

## 410 CODE OF STUDENT CONDUCT AND RIGHTS OF STUDENTS

*Policy 410 was amended by the ISU Board of Trustees as follows: Section 410.3.1 on April 27, 2007; Sections 410.3.3.4, 410.3.5, 410.5.4.5, 410.5.8.1, 410.5.8.2, 410.5.8.3, 410.5.8.4, 410.5.8.5 on May 7, 2010; Section 410.3.6 on May 6, 201; 410.3.3.3 on October 14, 2011.*

### ***Preamble***

The Code of Student Conduct contains the regulations governing the behavior of all students and student organizations at Indiana State University and the maintenance of an environment designed to enhance the academic and personal growth of students.

Students and student organizations are expected to conduct themselves in accordance with these regulations. Furthermore, students and student organizations are to avoid any activity that aids, abets, or incites the violation of these regulations by others. Students and student organizations can be held accountable for violations committed by guests and associates.

The Board of Trustees has approved these regulations. Furthermore, the Board has empowered the President of the University and his/her designees to enforce the regulations, adjudicate violations, and assign appropriate sanctions.

Numerous policies and procedures are referenced in the Code and will be enforced by the University. A partial listing of these policies and procedures is located in (page/section) with the appropriate web site identified. Students agree to abide by these policies as a condition of admission and are expected to know the regulations of the University and conduct themselves in harmony with these regulations.

**410.1 Definitions.** The following definitions apply to terms found in the Code of Student Conduct:

**410.1.1 “University”.** The term “University” means Indiana State University.

**410.1.2 “Student”.** The term “student” includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than Indiana State University and reside in University residence halls. Students who are not officially enrolled for a particular term or terms (up to two years after the last active enrollment) are defined as having a continuing relationship with the University and are considered “students”.

**410.1.3 “Faculty Member.”** The term “faculty member” means any person hired, appointed, or assigned by the University to conduct classroom activities.

**410.1.4 “University Official.”** The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities. This term includes student employees such as Resident Assistants, Community Service Officers, etc.

- 410.1.5 “Member of the University Community.”** The term “member of the University community” includes any person who is a student, faculty member, university official, or any other person employed by the University. The Director of The Office of Student Conduct and Integrity shall determine a person’s status in a particular judicial process.
- 410.1.6 “University Premises.”** The term “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- 410.1.7 “Student Organization.”** The term “student organization” means any number of persons who have complied with the requirements of University registration or recognition.
- 410.1.8 “All-University Court” or “Judicial Body”.** The term “All-University Court” or “judicial body” means any person or persons authorized by the President of the University or his/her designee(s), pursuant to policies established by the University, to determine whether a student or student organization has violated the Code of Student Conduct and to impose appropriate sanctions, including termination of student status or revocation of registration or recognition.
- 410.1.9 “Shall”.** The term “shall” is used in the imperative sense.
- 410.1.10 “May”.** The term “may” is used in the permissive sense.
- 410.1.11 Director of The Office of Student Conduct and Integrity.** The Director of The Office of Student Conduct and Integrity is that person designated by the President of the University or his/her designee to be responsible for the administration of the Code of Student Conduct.
- 410.1.12 “Policy.”** The term “policy” is defined as the written regulations of the University as found in, but not limited to, the Code of Student Conduct, the Residence Hall Handbook, the University Handbook, and the Graduate and Undergraduate catalogs.
- 410.2 Policy Overview.** These regulations and other University policies and regulations referenced herein governs the conduct of individual students and student organizations. Students and student organizations will be held accountable for the conduct of their guests. Students and student organizations will be subject to these regulations for conduct occurring away from the campus when that conduct affects the educational interests or mission of Indiana State University.
- 410.3 Section I: Misconduct Activities Which Subject A Student Or Student Organization To Disciplinary Action.**

**410.3.1 Application.** This Policy applies to all student experiences involving academic credit (e.g., on-campus and distance education courses, internships, practica, theses) and is one of the regulations for student ethical behavior referenced in the Indiana State University Code of Student Conduct.

**410.3.2 Policy on Academic Integrity.** Because academic integrity is a cornerstone of the University's commitment to the principles of free inquiry, students are responsible for learning and upholding professional standards in research, writing, assessment, and ethics. In the academic community the high value of honesty mandates a corresponding intolerance of dishonesty. Written or other work which students submit must be the product of their own efforts and must be consistent with appropriate standards of professional ethics. Academic dishonesty, which includes cheating, plagiarism, and other forms of dishonest or unethical behavior, is prohibited. A summary of behaviors that constitute academic dishonesty appears below. The definitions and clarifications provide additional information and examples of prohibited behaviors. They are not all-inclusive. Questions regarding this policy or requests for additional clarification should be directed to the Office of the Provost, Student Affairs, or to The Office of Student Conduct and Integrity. The types of academic dishonesty described include:

- (a) Cheating on examinations;
- (b) Plagiarism;
- (c) Falsification, forgery, and obstruction;
- (d) Multiple submission;
- (e) Facilitating academic dishonesty;
- (f) Misconduct in research and creative endeavors;
- (g) Misuse of academic resources;
- (h) Misuse of intellectual property; and
- (i) Violation of ethical and professional standards.

**410.3.2.1 Cheating on Examinations.**

**410.3.2.1.1 Definition.** Cheating is using or attempting to use materials, information, notes, study aids, or other assistance not authorized by the instructor during an examination or evaluation.

**410.3.2.1.2 Clarification.**

1. While taking an examination or being evaluated, students are prohibited from looking at other students' materials and from using external aids (e.g., books, notes, computers, calculators, electronic devices, and conversation with others) unless the instructor has specifically indicated in advance that this will be allowed.
2. Students are prohibited from taking examinations, undergoing evaluations, or completing any assignments for others. Students shall not allow other persons to take examinations or participate in evaluations or complete any assignments for them.
3. Students shall not acquire unauthorized information about an examination or evaluation and shall not use such information acquired by others.

#### 410.3.2.2 **Plagiarism.**

**410.3.2.2.1 Definition.** Plagiarism is intentionally or carelessly presenting the work of another as one's own. It includes submitting an assignment purporting to be the student's original work which has wholly or in part been created by another. It also includes the presentation of the work, ideas, representations, or words of another without customary and proper acknowledgement of sources. Students must consult instructors for clarification in any situation in which documentation is an issue. Students will be considered to have plagiarized whenever their work is not properly documented.

#### 410.3.2.2.2 **Clarification.**

1. Information, quoted or paraphrased, gained in reading or research that is not common professional knowledge must be acknowledged in a footnote, endnote, or by parenthetical citation in the text.
2. Every direct quotation must be identified by quotation marks or appropriate indentation and must be properly acknowledged in a footnote, endnote, or by parenthetical citation in the text.

3. When source material is paraphrased or summarized in whole or in part in one's own words, that source must be acknowledged in a footnote, endnote, or by parenthetical citation in the text.
4. The prohibition of plagiarism applies, but is not limited to, papers, reports, projects, and other work submitted to fulfill course requirements.
5. "Turnitin" is a plagiarism prevention program which analyzes papers, reports, and other documents for indications of plagiarism. Questions should be directed to the Turnitin Coordinator at Extension 7685.

### **410.3.2.3 Falsification, Forgery and Obstruction.**

#### **410.3.2.3.1 Definition.**

1. Falsification is the intentional and unauthorized fabrication or invention of any information or citation in an academic exercise. Falsification includes knowingly reporting data, research, or reports so that the resulting process or product is different from what actually occurred.
2. Forgery is the imitating or counterfeiting of images, documents, signatures, and the like.
3. Obstruction is any behavior that limits the academic opportunities of other students by: improperly impeding their work or their access to educational resources or disrupting instruction.

#### **410.3.2.3.2 Clarification.**

1. Fabricated or forged information shall not be used in any laboratory experiment, report of research, research paper, or academic exercise. Invention for artistic or creative purposes is legitimate under circumstances explicitly authorized by an instructor.
2. Students shall not furnish or attempt to furnish fabricated, forged, or misleading information to University officials on University records, or on

records of agencies in which students are fulfilling academic assignments.

3. Students shall not steal, change, or destroy other students' work. Students shall not impede the work of others by theft, defacement, or mutilation of resources so as to deprive others of their use.
4. Students shall not falsely report meeting responsibilities of attendance or participation in classes, practica, internships, or other field work experiences, or submit falsified excuses for attendance or participation in such experiences.
5. Students shall not engage in conduct that obstructs or disrupts any instructional activity. Prohibited conduct includes, but is not limited to:
  - (a) Conversation with others during lectures or instructional exercises.
  - (b) Unauthorized or inappropriate use of computing resources.
  - (c) Operating electrical or communication devices in a disruptive manner.
  - (d) Engaging in verbal or physical conflict.
  - (e) Failing to enter class on time and remain during the entire scheduled period.
  - (f) Failing to comply with directions from an instructor to cease disrupting any instructional activity.

#### **410.3.2.4 Multiple Submission.**

##### **410.3.2.4.1 Definition.**

1. Multiple submissions are the submission of all or part of the same or substantially the same work for credit in two or more courses.
2. Multiple submissions include the use of any academic work previously submitted for academic credit at this or another institution, including high school work.

3. Multiple submissions shall not include those academic exercises when written approval by the current course instructor authorizes use of prior academic work.
4. When multiple submissions are allowed, instructors will specify the expected academic effort applicable to their courses.

#### **410.3.2.4.2 Clarification.**

1. Students may not normally submit any work for academic credit in more than one course. This will apply to submissions of the same or substantially the same work whether in the same or in different semesters.
2. Students may not normally submit all or part of the same or substantially the same work for academic credit in two different courses even if the work is being graded on different bases in the separate courses (e.g., graded for research effort and content versus grammar and spelling).
3. Students may resubmit a prior academic endeavor if there is substantial new work, research, or other appropriate additional effort. The student shall disclose the use of the prior work to the instructor and receive the instructor's permission to use it PRIOR to the submission of the current endeavor.
4. Students may submit the same or substantially the same work in two or more courses with the prior written permission of all faculty involved. Failure by the student to obtain the written permission of each instructor shall be considered a multiple submission. This authorization is required whether the courses occur in the same or in different terms.
5. Collaboration on any academic exercise is forbidden unless specifically authorized by the instructor for a specific exercise. Students should not assume that collaboration is authorized unless the course instructor gives approval. Students authorized to engage in collaboration shall be required to

demonstrate that the work submitted reflects an appropriate level of the student's individual work.

#### **410.3.2.5 Facilitating Academic Dishonesty.**

**410.3.2.5.1 Definition.** Intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty. Facilitating academic dishonesty includes behavior that may not directly benefit the accused but assists another student in violating the policy.

##### **410.3.2.5.2 Clarification.**

1. Students shall not allow others to copy from their papers during any examination, or on any paper or other assignment.
2. Students shall not assist other students in acts of academic dishonesty by providing material of any kind that one may have reason to believe will be misrepresented to an instructor or other University official.
3. Students shall not provide information about test questions or the material to be tested before a scheduled examination unless they have been specifically authorized to do so by the course instructor.

#### **410.3.2.6 Violation of Professional Standards in Research and Creative Endeavors.**

**410.3.2.6.1 Definition.** Misconduct in research is serious deviation from accepted professional practice within a discipline or from the policies of the University in carrying out, reporting, or exhibiting the results of research or in publishing, exhibiting, or performing creative endeavors. It includes:

- (a) Plagiarism.
- (b) Fabrication or falsification of data.
- (c) Misrepresentation of scientific or creative works.

- (d) Misconduct in research does not include honest error or honest disagreement about interpretation of data.

**410.3.2.6.2 Clarification.**

1. Students shall not invent or counterfeit information.
2. Students shall not report results dishonestly, whether by dishonest or selective reporting of data, altering or improperly revising data, selective reporting or analysis of data, or negligence in the collection or analysis of data.
3. Students shall not represent another person's ideas, writing, or data as their own.
4. Students shall not appropriate or release the ideas or data of others when such data have been shared in the expectation of confidentiality.
5. Students shall not publish, exhibit, or perform work in circumstances that will mislead others. They shall not misrepresent the nature of material or its origin, and they shall not add or delete names of authors without permission. Student artists produce works under artistic license and have great liberty in artistic expression; however, they are still accountable for inappropriate practices that are not within the professional norm of a given discipline.
6. Students shall adhere to all federal, state, municipal, and University regulations as outlined in the policies of the Institutional Review Board ([www.indstate.edu/osp/irb/home.html](http://www.indstate.edu/osp/irb/home.html)) for the protection of human subjects, and the Institutional Animal Care and Use Committee ([www.indstate.edu/ecology/IACUC.htm](http://www.indstate.edu/ecology/IACUC.htm)) for studies involving animals, and adhere to the standards of professional conduct prescribed by the Indiana State University Handbook ([www.indstate.edu/osp/re\\_admin/index.html](http://www.indstate.edu/osp/re_admin/index.html)).

7. Students authorized to access the institutional record system (BANNER) shall utilize the system in accord with University policy and any other pertinent regulations (for example the Family Education Rights and Privacy Act/ FERPA).

#### **410.3.2.7 Misuse of Academic Resources.**

**410.3.2.7.1 Definition.** Misuse of academic resources involves the intentional use, misuse, or alteration of University materials or resources to make them inaccessible to others. Such misuse includes the unauthorized or inappropriate use of computer accounts, alteration of passwords, violation of library procedures, or other intentional misuse or destruction of educational materials.

#### **410.3.2.7.2 Clarification.**

1. Students shall not use the University computer system to support plagiarism.
2. Students shall not monitor or tamper with another person's electronic communications.
3. Students shall not use University computer resources to engage in illegal activity, including but not limited to: illegally accessing other computer systems, exchanging stolen information, or violating copyright agreements. The ISU computing policies are at the following web address:  
[http://www.indstate.edu/oit/official\\_docs/computing\\_policy\\_procedures.html](http://www.indstate.edu/oit/official_docs/computing_policy_procedures.html)

#### **410.3.2.8 Misuse of Intellectual Property.**

**410.3.2.8.1 Definition.** Misuse of intellectual property is the improper use of copyright materials, trademarks, trade secrets, or intellectual property.

**410.3.2.8.2 Clarification.** Students shall not violate University policy concerning fair use. The ISU Intellectual Property Policy appears in Section 370 of the ISU Policy Website.

**410.3.2.9 Violation of Ethical and Professional Standards.**

**410.3.2.9.1 Definition.** Students shall adhere to the standards, guidelines and/or codes associated with the ethics and conduct established for academic programs and courses.

**410.3.2.9.2 Clarification.** Such standards generally are communicated by instructors and are available in professional publications. Assistance in accessing these standards is available through the appropriate academic department. Unethical or unprofessional behavior is a violation of the Policy on Academic Integrity.

**410.3.3 Offenses Against Persons.**

**410.3.3.1** Physical abuse, verbal abuse, threats, intimidation, coercion, stalking, and/or conduct that threatens or endangers the health or safety of any person.

**410.3.3.2** Use or possession of a firearm or object used as a weapon, dangerous chemical or explosive, or the use of any object in a manner that could be reasonably seen as having the potential to cause physical harm or the apprehension of such harm to another. The director of The Office of Student Conduct and Integrity will determine the status of a weapon in any given situation.

**410.3.3.3** Sexual and/or Intimate partner violence or Sexual Harassment as defined by the University policies or by state law. [Click here for complete procedures.](#)

**410.3.3.4** Hazing is strictly prohibited in connection with the activities of students and student organizations. Hazing shall be defined as any conduct which subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may abuse, degrade, or intimidate the person as a condition of association with an organization or group, regardless of the person's consent or lack of consent.

**410.3.3.5** Any activity that limits or restricts the freedom of a person to move about in a lawful manner.

**410.3.4 Offenses Detrimental to the Operation of the University.**

1. Conduct that is disorderly, lewd, or indecent.

2. Acts that interfere with the freedom of expression of others.
3. Disruption or obstruction of teaching, research, administration, or other University activities including public service functions.
4. Furnishing false information to the University and/or the forgery, unauthorized alteration, or unauthorized use of any University document or instrument of identification.
5. Conduct that is a violation of the criminal code of the State of Indiana or of federal law, or that by its nature poses a threat to the welfare or safety of persons or property.
6. Misuse or unauthorized use of computing facilities or programs as defined by University Computing and Web Policies.
7. Failure to comply with verbal and/or written instructions of University officials acting in the performance of their duties and made within the scope of their authority.
8. Violation of all other published University policies not specifically described in this Code.
9. Engaging in solicitation of any type on University property without appropriate authorization. (See Section 410.4)

**410.3.5 Offenses that Compromise the Health and Safety of Others.**

1. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
2. Use, possession, sale, or transfer of any unlawful drug or narcotic.
3. Violation of the University's Alcoholic Beverage Policy which includes:

<http://www.indstate.edu/sjp/docs/University%20Alcoholic%20Beverage%20Policy.pdf>

- a. Sale, purchase, consumption, or possession of alcoholic beverages by persons who are younger than lawful age;
- b. Sale, purchase, consumption, or possession of alcoholic beverages by persons of legal age in a manner inconsistent with University policy.

- c. Furnishing alcoholic beverages to persons younger than 21 years of age.
  - d. Misuse or abuse of alcoholic beverages.
4. Igniting or burning materials in a manner that reasonably could or actually does cause a fire.
  5. Engaging in gambling, wagering, or other games of chance in violation of the law.

**410.3.6 Offenses Against Property.**

1. Theft of property or services or knowingly possessing stolen property.
2. The intentional and/or reckless destruction or damage of University property or the property of others.
3. Unauthorized use, entry, occupancy, or possession of University or private facilities, structures, or property.

**410.3.7 Offenses Against the Judicial Process.** Conduct that is in contempt of the All-University Court and/or The Office of Student Conduct and Integrity, including but not limited to failure to obey an order to appear before the All-University Court or the staff of The Office of Student Conduct and Integrity, or the falsification, distortion, or misrepresentation of information before the All-University Court or the staff of The Office of Student Conduct and Integrity.

**410.4 Section II.**

**410.4.1 Policy on Sales and Solicitations.** Sales and solicitations may be conducted on campus by an officially registered or recognized student organization. Off-campus charitable, not-for-profit, and commercial enterprises offer programming opportunities that often include sales. Such programs may be brought onto campus under the sponsorship of a registered or recognized student organization. All sales and solicitations must comply with University regulations and policies, as well as local, state and federal laws and ordinances.

1. Sales or solicitations in residence halls must be approved by Residential Life.
2. Sales or solicitations conducted anywhere on campus except in the residence halls must be approved by Student Life Programs. In addition, use of a facility for the purpose of sales or solicitations must be approved by the person charged with primary responsibility for use of that facility. (Names of such persons are available in Student Life Programs.)

3. Individual students who wish to sell or solicit on campus may do so by renting space in the Hulman Memorial Student Union or by conducting the sale in the privacy of their own residence hall rooms or University Apartments residence, provided such sales have been specifically approved in accordance with the Residential Life Guidelines.

**410.4.2 Policies for Posting Notices.** The University provides facilities for the posting of University related and private notices under the following criteria:

1. Notices must have the name, address, and telephone number of an authorized organization representative (or individual if not affiliated with an organization) clearly printed on the back of the notice.
2. The notice cannot promote any activity in violation of University regulation or policy, or federal, state or local law or statute.
3. Hulman Memorial Student Union and Residential Life have limitations on the size of notices. Users should contact the Directors of those facilities concerning these limitations. In all other areas, posted notices may be no larger than 18 inches by 24 inches.
4. Outdoor displays cannot be nailed to trees or other structures or objects. The use of string, tape, or wire is suggested. No stakes or postholes may be used without the written permission of Facilities Management.
5. Chalking with water soluble chalk is restricted to flat, horizontal walkways in open areas that will allow rain to eventually wash the chalk away. Chalking is prohibited on benches, walls or other vertical surfaces. Chalking is not allowed on the brick paver walkways.
6. Posters may not be attached to the sides of buildings. Banners may be hung from buildings if approved by the building supervisor and Facilities Management. Posters and notices may not be placed on glass (entry) doors or windows.
7. Private parties may post notice of meetings and services as long as the above criteria are followed. Posters are removed after two weeks or at the end of the effective date of the posted message, whichever comes first.
8. Priority is given to those notices posted by University departments and by registered / recognized student organizations.

The University may remove and discard any outdated notice, or any notice posted in violation of the criteria outlined above.

#### **410.5 Section III: Process and the Rights of Students.**

**410.5.1 General Overview of the Process for Handling Conduct Situations.** The Board of Trustees of Indiana State University has adopted University policies and procedures to provide an orderly environment whose purpose is the academic and personal growth of students. The University administration is responsible for providing the process for addressing violation so of these policies. A process has been developed for addressing student conduct situations at three levels: hearings with minimum due process, conferences with The Office of Student Conduct and Integrity staff, and full due process hearing.

**410.5.1.1 Minimum Due Process.** Conduct Discussion or Residence Hall Probation may be utilized by the Office of Student Conduct and Integrity professional staff member or residence hall head staff member when a complaint is received for an alleged violation that is a first offense, minor in nature, or addresses a violation that is related to residence hall contractual issues. If a student is found responsible, it will not result in a change of student status. The accused student is informed of the complaint by the appropriate staff member and is given the opportunity to discuss the alleged violation. The student may admit to the violation or may deny involvement. If the student is not satisfied with the outcome of the hearing, he/she may have the complaint referred to the Director of The Office of Student Conduct and Integrity and request that the matter be heard in Conference.

**410.5.1.1.1 Records; New Violations.** Should the student be found responsible for the violation, a record of the incident is maintained in The Office of Student Conduct and Integrity or in the residence hall area director's office for one (1) calendar year. If during that year, the student becomes involved in another conduct situation, the Conduct Discussion or Residence Hall Probation record will be utilized in determining at what level the new allegation(s) will be addressed.

**410.5.1.2 Conference.** A conference hearing addresses behavior that is too serious to be processed with minimum due process. A conference would not require the preparation of charges or hearing. The Office of Student Conduct and Integrity staff member would meet with the accused student and discuss the alleged violations. The facts surrounding the case would be reviewed with the student and a decision reached. If the student and staff member do not agree, the student may request to have the complaint referred for a full process hearing. Charges will be filed against the accused student and he/she may request a hearing with the All-University Court.

**410.5.1.3 Conduct Adjudication.** Full due process is used for all alleged violations that may result in a change of student status. The process contains three fundamental steps: (1) presentation of the charges, (2)

hearing and decision by All-University Court, and (3) action by an administrator. An appeal opportunity is available for the accused student or complainant upon receipt of the decision.

**410.5.2 Rights in Disciplinary Situations.** The Board of Trustees in keeping with procedural guidelines has accorded students rights in disciplinary situations. These rights may be found in written detail in the Student Government Association Constitution and in the Conduct Adjudication Information pamphlet, which is given to a student at the time of presentation of written charges. Basically, students have the right:

1. To examine all written information pertaining to the alleged violation;
2. To a fair hearing;
3. To know whether statements made in disciplinary situations can be used in all-University Courts, administrative procedures, or civil courts;
4. To bring an advisor from the University community to a hearing (the accused student may use legal counsel as an advisor when facing criminal charges for the same occurrence);
5. To appeal decisions of the hearing based on specific grounds defined within this process.

**410.5.3 Conduct Adjudication Process.**

**410.5.3.1 Presentation of Charges.** A student who is accused of an alleged violation of a University policy receives written notice and materials outlining the allegations against him/her and the appropriate charges drawn from the allegations. The student also receives materials that provide a thorough explanation of the conduct adjudication process that includes a review of rights of students during disciplinary proceedings, a detailed explanation of possible actions, and a description of the preservation of and release of information from the conduct records. The student is given two (2) days to present his/her plea to The Office of Student Conduct and Integrity.

**410.5.3.2 Hearing.** All hearings provide the opportunity for the accused student to respond to the charges, to change his/her plea, to present witnesses, and to raise questions. Hearings provide the opportunity for the complainant to present the allegation, to present witnesses, and to raise questions. An All-University Court hearing panel will, through questioning, seek to arrive at the truth. Should a student fail to appear at a scheduled hearing, after proper written notification, the hearing will be conducted in his/her absence.

**410.5.3.3 Presentation of Decision.** An administrator meets with the accused student to communicate the decision and to take the action of a hearing panel. The student is apprised of the decision from the hearing concerning his or her responsibility. A detailed explanation is given of the action and its effect on the student, which may include probation, stipulations, and future expectations for the student's behavior. The student is informed of the right to appeal and the procedure to follow. The complainant is also apprised of the decision and given information about the appeal process.

**410.5.4 Types of Disciplinary Actions.** The actions that may be taken when a student is found in violation of University regulations or public laws range from charges dropped up to and including expulsion from the University. The action taken depends upon the severity of the violation, the degree of involvement of the student, the individual circumstances of each case, the student's conduct record, and the student's academic progress.

**410.5.4.1 Charges Dropped/Not Responsible.** The charges may be dropped if there is insufficient evidence to support the charge. If evidence is presented during the hearing that shows a student has not committed the violation, then he or she is found not responsible. All written materials pertaining to the allegations against the individual are destroyed.

**410.5.4.2 Judicial Probation.** This action is a probationary status that would notify a student that his or her actions are of a serious nature and that a formal sanction is justified, but the student is not removed from good standing. The probation could include additional stipulations, and would be assigned for at least the equivalent of one full semester. A written record is maintained for (1) one calendar year after the date of the action, pending no further violations.

**410.5.4.3 Deferred Suspension.** Formal disciplinary action near suspension, and includes a review of a student's behavior for a specific period of time. The student is removed from good standing at the University, for not less than the equivalent of one full semester. The sanction may carry other restrictions and stipulations. The student must meet all conditions and submit a written request to be returned to good standing. A subsequent violation could be cause for suspension. A written record is maintained for three (3) calendar years after the date of the last action taken, pending no further violations.

**410.5.4.4 Suspension.** This action indicates that a student is excluded from the University for one (1) or more semesters, depending upon the severity of the violation. The sanction includes a ban from entering the environs of the University property and a hold placed on

registration. Parents of financially dependent students will be notified. The record is maintained permanently.

**410.5.4.5 Interim Suspension.** The Director of The Office of Student Conduct and Integrity or a designee may suspend a student from the University for an interim period pending disciplinary or other formal proceedings. The student is denied access to all property owned, operated, or controlled by the University, is denied attendance and/or participation in classes, and is banned from attendance and/or use of University activities and facilities while under this status. Should the student violate these conditions he/she will be subject to arrest and prosecution for criminal trespass.

The interim suspension shall become immediately effective without prior notice whenever there is evidence that the continued presence of the student at the University poses a substantial and immediate threat to him/herself or to others, or to the stability and continuance of normal University functions.

A student suspended on an interim basis shall be given a prompt opportunity to appear personally before the Director of The Office of Student Conduct and Integrity or a designee in order to discuss the following issues only:

1. The reliability of the information concerning the student's conduct, including the matter of his or her identity;
2. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on university premises poses a substantial and immediate threat to himself or herself or to others or the stability and continuance.

A hearing with the All-University Court will be conducted no later than ten (10) business days from the imposition of this action. The student will be allowed to attend this hearing and is afforded the process established by the University for formal adjudication of alleged violations.

**410.5.4.6 Expulsion.** This action means permanent termination of student status. The record is maintained permanently.

**410.5.5 Records Policy, The Office of Student Conduct and Integrity.** The Family Educational Rights and Privacy Act (FERPA) affords students and eligible parents the right to "inspect and review the education records of the student." (section 99.10(a)). Disciplinary records maintained by the University are considered education records as defined by this law. Parents of a dependent student as defined by the Internal Revenue Code will receive this notification of sanctions of certain violations of the Code of Student Conduct (See Section 410.5.4 "Types of Disciplinary Action" for details.

**410.5.5.1 Access to Records.** Indiana State University is responsible for maintaining these records, including the development of procedures necessary to safeguard the confidentiality of the records. The Office of Student Conduct and Integrity has established guidelines in order to afford students and eligible parents access to the disciplinary record, while exercising the institution's responsibility to confidentiality required by law. A dependent student who desires that his/her parent review his/her disciplinary record must provide written consent to The Office of Student Conduct and Integrity.

**410.5.5.2 Property of Indiana State University.** All materials in the disciplinary record are the property of Indiana State University. This includes the recordings of hearings, in printed summary as well as audio tape recordings of hearings, and written recommendations or decisions reflecting findings of guilt and innocence and the sanctions assigned to those students found in violation. The University will not release these materials to any party, unless compelled to do so through a court order. Students may request an opportunity to review those records by scheduling an appointment with The Office of Student Conduct and Integrity.

**410.5.5.3 Destruction of Records.** The Office of Student Conduct and Integrity is charged with the responsibility for the destruction of records based on the schedule described in Section 410.5.4 of the Code of Student Conduct. Tape recordings of hearings will be maintained until the final decision of the University appellate process or the failure of the student to file appeal within the deadline specified by the University.

**410.5.5.4 Materials Provided to Students.** Those materials provided an accused student (the complaint, witness statements, charges, etc.) become the property and the responsibility of the accused student. These materials are provided the accused student in accordance with fairness and University due process.

**410.5.6 Appeals.** An accused student or the complainant has the opportunity to appeal the decision and action of a hearing body. Appeals must be presented in writing within five (5) calendar days of the receipt of the decision from the administrator taking the action. Details of the procedure are explained in the written materials describing the conduct adjudication process, which is distributed with the presentation of charge. The appeal process is also explained when the decision is given.

**410.5.6.1 Grounds.** One or more of the following grounds must be established to appeal:

1. To determine whether the original hearing was conducted fairly and in conformity with the prescribed procedures giving the

accused party a reasonable opportunity to prepare and to present a rebuttal of those allegations;

2. To determine whether the sanction(s) imposed is appropriate for the violation of the Code of Student Conduct the student is found to have committed;
3. To consider new evidence that is sufficient to alter a decision (conduct action) or to offer relevant facts not brought out in the original hearing because such evidence and/or facts were not known to the appealing party at the time of the original hearing.

**410.5.7 Violations of Regulations by a Student Organization.** As in the case of a violation of a conduct regulation by an individual, a complaint may be filed accusing a student organization of a violation. Upon receipt of such a complaint, a charge will be given to the president or highest-ranking officer in the organization, the organization advisor, and the national office of the organization (if applicable). A hearing will be conducted, and a decision will be given and disciplinary action taken. All proceedings will parallel those provided by Section 410.5.3. The filing of charges against and taking disciplinary action with a student organization does not preclude the filing and taking of disciplinary action with individuals involved in the same violation(s).

**410.5.8 Types of Disciplinary Action Applied to a Student Organization.**

**410.5.8.1 Charges Dropped/Not Responsible.**

1. The charge may be dropped if there is insufficient evidence to support the charge.
2. If evidence is presented during a hearing that shows and organization has not committed the violation, then the organization is found not responsible. All written material pertaining to the allegations against the organization are destroyed.

**410.5.8.2 Conduct Warning.**

1. Notification to organization that the conduct of its members has not been in keeping with the expectations of the University.
2. A thorough explanation of University policies is given.
3. The student officers and University advisor of the organization are instructed that further violations of University policies could be cause for additional disciplinary action.

**410.5.8.3 Probation.**

1. This action is a formal probationary status during which the organization will have certain restrictions placed on it for a period of time.
2. The organization is removed from good standing with the University for no less that the equivalent of one semester.
3. Restrictions and provisions of the probation are individualized to the particular needs of the organization; these may include restrictions on social events, on use of University facilities, or on participation in campus-wide events (i.e., Homecoming or Spring Week).
4. Charges for any damages or costs incurred as a result of a violation may also be assessed.
5. Any further violation of University regulations or probation restrictions while on probation means that an organization subjects itself to further disciplinary action.
6. University officials with responsibility for adherence to restrictions placed on the organization will be notified, as well as the persons responsible for registration of student organizations. Additionally, national offices of affiliated student organizations will be notified.

**410.5.8.4 Suspension.** This action indicated that status of an organization is terminated with the University for an indefinite period of time, but no less that the equivalent of one semester.

**410.5.8.5 Revocation of Recognition / Registration of Student Organization.** This action indicates that an organization’s standing as a registered student organization of the University is permanently terminated.

**410.6 Your Rights as a Student Under the Family Educational Rights and Privacy Act.** It is the policy of Indiana State University that all practices and procedures related to the education records of students shall be in accord with the provisions of the Family Educational Rights and Privacy Act of 1974, as amended. This policy has been implemented by the development of guidelines for record keepers and a listing of the education records on campus. Both the guidelines and the listing are available for review by students as indicated below. The following questions and answers provide an outline of students’ rights under the Act.

**410.6.1 Right to Inspect and Review.**

Q. As an enrolled student at Indiana State University, what rights do I have regarding my University records?

A. You have the right to inspect and review all your records that meet the Act's definition of "education records".

#### **410.6.2 Definition of Education Records.**

Q. What is the definition of "education records"?

A. Education records are all records maintained by the University about you. There are eight exceptions:

- a. Personal notes of Indiana State University staff and faculty;
- b. Employment records of all employees whose employment is not dependent upon student status;
- c. Medical and counseling records used solely for treatment;
- d. Records in the Public Safety Department;
- e. Financial records of your parents;
- f. Records that contain only information relating to a person after that person is no longer a student, such as alumni records;
- g. Confidential letters and statements of recommendation for admission, employment, or honorary recognition placed in your records after January 1, 1975, for which you have waived the right to inspect and review.

#### **410.6.3 Waiver of Rights.**

Q. Is there any situation in which the University may insist that I waive my rights?

A. Under no conditions may you be required to waive your rights under the Act before receiving University services or benefits.

#### **410.6.4 Location of Records.**

Q. Where are my records kept?

A. Records are not maintained in a single location on the campus. Requests to review your records must be made to each of the offices that maintain your records. In some instances you may be required to submit in writing your request to review a record; the Act allows up to 45 days for honoring such a request. Most likely you have education records in the offices of the Registrar, the dean of your school or college, your major department, and any other campus offices with which you have

been involved such as the Student Academic Services Center, Student Financial Aid, Residential Life, and The Office of Student Conduct and Integrity. A list of the kinds of education records maintained on campus, their location, and titles of personnel responsible for those records is a part of the University Policy for implementation of this Act and is available in Parsons Hall, Room 203.

#### **410.6.5 Challenges to Contents of Educational Records.**

Q. What if I do not agree with what is in my records?

A. You may challenge any information contained in your “educational records” which you believe to be inaccurate, misleading, or inappropriate. This right does not extend to reviewing grades unless the grade assigned by your professor was inaccurately recorded in your records. The first step in challenging the record is to request of the record-keeper or the person responsible for placing the data in the record that the record be amended. If the request to amend the record is denied, you may file a request for a hearing; a hearing officer will be appointed; and a decision will be made. If the record is not amended as a result of the hearing, you may insert in the record an explanation of your reasons for believing the record to be inaccurate, misleading, or inappropriate. The explanation becomes a part of the record until the record itself is destroyed, and the explanation you have written is included every time the contents of the record are disclosed. You also have the right to file complaints with the Family Educational Rights and Privacy Act Office, Room 4511, Switzer Building, 400 Maryland Avenue SW, Washington, D.C. 20202.

#### **410.6.6 Third Party Review of Records.**

Q. May I determine which third parties can view my education records?

A. Under the Act, your prior written consent must be obtained before information may be disclosed to third parties unless they are exempted from this provision. These exemptions include:

- a. Requests from Indiana State University faculty and staff with a legitimate educational “need to know” (except employees of the Public Safety Department);
- b. Requests in accordance with a lawful subpoena or court order;
- c. Requests from representatives of agencies or organizations from which you have received financial aid;
- d. Requests from officials of the educational institutions in which you intend to enroll;

- e. Requests from other persons specifically exempted from the prior consent requirement by the Act (certain Federal and State officials, organizations conducting studies on behalf of the University, accrediting organizations);
- f. Parents of a dependent student as defined by the Internal Revenue Code will receive notification of sanctions of certain violations of the Code of Student Conduct (See Section 410.5.4 “Types of Disciplinary Action” for details); and
- g. Requests for directory information (please refer to the next question for an explanation).

**410.6.7 Definition of Directory Information.**

Q. What is meant by the term “directory information”?

A. The University, in accordance with the Act, has designated the following categories of information about you as public unless you choose to exercise your right to have this information withheld. These categories are:

- a. Full name;
- b. Address, campus, home, and email;
- c. Telephone listing;
- d. E-mail address;
- e. Major field of study, includes teacher certification majors and minors;
- f. Participation in officially recognized activities and sports;
- g. Weight, height, and position of members of athletic teams;
- h. Dates of attendance (including current classification and year, matriculation, and withdrawal dates);
- i. Degrees, awards, and honors, and dates received including honor roll designation;
- j. The most recent previous educational institution attended; and
- k. Full or part-time status.

**410.6.8 Inquiries for Directory Information.**

Q. What kinds of inquiries does the University receive for “directory information”?

- A. The University receives many inquiries for “directory information” from a variety of sources including friends, parents, relatives, prospective employers, graduate schools, honor societies, licensing agencies, government agencies, and news media. Please consider very carefully the consequences of any decision by you to remove these items from the list of “directory information.” Should you decide to inform the University not to release this “directory information,” any further requests will be refused. For example, if you direct the University not to release your directory information, the University could not release your telephone number or address to a family member wishing to notify you of a serious illness or crisis in the family. A prospective employer requesting confirmation of your major field of study, address, or date of birth would also be denied access to such items should you withdraw them from the list of “directory information.” The University will honor your request to withhold the items listed above but cannot assume responsibility to contact you for subsequent permission to release them.

Regardless of the effect upon you, the University assumes no liability for honoring your instructions that such information be withheld.

Should you wish to file a form withdrawing information in the “directory” classification, you should complete the form developed for this purpose, which will be available for your use in the Office of Registration and Records at registration time. After you have filed this form, the Registrar will notify the appropriate University offices and begin to comply with your wishes as soon as possible.

#### **410.6.9 Further Information on FERPA Regulations.**

- Q. Where can I find out more information about the provisions of the Act?
- A. Several documents are available in room 203 of Parsons Hall for further study. They include: guidelines for record keepers on campus in implementing provisions of the Act; a list of education records on campus arranged alphabetically by classification and with location and custodian identified for each; the Family Educational Rights and Privacy Act of 1974 as amended; and Department of Health, Education, and Welfare Final Rule on Education Records. If you have questions or if you need assistance in understanding and exercising your rights under the provisions of the Act, assistance is available in the same office.

#### **410.6.10 Complaints.**

- Q. Whom should I contact to make a complaint?
- A. When you believe the University is not complying with the Act, please direct your comments to the Office of the Vice President of Student Affairs, room 203, Parsons Hall.

*Last revised October 14, 2011.*