing is the university's investigative process for addressing allegations of policy violations committed by students. The University Student Conduct process is separate from the investigation process implemented through the criminal system. The University investigation of allegation(s) may occur without any individual filing a police report. A University Conduct case may proceed without an individual making a report to the police.

Students who do not participate in an informal resolution of the charge(s) against them shall participate in a student conduct hearing. Guidelines used by hearing officers or Student Conduct Boards include:

1. The accused student shall have his/her case heard by an impartial adjudicator.
2. In situations where the original referring party is no longer available or cannot attend the hearing for unavoidable reasons, or in the case of a victim of violence making the referral who wishes not to be present at the hearing, the referring party may send a proxy to the hearing to represent him/her throughout the proceedings. In cases involving victim(s) of sexual harassment and/or violence, a neutral party designated by the University will vocalize questions on behalf of accused student(s) and victim(s) of violence.
3. The referring party will present charges and relevant information and may ask questions of all hearing participants.
4. The accused student shall have a fair and reasonable opportunity to answer, explain, and defend her/himself against charges presented at the hearing, to present information and to call relevant witnesses to appear on his/her behalf.
5. If the accused student chooses not to appear before the assigned adjudicator, her/his case will be adjudicated based upon the information presented at the scheduled hearing.
6. Witnesses will be asked to provide relevant information and to respond to questions from the referring party, the accused student, and the hearing officer or Student Conduct Board members/chairperson. Witnesses who are not victims of violence are not permitted to ask questions of hearing participants.
7. In cases involving allegations of violence, victims will be treated as a referring party for the purposes of the Student Conduct hearing.
8. All student conduct hearings are closed except to designated/approved participants.
9. The accused student and alleged victim(s) may select an advisor to advise her/him at the Student Conduct proceeding. Other witnesses may request the presence of an advisor, subject to the approval of the hearing officer or Student Conduct Board chairperson. The advisor may consult and interact privately with the accused student or alleged victim(s) during student conduct proceedings. However, the advisor is not permitted to have a verbal role in the proceedings.
10. To the extent permitted by law, an alleged victim of violence may choose to be present throughout the entire hearing or s/he may opt to provide his/her information at the designated time only.
11. The accused student may waive in writing her/his right to a hearing and accept one or more sanctions as determined by the adjudicator. The sanction(s) will reflect the severity of the current charge(s) against the student, as well as any previous student conduct record. A student who waives her/his right to a hearing forfeits any right to appeal the sanction(s) as determined

- by the adjudicator. A Hearing Waiver is not an option for cases involving victims of violence.
12. A hearing officer or Student Conduct Board shall have the authority during Student Conduct proceedings to hold an individual in contempt. Contempt is defined as disorderly or disrespectful conduct by hearing participants and/or the intentional misrepresentation of facts. Individuals found to be in contempt may be removed from the hearing and students may be charged with violating applicable Student Conduct Regulations.
 13. The accused student shall receive a written account of the decision of the adjudicator. A decision will be based upon information sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not. In cases involving allegations of assault and sexual assault, the University will disclose the results of a Student Conduct proceeding to the victim.

G. Adjudicator Structure and Selection

In formal student conduct proceedings, the student accused of violating Student Conduct Regulations will have her/his case heard before one of the following:

1. **Hearing Officer** – University representative who is designated by the Office of Student Conduct and is appointed by the University President of IUP to adjudicate cases at the Administrative Hearing level.
2. **A University Student Conduct Board** – A Student Conduct Board consists of four to six members, at least one of whom is staff or faculty and one of whom is a student, selected from a pool of prospective members who have been trained to participate as Student Conduct Board members and appointed by the University President. A chairperson designated by the Office of Student Conduct oversees the hearing. Board members are trained in the investigatory and fact finding process.
 - a. **Special Interim Student Conduct Boards** - The University reserves the right to establish Special Interim Student Conduct Boards appointed by the Office of Student Conduct to expedite adjudication of student disciplinary cases when it is impractical for the university Student Conduct Board to convene. These boards, composed of two or more persons and a chairperson, may be convened to hear cases when an interim suspension has been issued and the accused student wishes to waive her/his right to ten (10) calendar days notice to a hearing (see Section E ^{4,9}), and/or the case must be heard at times impractical for a Student Conduct Board to convene (for example, final exam week, vacation periods, summer school, etc.).
 - b. **Student Conduct Boards addressing sexual violence** – In cases involving sexual violence, board members, who serve on these boards, have been specifically trained to examine and adjudicate allegations.

Hearing Officers and the University Student Conduct Board have delegated authority from the University President to adjudicate student conduct cases.

H. Procedures for cases adjudicated by hearing officers

1. An accused student may challenge the assignment of a specific hearing officer to her/his case. This challenge must be presented in writing to the Office of Student Conduct at least one (1) working day prior to the scheduled date and time of the hearing. Upon reviewing the details of the challenge, the Associate Dean of Students for Student Life and Community Engagement or her/his designee will either uphold the challenge and appoint an alternate hearing officer and arrange a new hearing time, or deny the challenge. Failure to act shall be deemed denial.
2. A hearing officer will withdraw from adjudicating any case in which s/he feels s/he cannot reach a fair and objective decision.

3. The hearing officer will review all material, hear all information pertinent to the case from the referring party, the accused student and all witnesses, clarify issues raised and render a decision based on the information presented at the hearing.
4. Following the hearing, the hearing officer will schedule a time to meet with the accused student (if possible) to issue a decision, and, if the student is found "in violation" of any university regulation, issue one or more sanctions. This information is also presented to the student in writing within seven (7) calendar days.
5. A hearing officer's decision will be based on all information presented at the hearing. If the accused student is found "in violation" of any university regulation, all materials within the student's past and present student conduct file will be used to determine appropriate sanction(s).

I. Procedures for cases adjudicated by Student Conduct Board

1. Any accused student appearing before a Student Conduct Board may challenge any member of the board sitting in judgment of her/his particular case. Upon hearing the details of the challenge, the Student Conduct Board will, by majority vote (challenged member not voting), either uphold or deny the challenge.
2. A Student Conduct Board member will withdraw from participating in any case in which the member feels that s/he cannot reach a fair and objective decision.
3. The Student Conduct Board serves as the University's investigation of the allegations, asking questions to determine the facts of the case. The Student Conduct Board will review all materials and hear all information pertinent to the case from the referring party, the accused student, and all witnesses. Members of the Student Conduct Board shall be free to ask relevant questions in order to clarify information which is presented.
4. A Student Conduct Board hearing will be digitally recorded by the University and the recording will be retained at the University in accordance with the records and recordkeeping policy (see section M). Under no circumstances are other individuals permitted to record student conduct hearings.
5. After hearing all the information, the board will privately make its decision and, if necessary, determine appropriate sanction(s). If the accused student is found "in violation" of university regulations, all materials within the student's past and present student conduct file shall be used to determine appropriate sanctions.
6. Upon the conclusion of the hearing, the Student Conduct Board chairperson will schedule a time to meet with the accused student to communicate the board's decision and, if the student is found "in violation" of university regulations, to communicate the sanction(s). This information is also presented to the student in writing within seven (7) calendar days.
7. In cases where the Student Conduct Board recommends expulsion as the appropriate sanction, the chairperson will recommend the sanction in writing to the Vice President for Student Affairs or her/his designee within three (3) calendar days.

J. Sanctions

Violations of Student Conduct Regulations which demonstrate malicious intent towards the race, gender, color, religion, national origin, disability, and/or sexual orientation of another person or persons may result in increased sanctions.

1. A hearing officer or Student Conduct Board may impose one or more sanctions from the sanctions listed below.
2. Any sanction may be put on hold or "stayed" from implementation for a specified period of time as determined by the hearing officer or Student Conduct Board.
3. Sanctions which may be imposed include the following:
 - a. **Disciplinary Warning:** A written warning may be given to the student that indicates that s/he

has been found "in violation" of an IUP regulation and that failure to comply with IUP regulations in the future may result in referral to the student conduct system to be handled as a second offense. A warning remains in effect for a specific period of time, as determined by the adjudicator.

- b. **Community Service or Educational Task:** A task which benefits the individual, campus, or community.
- c. **Disciplinary Probation:** Disciplinary Probation is an indication that a student's status at the university is seriously jeopardized. During the probationary period, if the student is found "in violation" of another policy/regulation, a more serious sanction will be levied, including possible suspension or expulsion from the university. Disciplinary Probation is in effect for a specific period of time, as determined by the adjudicator.
- d. **Disciplinary Removal from University Owned/Operated Housing:** This sanction removes a student from University owned/operated housing facilities on either a temporary or a permanent basis. This is a more severe sanction usually taken in response to serious or repeated violations of university regulations or housing policies/regulations.
- e. **Loss of Eligibility for University Owned/Operated Housing:** The student, whether currently living in university owned/operated housing facilities or not, is denied future eligibility for University owned/operated housing on a temporary or permanent basis.
- f. **No Visitation in University Owned/Operated Housing/Facilities:** This sanction prohibits a student from being present within University owned/operated housing or other designated facilities for any purpose for a specific time period as determined by the adjudicator.
- g. **No Contact:** A student is prohibited from any form of communication/contact with one or more persons in any manner, including, but not limited to, contact via electronic media, personal contact, contact via a third party, etc.
- h. **Restitution:** A student may be required to pay for damages to property, including but not limited to, personal and University/Co-op property, and/or for personal injury. Payment will be made under guidelines determined by the Office of Student Conduct.
- i. **Fine:** A student may be billed an amount of money as determined by the highest sanction assigned by the hearing officer or Student Conduct Board.
- j. **Letter to Parent(s) or Legal Guardian(s):** The student's parent(s) or legal guardian(s) receive a copy of the hearing officer's or Student Conduct Board's decision. This does not apply if the student is twenty-one years of age or older or if the student presents documentation to demonstrate independence (as defined in section 152 of the Internal Revenue Code).
- k. **Suspension:** A student may be suspended from the university for a specific period of time, not to be less than the remainder of the current semester. Suspension requires that a student remove her/himself from University or Student Cooperative Association owned or affiliated entities or properties. S/he is not permitted to attend classes or social activities or to be present on University/Student Cooperative Association property during the period of suspension. *This sanction can be recommended to the Vice President for Student Affairs by a hearing officer. The Vice President for Student Affairs or her/his designee shall endeavor to respond to the accused student in writing regarding the recommendation of suspension within five (5) calendar days of receiving it.*
- l. **Expulsion:** The Student Conduct Board may recommend to the Vice President for Student Affairs that a student be expelled from the institution. Expulsion from the University is permanent dismissal. The Vice President for Student Affairs or her/his designee shall endeavor to respond to the accused student in writing regarding the recommendation of expulsion within five (5) calendar days of receiving it.

K. Interim Suspension

In a situation where it is determined that a student's continued presence constitutes an immediate threat of harm to the student, other individuals, or University or Student Cooperative Association premises or facilities, the Vice President for Student Affairs or her/his designee may suspend a student from the University pending final disposition of the case.

1. Within the five (5) calendar days of issuance of the Interim Suspension, unless circumstances warrant an extension, an Interim Suspension Review hearing or Student Conduct Board hearing will be conducted to review the circumstances of the suspension (Interim Suspension Review) or to adjudicate the case (Student Conduct Board hearing).
2. The Interim Suspension Review officer or Student Conduct Board will then continue the suspension or take other action based upon the information presented at the Interim Suspension Review hearing or the Student Conduct Board hearing. The burden of proof in Interim Suspension Review hearings or Student Conduct Board hearings lies with the University and not the accused student.
3. If the Interim Suspension is not upheld, the accused student will immediately be reinstated. The student cannot be penalized for missing class and will be guaranteed the opportunity to make up academic work missed during the semester in which the suspension was imposed. It is the responsibility of the accused student to make arrangements with faculty members for completing missed work.

L. Appeals

1. **Grounds for Appeal:** Upon receiving notification of the outcome of a student conduct hearing, an accused student and/or the referring party (and alleged victim(s) of violence, if involved) may appeal in writing for any of the following reasons:
 - a. Procedural error that likely impacted the hearing outcome.
 - b. New information (applies when there is an acceptable reason to explain why the information could not be presented at the original hearing).
 - c. Inappropriate sanctions that resulted in one or more of the following: loss of eligibility to live in and/or visit University-owned/operated housing, stayed suspension, suspension, and/or expulsion.
2. **Procedure for Appeal:**
 - a. The accused student and/or referring party (and alleged victims(s) of violence, if involved) must present a written request that specifically articulates one or more reason(s) for appeal from the grounds listed above to the Vice President for Student Affairs or her/his designee within ten (10) calendar days of notification of the hearing decision. The ten (10) day requirement may be waived by the Vice President for Student Affairs or her/his designee where extenuating circumstances prevail and only if the grounds for appeal are met.
 - b. In cases that do not involve interim suspension, once an appeal is filed all sanctions are placed on hold with the exception of any sanction prohibiting contact with a victim of violence.
 - c. The Vice President for Student Affairs or her/his designee may hear the appeal or direct the appeal to be heard by a Student Conduct Board by a hearing officer
 - d. Upon considering an appeal, the Vice President for Student Affairs or her/his designee may reverse the original decision, sustain the decision, reduce or increase the severity of the sanction, reopen the case with the original Student Conduct Board, or require that the case be reheard by a new Student Conduct Board. The record for appeal is the student conduct file (see "Records and Record Keeping").
 - e. Appeals of a suspension implemented by the Vice President for Student Affairs or her/his designee are heard by the University President.

- f. Appeals for expulsion must be submitted to the Office of the President. The University President shall respond to an accused student in writing regarding the appeal of an expulsion decision.
- g. Decisions on all appeals shall be rendered within ten (10) calendar days, unless justifiable circumstances make adherence to this time frame infeasible.

M. Records and Record Keeping

The Office of Student Conduct will maintain student conduct files, which contain all necessary and appropriate correspondence, hearing officer and Student Conduct Board decisions, and other documentation pertinent to any student conduct cases involving the accused student. Material deemed unnecessary may be discarded at any time. Student conduct records will be maintained for minimally seven (7) years.

The University will not release a student's conduct records without the written consent of the student. The only exceptions to this guideline are those outlined in the Family Educational Rights and Privacy Act of 1974 (See IUP Student Records Policy).

N. Review of Student Conduct Policies and Procedures

The Student Conduct Policies and Procedures shall be reviewed minimally every five (5) years. The Student Conduct Policies and Procedures shall be updated as needed to be in compliance with Federal laws. The review process shall be coordinated by the Associate Dean of Students for Student Life and Community Engagement.

The Office of Student Conduct has the authority to resolve questions pertaining to Student Conduct Policies and Procedures. Questions regarding interpretation of the Student Conduct Policies and Procedures should be directed to the Office of Student Conduct, 307 Pratt Hall.

Approved by University Senate on April 17, 2012.

Presented for Information to University Senate on September 9, 2014.