

Indiana University Robert H. McKinney School of Law

Amendments to the Indiana University Code of Student Rights, Responsibilities, and Conduct (through April 6, 2004)

The [Indiana University Code of Student Rights, Responsibilities, and Conduct](#) applies to all campuses of Indiana University, but each campus is authorized to adopt its own procedures for implementation of the Code. In addition, individual schools may adopt additional or alternative substantive or procedural standards with respect to the Code. Pursuant to that authority, the School of Law - Indianapolis has adopted certain amendments to Part II of the Code, dealing with student responsibilities and misconduct, and has replaced in its entirety Part V dealing with student disciplinary procedures on the IUPUI campus.

Honor Code

The law school's amendments to Part II include the addition of the following language emphasizing that law students should aspire to the highest standards of personal honor and the highest ethical principles:

Regardless of the content of stated rules and regulations, certain expectations and responsibilities apply to law students. By enrolling in law school, law students have chosen to be judged by the highest standards of personal honor and the highest ethical principles. Integrity and conduct above reproach are essential attributes for persons preparing for the legal profession. Students share in the responsibility to support an academic environment in which students act with integrity.

Consistent with “the responsibility to support an academic environment in which students act with integrity,” law students are obligated to report personal knowledge of another student’s misconduct under the Code. Accordingly, an amendment was added to Part II to provide that failure to report personal knowledge of another student’s misconduct is itself an act of misconduct for which a student may be disciplined. In addition, two misconduct provisions were added to Part II addressing misrepresentation of class attendance and falsification or concealment of information material to admission to law school, admission to the bar, or employment.

Disciplinary Procedures

Part V, dealing with student disciplinary procedures, completely supplants the IUPUI campus procedures and provides that the law school retains final authority over all disciplinary matters involving students of the school. Parallel procedures apply to both academic and personal misconduct. These procedures provide important due process rights to any student accused of misconduct, such as notice of the charges, an opportunity to respond, and appellate review.

Except as provided in these amendments, law students are subject to the Indiana University Code of Student Rights, Responsibilities, and Conduct.

Note: The following reproduces Part II of the Indiana University Code of Student Rights, Responsibilities, and Conduct, together with the law school's amendments which are shown in italics.

Part II: Student Responsibilities

Preamble

Regardless of the content of stated rules and regulations, certain expectations and responsibilities apply to law students. By enrolling in law school, law students have chosen to be judged by the highest standards of personal honor and the highest ethical principles. Integrity and conduct above reproach are essential attributes for persons preparing for the legal profession. Students share in the responsibility to support an academic environment in which students act with integrity.

Just as students have rights, they also have responsibilities. Indiana University recognizes its responsibility to support and uphold the basic freedoms and citizenship rights of all students, and it expects students to be responsible for the following.

- A. Uphold and follow all codes of conduct, including this Code, relevant codes and bulletins of respective schools, professional programs or professional societies, and all rules applicable to conduct in class environments or university-sponsored activities, including off-campus clinical, field, internships, or in-service experiences.
- B. Obey all applicable university policies and procedures and all local, state, and federal laws.
- C. Facilitate the learning environment and the process of learning, including attending class regularly, completing class assignments, and coming to class prepared.
- D. Plan a program of study appropriate to the student's educational goals. This may include selecting a major field of study, choosing an appropriate degree program within the discipline, planning class schedules, and meeting the requirements for the degree.
- E. Use university property and facilities in support of their education while being mindful of the rights of others to use university property and facilities.
- F. Maintain and regularly monitor their university accounts including e-mail and bursar accounts.
- G. Uphold and maintain academic and professional honesty and integrity.

Academic misconduct is defined as any activity that tends to undermine the academic integrity of the institution. The university may discipline a student for academic misconduct. Academic misconduct may involve human, hard-copy, or electronic resources. Policies of academic misconduct apply to all course-, department-, school-, and university-related activities, including field trips, conferences, performances, and sports activities off-campus,

exams outside of a specific course structure (such as take-home exams, entrance exams, or auditions, theses and master's exams, and doctoral qualifying exams and dissertations), and research work outside of a specific course structure (such as lab experiments, data collection, service learning, and collaborative research projects). The faculty member may take into account the seriousness of the violation in assessing a penalty for acts of academic misconduct. The faculty member must report all cases of academic misconduct to the dean of students, or appropriate official. Academic misconduct includes, but is not limited to, the following:

1. **Cheating**

Cheating is considered to be an attempt to use or provide unauthorized assistance, materials, information, or study aids in any form and in any academic exercise or environment.

- a. A student must not use external assistance on any "in-class" or "take-home" examination, unless the instructor specifically has authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, calculators, computers, and wireless communication devices.
- b. A student must not use another person as a substitute in the taking of an examination or quiz, nor allow other persons to conduct research or to prepare work, without advance authorization from the instructor to whom the work is being submitted.
- c. A student must not use materials from a commercial term paper company, files of papers prepared by other persons, or submit documents found on the Internet.
- d. A student must not collaborate with other persons on a particular project and submit a copy of a written report that is represented explicitly or implicitly as the student's individual work.
- e. A student must not use any unauthorized assistance in a laboratory, at a computer terminal, or on fieldwork.
- f. A student must not steal examinations or other course materials, including but not limited to, physical copies and photographic or electronic images.
- g. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor or program to whom the work is being submitted.
- h. A student must not, without authorization, alter a grade or score in any way, nor alter answers on a returned exam or assignment for credit.

2. **Fabrication**

A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citations to the sources of information.

3. **Plagiarism**

Plagiarism is defined as presenting someone else's work, including the work of other students, as one's own. Any ideas or materials taken from another source for either written or oral use must be fully acknowledged, unless the information is common knowledge. What is considered "common knowledge" may differ from course to course.

- a. A student must not adopt or reproduce ideas, opinions, theories, formulas, graphics, or pictures of another person without acknowledgment.
- b. A student must give credit to the originality of others and acknowledge indebtedness whenever:
 - (1) directly quoting another person's actual words, whether oral or written;
 - (2) using another person's ideas, opinions, or theories;
 - (3) paraphrasing the words, ideas, opinions, or theories of others, whether oral or written;
 - (4) borrowing facts, statistics, or illustrative material; or
 - (5) offering materials assembled or collected by others in the form of projects or collections without acknowledgment.

4. **Interference**

A student must not steal, change, destroy, or impede another student's work, nor should the student unjustly attempt, through a bribe, a promise of favors or threats, to affect any student's grade or the evaluation of academic performance. Impeding another student's work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.

5. **Violation of Course Rules**

- a. A student must not violate course rules established by a department, the course syllabus, verbal or written instructions, or the course materials that are rationally related to the content of the course or to the enhancement of the learning process in the course.
- b. *A student must not misrepresent his or her class attendance, or the class attendance of another student. A student (Student "A") must not knowingly permit another student (student "B") to misrepresent student "A's" class attendance.*

6. **Facilitating Academic Dishonesty**

A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct, nor allow another student to use his or her work or resources to commit an act of misconduct.

- H. Be responsible for their behavior, and respect the rights and dignity of others both within and outside of the university community.

The university may discipline a student for the following **acts of personal misconduct that occur on university property**, including but not limited to academic and administration buildings, residence halls, athletic and recreational facilities, and other university-serviced property, such as sororities and fraternities:

- 1. Dishonest conduct including, but not limited to, false accusation of misconduct, forgery, alteration, or misuse of any university document, record, or identification; and giving to a university official information known to be false.
- 2. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail

address, signature, or other indications of another person or group without proper authorization or authority.

3. Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency.
4. Unauthorized release or use of any university access codes for computer systems, duplicating systems, and other university equipment.
5. Conduct that is lewd, indecent, or obscene.
6. Disorderly conduct, including obstructive and disruptive behavior that interferes with teaching, research, administration, or other university or university-authorized activity. (See Guidelines for Dealing with Disruptive Students in Academic Settings, University Faculty Council, April 12, 2005)
7. Actions that endanger one's self, others in the university community, or the academic process.
8. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction; or refusal to vacate a university facility when directed to do so.
9. Unauthorized entry, use, or occupancy of university facilities.
10. Unauthorized taking, possession or use of university property or services or the property or services of others.
11. Damage to or destruction of university property or the property belonging to others.
12. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment and emergency personnel.
13. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.
14. Possession of any weapon or potential weapon on any university property contrary to law or university policy; possession or display of any firearm on university property, except in the course of an authorized activity.
15. Sale of any firearms from university property or using university facilities, including through computer and telephone accounts; intentional possession of a dangerous article or substance as a potential weapon.
16. Acting with violence.
17. Aiding, encouraging, or participating in a riot.
18. Harassment, defined in Part I (c) of the Code.
19. Stalking or hazing of any kind whether the behavior is carried out verbally, physically, electronically, or in written form.
 - a. Stalking is defined as repeated, unwanted contact in the forms of, including but not limited to, phone calls, e-mail, physical presence, and regular mail.
 - b. Hazing is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.
20. Physical abuse of any person, including the following:
 - a. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person;

- b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or
 - c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur;
 - d. Sexual assault, including while any party involved is in an impaired state;
 - e. Sexual contact with another person without consent, including while any party involved is in an impaired state.
21. Verbal abuse of another person, including the following:
- a. An express or implied threat to:
 - (1) Interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities and that under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur; or
 - (2) Injure that person, or damage his or her property; or
 - b. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.
22. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law or university policy.
- a. Indiana University prohibits:
 - (1) Public intoxication, use, or possession of alcoholic beverages on university property (including any undergraduate residence supervised by the university, including fraternity and sorority houses) except as otherwise noted in Part II, Section H (22) b and Part II, Section H(22) c.
 - (2) Providing alcohol contrary to law.
 - b. The dean of students of each campus has discretion to allow exceptions to Part II, Section H(22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances.
 - (1) Use or possession of alcoholic beverages by persons who are of lawful drinking age may be generally permitted in residences supervised by the university, including fraternity and sorority houses, when specifically approved by the campus dean of students. Such use or possession may be allowed in residence rooms, apartments, and certain common areas as specifically approved by the dean of students. However, use or possession under this section shall be permitted only in residences supervised by a live-in employee specifically charged with policy enforcement.
 - (2) Use or possession of alcoholic beverages may be permitted on an event-by-event basis in designated undergraduate residences (including fraternity and sorority houses) supervised by a live-in employee specifically charged with policy enforcement, when temporary permission is granted by the dean of students for

events at which persons of lawful drinking age may lawfully possess and use alcoholic beverages.

- c. The chancellor of each campus has discretion to allow exceptions to Part II, Section H(22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances.
 - (1) Use or possession of alcoholic beverages may be permitted in facilities such as student unions or on-campus hotels, including guest rooms and other areas, specifically approved by the campus chancellor.
 - (2) Use or possession of alcoholic beverages may be permitted in other areas, such as private offices and faculty lounges, not accessible to the public.
 - (3) Use or possession of alcoholic beverages may be permitted in areas accessible to the public, if specifically approved by the campus chancellor.
 - d. Indiana University also permits the nonconspicuous possession of alcoholic beverages on university property when in transit to areas where they may be possessed or used under the provisions above.
 - e. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of university regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.
 - f. The chancellor or dean of students may make rules covering these uses. Those rules shall be enforceable as provisions of this Code.
23. Unauthorized possession, manufacture, sale, distribution, or use of illegal drugs, any controlled substance, or drug paraphernalia. Being under the influence of illegal drugs or unauthorized controlled substances.
 24. Intentionally obstructing or blocking access to university facilities, property, or programs.
 25. Violation of other disseminated university regulations, policies, or rules. Examples of such regulations include but are not limited to university computing policies, residence hall policies, and recreational sports facility policies.
 26. A violation of any Indiana or federal criminal law.
 27. Engaging in or encouraging any behavior or activity that threatens or intimidates any potential participant in a judicial process.
 28. *Failure to report personal knowledge of a fellow student's academic or personal misconduct. (Reports shall be made on forms available in the office of the Associate Dean for Student Services).*

I. Personal Misconduct Not on University Property.

The university may discipline a student for **acts of personal misconduct or criminal acts that are not committed on university property** if the acts arise from university activities that are being conducted off the university campus, or if the misconduct undermines the security of the university community or the integrity of the educational process or poses a serious threat to self or others.

1. Indiana University is committed to the promotion of a civil community both on campus and off campus.

2. Indiana University regards off-campus activity, including but not limited to university-sponsored events, as an integral part of a student's academic, personal, and professional growth. Thus, the university recognizes the right of all students to expect that the university will subject individuals to the same responsibilities and disciplinary procedures when conduct:
 - a. Adversely impacts the university's mission, or the tenets of this Code, such as altering academic transcripts, harassment of any kind, trafficking in term papers, use of a computer or other electronic device to obtain unauthorized access to information;
 - b. Presents a clear danger to the personal safety of any person or the protection of any person's property, such as alcohol and drug offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault, stalking, or theft;
 - c. Violates policies of an academic program and related facilities, including but not limited to an off-campus clinical, field, internship, or in-service experience, or an overseas study program.

3. *Personal misconduct for which a student may be disciplined includes false statement or concealment of information material to admission to law school, application for admission to the bar, or application for employment.*

Note: The following Part V replaces in its entirety the student disciplinary procedures applicable to the IUPUI campus under the Indiana University Code of Student Rights, Responsibilities, and Conduct.

Part V. Student Disciplinary Procedures

Preamble

The Indiana University procedures for imposing academic and disciplinary sanctions are designed to provide students with the guarantees of due process and procedural fairness, to ensure equal protection for all students, and to provide for the imposition of similar sanctions for similar acts of misconduct. At the same time, the procedures reflect the need to be concerned about the individual student involved in a particular case. The procedures therefore provide that the imposition of disciplinary sanctions must also be based upon a consideration of all of the circumstances in a particular case, including a student's prior record of misconduct, if any.

A. Jurisdiction

1. Academic Misconduct

- a. Allegations of academic misconduct may consist of two basic types as follows:
 - (1) Academic misconduct by a student who is enrolled in a particular course and commits an act of misconduct related to that course.
 - (2) Academic misconduct by a student that is not related to a particular course in which the student is enrolled.
- b. When a student in a course commits an act of academic misconduct related to that particular course, the faculty member who is teaching the course has the authority to initiate academic misconduct proceedings against the student.
- c. When a student commits an act of academic misconduct that is not related to a course in which the student is enrolled, the Associate Dean for Student Services has the authority to initiate academic misconduct proceedings against the student.

2. Personal Misconduct

- a. The Associate Dean for Student Services has the authority to initiate disciplinary proceedings against individual students in all cases involving allegations of personal misconduct.
- b. The Associate Dean for Student Services also has the authority to initiate disciplinary proceedings against groups of students and student organizations in any case involving allegations of misconduct.

3. Simultaneous Acts of Academic and Personal Misconduct

- a. When a student commits an act of misconduct related to a course in which the student is enrolled and also commits a separate but simultaneous act of academic misconduct unrelated to that course or an act of personal misconduct, separate academic misconduct and disciplinary proceedings may be initiated by the faculty member involved and the Associate Dean for Student Services in accordance with these procedures. The faculty member and the Associate Dean for Student Services have

the discretion, however, to handle the matter jointly or to decide that the matter should be handled by only one of the officers.

- b. When a student commits an act of academic misconduct related to a course in which the student is enrolled and the act may also be a simultaneous act of academic misconduct unrelated to that course or an act of personal misconduct, the faculty member conducting the course has the authority to initiate academic misconduct proceedings against the student after consulting with the Associate Dean for Student Services. In such cases, the Associate Dean for Student Services also has discretion to initiate separate disciplinary proceedings. The faculty member and the Associate Dean for Student Services likewise have the discretion to handle the matter jointly or to decide that the matter should be handled by only one of the officers.

B. Required Reports of Misconduct

Both students and faculty members who have personal knowledge of misconduct by a student have a duty to report that knowledge. Students shall report on the designated form available in the office of the Associate Dean for Student Services. In the case of academic misconduct in a particular class in which the student is enrolled, the Associate Dean for Student Services shall forward copies of the report to both the Associate Dean for Academic Affairs and the faculty member for that course. Faculty members required to report misconduct shall report either to the Associate Dean for Academic Affairs (in case of academic misconduct in a course not that faculty member's own) or to the Associate Dean for Student Services (in case either of personal misconduct or of academic misconduct not related to a particular course). Procedures for faculty members with personal knowledge of misconduct in their own course are governed by Section C, below.

C. Procedures for Academic Misconduct Related to a Course

1. Action by a Faculty Member

- a. A faculty member who has information that a student enrolled in a course being conducted by the faculty member has committed an act of academic misconduct related to that course is required to hold an informal conference with the student concerning the matter.
 - (1) The faculty member must advise the student of the alleged act of misconduct and the information upon which the allegation is based.
 - (2) The student must be given an opportunity to respond to the allegation of misconduct.
- b. If the faculty member concludes that the student did commit the act of misconduct as alleged, the faculty member is authorized to impose an appropriate academic sanction related to the particular course involved.
 - (1) An appropriate academic sanction for such misconduct may include, but is not limited to, any one or a combination of the following:
 - (a) The student may be given a lower grade than the student would otherwise have received for any assignment, course work, examination, or paper involved in the act of misconduct.
 - (b) The student may be given a failing grade for any assignment, course work, examination, or paper involved in the act of misconduct.

- (c) The student may be required to repeat or resubmit any assignment, course work, examination, or paper involved in the act of misconduct.
- (d) The student may be required to complete some additional assignment, course work, examination, or paper as a substitute for any assignment, course work, examination, or paper involved in the act of misconduct.
- (e) The student may be required to withdraw from the course with an appropriate grade of W or F, in the faculty member's discretion.
- (f) The student may be given a lower grade than the student would otherwise have received for the course.
- (g) The student may be given a failing grade for the course.
- (2) The penalty for a serious act of academic misconduct should ordinarily involve the recording of a failing grade for the course.
- (3) An incomplete may be given in the course in the event that the matter cannot be resolved before final grades are due in the Office of the Registrar.
- (4) If the penalty includes a failing grade for the course, the Registrar will be notified that the grade was given because of academic misconduct. The Registrar will record the grade of "F" on the student's permanent academic transcript without any notation concerning the reason for the grade. The Registrar must, however, follow procedures to ensure that the grade of "F" will not thereafter be removed from the transcript in accordance with other academic policies or procedures such as the "FX" policy. A grade of "F" given because of academic misconduct must be calculated in a determination of the student's grade point average, but the grade will not prevent the student from repeating the same course for credit.
- c. After imposing an academic sanction, the faculty member is required to report the matter promptly in writing to the student, the Dean of the school, and the Associate Dean for Student Services.
- d. The faculty member's written report to the student must include the following:
 - (1) A statement concerning the nature of the offense;
 - (2) The terms of the sanction being imposed;
 - (3) A statement that the matter is being reported to the Associate Dean of Student Services who has the authority to impose an additional sanction if the Associate Dean for Student Services believes that such a sanction is justified because of the nature of the student's misconduct or because of any prior acts of misconduct that the student may have committed;
 - (4) A statement that the additional sanction may be any of the following:
 - (a) Disciplinary probation for a specified period of time;
 - (b) Suspension from the university for a specified period of time; or
 - (c) Expulsion from the university.
 - (5) A statement that (except in the case of an appeal as provided in Part V.C.1.d.(6) of the Code), that the Associate Dean for Student Services will, within ten days of the expiration of the time of appeal and any extensions of time granted for an appeal, notify the student of the date and time of the hearing to determine the propriety of imposing an additional sanction, or notify the student that no additional sanction will be imposed, or notify the student that the Associate Dean for Student Services is still considering the propriety of imposing an additional sanction.

- (6) A statement that the student may submit an appeal in writing to the Dean within five days after receipt of the faculty member's written report, and that, in the event of such an appeal, the proceedings regarding any additional sanctions as described in Part V.C.1.d.(5), will not begin until the appeal is decided. (See Part V.C.2.d.)
- e. The Associate Dean for Academic Affairs may become involved in a matter of academic misconduct in a variety of manners including, but not limited to, the following:
 - (1) Upon the invitation of a faculty member who seeks assistance from the Associate Dean for Academic Affairs;
 - (2) Upon the Associate Dean for Academic Affairs receiving credible evidence of a possible incident of academic misconduct and determining that a faculty member refuses to proceed alone or at all with an investigation or related action.
 - (a) After consulting with a faculty member on an issue relating to a possible incident of academic misconduct, where the judgments of the Associate Dean for Academic Affairs and the faculty member substantially differ on whether to investigate or take further action with respect to the incident, the Associate Dean for Academic Affairs shall not proceed any further over the objection of the faculty member without prior approval of the Executive Committee.
 - (b) In those instances where the faculty member abdicates or cedes responsibility for an incident of academic misconduct to the Associate Dean for Academic Affairs, or the Associate Dean for Academic Affairs is proceeding under subparagraph (a) above, the Associate Dean for Academic Affairs shall fulfill the role of the faculty member as set forth in Part V.C.1.a. through d.

2. Action by the Associate Dean for Student Services

- a. A student may not be placed on disciplinary probation or suspended or expelled from the university or a school or unit within the university because of an act of academic misconduct unless the Associate Dean for Student Services concludes, in consultation with the Dean of the school, that such a sanction is justified by the nature of the act or because the student has committed previous acts of misconduct.
- b. The Associate Dean for Student Services is required to review a faculty member's report concerning a student's act of academic misconduct to determine if probation, suspension, or expulsion should be imposed upon the student because of the nature of the act of misconduct.
- c. In addition, the Associate Dean for Student Services is required to determine if the student has a record of any previous acts of misconduct and to decide whether probation, suspension, or expulsion should be imposed on the student because of any such previous acts of misconduct. In this regard, the Associate Dean for Student Services is required to maintain a confidential record of all academic sanctions imposed by faculty members and all sanctions imposed by the Associate Dean for Student Services in order to determine if a particular student is developing a record of repeated acts of misconduct.
- d. If a student files a timely appeal to the Dean of a faculty member's decision, as provided for in Part V.C.4. of this Code, the Associate Dean for Student Services shall not initiate proceedings to determine the propriety of an additional sanction until

after the appeal is decided. If the finding of academic misconduct remains in effect, then the Associate Dean for Student Services within ten days of the decision of the appeal, shall,

- (1) provide the student with notice of a hearing regarding the propriety of imposing an additional sanction, or
- (2) notify the student that no additional sanction will be imposed, or
- (3) notify the student that the propriety of imposing an additional sanction is still being considered, but if the Associate Dean for Student Services so notifies a student, then the Associate Dean for Student Services shall act promptly in making such a determination.

If no timely appeal is filed, then the ten-day period described above shall run from the expiration of the time of appeal and any extensions of time granted for an appeal. In any case in which the Associate Dean of Student Services notifies a student that the propriety of imposing an additional sanction is still being considered, the Associate Dean for Student Services shall act promptly in making such a determination.

- e. If the Associate Dean for Student Services concludes that there is a reasonable basis for imposing an additional sanction upon a student, the Associate Dean for Student Services is required to conduct an informal conference with the student to consider the propriety of the additional sanction.
- f. An informal conference is initiated by the Associate Dean for Student Services by sending a notice to the student. The notice shall be sent by certified mail to the student's address as it appears in the official records of the University or shall be delivered personally to the student.
- g. The notice shall inform the student of the following:
 - (1) That the Associate Dean for Student Services is considering the propriety of imposing an additional sanction upon the student;
 - (2) That the additional sanction may consist of probation, suspension, or expulsion from the university;
 - (3) That the student is required to appear in the Office of the Associate Dean for Student Services at a specified date and time for an informal conference to discuss the propriety of the additional sanction;
 - (4) That the student may have an advisor or other counsel present during the conference; that an advisor or counsel is limited to the role of advising the student; and that an advisor or counsel may not participate in the informal conference or make any statements during the conference;
 - (5) That the informal conference will be limited to a consideration of the seriousness of the academic misconduct involved, the validity of any record of the student's previous acts of misconduct as maintained in the Office of the Associate Dean for Student Services, and the propriety of any additional sanction to be imposed;
 - (6) That the Associate Dean for Student Services has no authority to reconsider the validity or propriety of the decision of the faculty member concerning the act of academic misconduct;
 - (7) That the student has the right to appeal a decision of the Associate Dean for Student Services to impose an additional sanction.
- h. When the student appears for the informal conference as required, the Associate Dean for Student Services shall inform the student concerning the purposes of the

conference and the student's record of previous acts of misconduct, if any. The student shall be given an opportunity to discuss the nature of the act of academic misconduct, the accuracy of the record of the student's previous acts of misconduct, and the propriety of any additional sanction that the Associate Dean for Student Services proposes to impose on the student. In discussing the student's record of previous acts of misconduct, the student may not discuss the propriety of the decisions concerning such misconduct. After the informal conference, the Associate Dean for Student Services has the authority to decide that an additional sanction should be imposed, including any of the following:

- (1) disciplinary probation for a specified period of time;
- (2) suspension from the university for a specified period of time; or
- (3) expulsion from the university.

3. Right to Appeal

A student has the right to appeal any of the following decisions concerning an alleged act of academic misconduct:

- a. The faculty member's decision that the student committed the act of misconduct;
- b. The faculty member's decision to impose a particular academic sanction;
- c. The decision of the Associate Dean for Student Services to impose an additional sanction.

4. Appeals to the Dean of the School

- a. A student must initiate an appeal concerning a faculty member's decision by submitting a written notice to the Dean of the school within five days after receiving a written report from the faculty member concerning the decision.
- b. A student must initiate an appeal concerning a decision of the Associate Dean for Student Services to impose an additional sanction by submitting a written notice to the Dean of the school within five days after receiving notice of the sanction imposed by the Associate Dean for Student Services
- c. When an appeal concerning a decision of a faculty member and/or the Associate Dean for Student Services has been submitted to the Dean of the school, the Dean of the school should inquire into the facts of the appeal and should discuss the matter individually with the student, the faculty member and/or the Associate Dean for Student Services.
 - (1) If the Dean considers it to be appropriate, the Dean may ask the student, the faculty member, and the Associate Dean for Academic Affairs, and/or the Associate dean for Student Services to meet together with the Dean.
 - (2) The Dean may sustain, reverse, or modify any decision of the Associate Dean for Student Services, but the Dean may not reverse or modify any decision of a faculty member without the consent of the faculty member.
 - (3) The Dean may submit the appeal to a Board of Review as provided in Part V.I. of this Code.

D. Procedures for Academic Misconduct Unrelated to a Particular Course

1. Disciplinary proceedings for an act of academic misconduct that is unrelated to a particular course in which the student is enrolled are governed by the same procedures

that apply to acts of personal misconduct.

2. When the Associate Dean for Student Services initiates separate disciplinary proceedings in cases involving simultaneous acts of academic misconduct unrelated to a particular course or simultaneous acts of personal misconduct, as provided in section V.A.3.a. or section V.A.3.b., supra, the proceedings are governed by the same procedures that apply to acts of personal misconduct.

E. Disciplinary Procedures for Personal Misconduct

1. Applicability of Procedures

- a. Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.
- b. Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic misconduct are governed by the following procedures unless the Associate Dean for Student Services and the faculty member involved agree otherwise.
- c. The disciplinary procedures in this section do not govern proceedings involving the alleged violation of campus motor vehicle and residence hall regulations. The procedures likewise do not govern proceedings involving the university's use of a checklist to collect money from students.

2. Initiation of Proceedings

- a. A report that a student has committed an act of personal misconduct may be filed by any student or any member of the university faculty, administration, or staff.
- b. Reports by students shall be made on the designated form available in the office of the Associate Dean for Student Services and shall be signed. The form shall inform the reporting student that if the matter is pursued the reported student will have the right to see the report.
- c. A report that the student has committed an act of personal misconduct must be submitted in writing to the Associate Dean for Student Services.
- d. After reviewing a report, the Associate Dean for Student Services has the discretion to decide whether disciplinary proceedings should be instituted.
- e. Reports by students and the identity of the student reporter shall not be revealed to the reported student unless and until the reported student meets with the Associate Dean for Student Services to discuss the alleged misconduct. (see 4.a., infra). If the Associate Dean for Student Services decides not to institute disciplinary proceedings, then, when the matter is closed, all student written reports related to the reported incident shall be removed from the reported student's file.

3. Notice

- a. A disciplinary proceeding is initiated by the Associate Dean for Student Services by sending a notice to the student who is the subject of the report. If disciplinary proceedings are initiated against a student under the age of eighteen, the Dean of the school is required to make reasonable efforts to assure that the parent(s), or, when appropriate, the legal guardian of the student is notified concerning the proceedings and the nature of the report.

- b. The notice shall be sent by certified mail to the student's address as it appears in the official records of the University or shall be delivered personally to the student. The notice shall quote the rule claimed to have been violated and shall fairly inform the student of the reported circumstances of the allegedly wrongful conduct. The notice shall require the student to appear in the Office of the Associate Dean for Student Services at a time and on a date specified (which ordinarily will not be earlier than three days after the mailing of the notice) to discuss the alleged violations.
- c. The notice shall inform the student of the following:
 - (1) The offense the student is alleged to have committed by citing the relevant section of these regulations;
 - (2) The date, time, and place of the alleged offense, and other relevant circumstances;
 - (3) The date, time, and place of the informal conference to discuss the alleged violation;
 - (4) That the student may have an advisor or other counsel present during the conference; that an advisor or counsel is limited to the role of advising the student; and that an advisor or counsel may not participate in the informal conference or make any statements during the conference;
 - (5) That the student need not answer questions and that a choice to remain silent will not be taken as an admission that the student committed the alleged offense;
 - (6) That, if the student fails to appear for the conference, the Associate Dean for Student Services may:
 - (a) reschedule the conference;
 - (b) dismiss the charges; or
 - (c) if the Associate Dean for Student Services reasonably believes the failure to be inexcusable, impose any of the disciplinary penalties described under section V.E.4.c. of this Code.
 - (7) That any disciplinary penalties imposed under the circumstances noted in paragraph (6) above shall be subject to further hearing or appeal, but the fact of the student's failure to appear at the conference, if unjustified, may be weighed as a factor in future hearings.

4. Action by the Associate Dean for Student Services

- a. When the student appears as required, the Associate Dean for Student Services shall inform the student as fully as possible of the facts alleged. The student may, but need not, make responses and explanations. The student shall be informed of any student reports related to this misconduct and shall have the right to see those reports.
- b. If, after discussion and such further investigation as may be necessary, the Associate Dean for Student Services determines that the violation alleged is not supported by the evidence, the Associate Dean for Student Services shall dismiss the accusation and notify the student.
- c. The Associate Dean for Student Services is authorized to impose any one or a combination of the following sanctions for acts of personal misconduct, or for academic misconduct unrelated to a particular course:
 - (1) *Reprimand and Warning*. A student may be given a reprimand accompanied by a written warning that the student may receive additional sanctions if the student

engages in the same misconduct again or commits any other violation of the Code of Student Rights, Responsibilities, and Conduct.

- (2) *Disciplinary Probation.* A student may be placed on disciplinary probation for a specified period of time under conditions specified in writing by the Associate Dean for Student Services, with a warning that any violation of the conditions or any further acts of misconduct may result in additional disciplinary sanctions, including suspension or expulsion from the university. As a condition of probation, the student may be required to participate in a specific program, such as a counseling program or an alcohol education program, or to provide a specific service, such as the repair or restoration of any property damaged or taken by the student.
 - (3) *Restitution.* A student may be required to pay the cost for the replacement or repair of any property damaged by the student. If the student fails to pay the cost or make the repairs, the student may be subjected to additional sanctions, including suspension or expulsion.
 - (4) *Participation in a specific program.* A student may be required to participate in a specific program, such as a counseling program or an alcohol education program. If the student fails to participate in the program as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
 - (5) *Provision of a specific service.* A student may be required to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. If the student fails to provide the service as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
 - (6) *Expulsion from university housing.* A student may be expelled from university housing, and the student's contract for such housing may be rescinded.
 - (7) *Transfer to a Different Residence Hall or Housing Unit.* A student may be required to transfer to a different residence hall or housing unit. If the student fails to transfer to a different residence hall or housing unit as directed, the student may be subjected to additional sanctions, including suspension or expulsion.
 - (8) *Suspension.* A student may be prohibited from participating in all aspects of university life for a specified period of time. When a student is suspended from the university, the suspension applies to all campuses of the university
 - (9) *Expulsion.* A student may be dismissed from the university permanently. When a student is expelled from the university, the expulsion applies to all campuses of the university. Furthermore, the student may not thereafter petition for readmission to the university.
- d. A student must initiate an appeal from a decision of the Associate Dean for Student Services by submitting a written notice to the Dean of the school within five days after receiving notice of the decision from the Associate Dean for Student Services.

5. Appeal to the Dean of the School

- a. When an appeal concerning a decision of the Associate Dean for Student Services has been submitted to the Dean of the school, the Dean of the school should inquire into the facts of the appeal and should discuss the matter individually with the student and the Associate Dean for Student Services.

- b. If the Dean considers it to be appropriate, the Dean may ask the student and the Associate Dean for Student Services to meet together with the Dean.
- c. The Dean may sustain, reverse, or modify any decision of the Associate Dean for Student Services concerning the student's alleged act of misconduct.
- d. The Dean may submit the appeal to a Board of Review as provided for in Part V.I. of this Code.

F. Time Limitations

1. Time limitations that are specified in the preceding sections of this code may be extended for a reasonable period of time if an extension is justified by good cause under the totality of the circumstances.
 - a. An interested party to a proceeding may make a request for an extension of a specific time limitation.
 - b. A request for an extension must be submitted in writing to the person conducting the proceeding or the presiding officer of the review board hearing the matter.
2. If a time limitation is not specified for a particular action or proceeding under this code, the action or proceeding must be taken or conducted promptly or within a reasonable period of time as determined from a consideration of the totality of the circumstances.
 - a. An interested party to a proceeding may make an appropriate objection concerning the promptness or reasonableness of the time within which an action is taken or a proceeding is conducted.
 - b. An objection must be made to the person conducting the proceeding or the presiding officer of the review board hearing the matter.
3. Any interested party to a proceeding may appeal a decision concerning an objection or request concerning a time limitation.
 - a. The appeal must be taken to the person or body that is authorized under this code to consider any other appeal from the person or body making the decision concerning the time limitation.
 - b. The decision concerning the appeal is a final decision and is not subject to a further appeal.
4. **Limitations and default**
 - a. *Period within which notice of charges must be provided:* No charges of academic or personal misconduct may be brought unless within sixty days after the day upon which reasonable grounds for believing that misconduct as defined in Part II of this code may have occurred, have been reported to, or have been discovered by, a faculty member, the Dean, Associate Dean for Student Services, or Associate Dean for Academic Affairs; the student has been provided notice of an informal conference regarding academic misconduct under Part V.C.1.a. of this code; or written notice regarding personal misconduct under Part V.E.3. of this code.
 - b. *Default for nonappearance:* If a student concerning whom there exists reasonable grounds for believing that he or she engaged in academic or personal misconduct fails, after proper notice and without reasonable excuse, to attend a meeting,

conference or hearing relating to the misconduct, the student may be found guilty of the misconduct and appropriate penalties shall be assessed.

5. Computation of time

- a. In computing any period of time prescribed or allowed under this code, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period to be computed shall be counted unless it is a Saturday, Sunday, legal holiday, or day in which the law school is not holding regularly scheduled classes, in which event the period shall run until the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than eleven days, intermediate Saturdays, Sundays, legal holidays, and days in which the law school is not holding regularly scheduled classes shall be excluded from the computation.

G. Misconduct by Student Organization

1. A complaint that a student organization has committed an act of academic or personal misconduct may be filed against the student organization, against individual members of the organization, or against the organization and individual members of the organization. The complaint may be filed by any student or any member of the university faculty, administration, or staff.
2. A complaint against a student organization and/or individual members of the organization must be submitted in writing to the Associate Dean for Student Services.
 - a. If a complaint is against a student organization, the Associate Dean for Student Services has the authority to initiate disciplinary proceedings against the organization.
 - b. If the complaint involves an allegation of academic misconduct by an individual student member of the organization which is related to a particular course in which the student is enrolled, the Associate Dean for Student Services must refer the complaint against the student to the faculty member who is teaching the course. The faculty member has the authority to initiate academic misconduct proceedings against the student as provided in this Code of Student Rights, Responsibilities, and Conduct.
 - c. If the complaint involves an allegation of academic misconduct by an individual student member of the organization which is not related to a course in which the student is enrolled, the Associate Dean for Student Services has the authority to initiate academic misconduct proceedings against the student after consulting with the Dean of the school.
 - d. If the complaint involves an allegation of personal misconduct by an individual student member of the organization, the Associate Dean for Student Services has the authority to initiate disciplinary proceedings against the student.
 - e. If the complaint involves an allegation that an individual student member of the organization has committed simultaneous acts of academic and personal misconduct, proceedings against the student may be initiated as provided in this Code of Student Rights, Responsibilities, and Conduct (see section V.A.3).

3. Disciplinary proceedings against a student organization are governed by the procedures established by the individual campus for such proceedings.
4. Academic misconduct proceedings against individual members of a student organization are governed by the procedures otherwise applicable to students alleged to have committed acts of academic misconduct.
5. Disciplinary proceedings against individual members of a student organization are governed by the procedures otherwise applicable to students alleged to have committed acts of personal misconduct.

H. Definitions

For purposes of Part V of this Code of Student Rights, Responsibilities, and Conduct, the following definitions apply and supersede any conflicting definitions in Part IV.

1. The term “student” includes any person enrolled or participating in any course or program of the school of law, any person admitted to the school of law and present on campus for the purpose of being enrolled or participating in any course or program of the school of law and any person who has been admitted and enrolled in any credit-bearing course or program in the school of law and who continues to be associated with the school of law because of failure to complete the course or program in which the person was enrolled or participating.
2. The terms “school of law”, “law school”, and “school” mean the Indiana University School of Law-Indianapolis.

I. Review Board

1. Appointment of Review Board

- a. The Dean may, but is not required to, appoint members of a Review Board to consider a particular appeal.
- b. The Review Board shall consist of three members, two of whom shall be members of the faculty who are tenured or hold long-term contracts, and the third of whom shall be a student in good standing who has completed at least thirty credit hours towards a degree.
- c. The Dean shall appoint one of the faculty members to preside.

2. Authority of Review Board

- a. *Hearing of appeals*: The Review Board shall hear and decide all appeals which are referred to it by the Dean under Parts V.C.4.c.(3) and V.E.5.d. of this code. In hearing appeals, the Review Board shall have the authority to overturn a decision referred to it only if it finds that,
 - (1) the determination of guilt was clearly erroneous; or,
 - (2) a penalty imposed was wholly disproportionate to the offense.

If the Review Board determines that a penalty imposed was wholly disproportionate, it may impose alternative, appropriate penalties. Where appropriate, the Board may refer the matter for further proceedings consistent with its decision.

- b. *Promulgation of rules and extension of time*: The Review Board shall have authority to promulgate such particular and general rules not in conflict with this code as seem reasonable and appropriate to carrying out its duties and necessary to assure due process. The Review Board may, upon timely application of a student charged with misconduct under this code, grant reasonable extensions of time where justice so requires.

3. Proceedings before the Review Board

- a. Upon receipt of a reference of appeal from the Dean under Parts V.C.4.c.(3) or V.E.5.d., the presiding members of the Review Board shall determine a time and place for hearing the appeal, and shall notify the student, any faculty member involved or the Associate Dean for Academic Affairs, and, as appropriate, the Associate Dean for Academic Affairs and the Associate Dean for Student Services of the time and place of the hearing. Unless the student seeks a delay, the hearing shall be held no later than twenty days following the receipt of the Dean's reference of appeal. The Notice of Hearing shall contain:
 - (1) the time and place set for hearing;
 - (2) a description of the matter or matters being appealed;
 - (3) a statement informing the student that he or she may, at his or her own cost, bring to the hearing an advisor;
 - (4) a statement informing the student that he or she may request that the Review Board ask specified persons to be present at the hearing to provide information;
 - (5) a statement informing the student that he or she may submit relevant documents or other tangible things for the consideration of the Review Board;
 - (6) a statement informing the student that he or she may submit proposed questions to be asked of witnesses by the Review Board; and
 - (7) a statement that the student has the burden of convincing the Board that the determination with respect to guilt was clearly erroneous or that any penalties imposed were wholly disproportionate to the offense, but that if the Review Board determines that any penalty imposed was wholly disproportionate, it may impose alternative, appropriate penalties.
 - (a) The hearing shall be an informal hearing conducted by the Review Board in accordance with such rules as the Board determines are necessary to assure a fair hearing. At the outset of the hearing, the student will be afforded reasonable time to state his or her objections to the determination of guilt as well as to the penalties imposed. In the case of academic misconduct, the faculty member or the Associate Dean for Academic Affairs, and, if an additional sanction has been imposed, the Associate Dean for Student Services, will be afforded a like period of time to state their positions regarding the matters appealed. The Review Board may question the student, the faculty member, and the deans involved during their respective statements. The student, the faculty member, and the deans involved may name individuals who have information relevant to the matters appealed. The Board

may afford such persons, and any others it deems may have relevant information, opportunity to present that information to the Board, and the Board may ask questions of any such persons regarding the information they present.

- (b) After hearing all persons whom the Board concludes have relevant information, and considering such additional information including information gathered by the faculty member or the deans involved as a basis for their decision, the Board shall deliberate and render its decision by majority vote. No later than fifteen days following the conclusion of the hearing, the decision of the Review Board shall be reduced to written findings and conclusions which shall include a record of the vote of the members. The decision of the Review Board shall be final, except that if, following its decision, new matters are brought to its attention which indicate that manifest injustice has been done, the Review Board may reopen proceedings to consider the new matters and to determine if its decision should be reversed or modified.