

Illinois State University Code of Student Conduct

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Illinois State University

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I. Preamble

Illinois State University, as set forth in its Constitution, is committed to the transmission of knowledge, the development of its members, and improvement of the general well-being of society. Consistent with these goals, the University expects students and student organizations to exhibit “conduct which shows respect for the opinions and rights of all” and expects that students will be committed to being “good citizens” who comply with both the law and University expectations.

Students at Illinois State University are expected to practice good citizenship in all of their interactions with the University, with one another, and in the broader community. As outlined in Educating Illinois, the University is committed to creating a community that exhibits respect for differences, ethical behavior, and social justice. This Code reflects these expectations in both the regulations set forth for, and in the processes designed to address student conduct.

In order to achieve these goals and to provide students with appropriate guidance for making decisions, it is necessary to communicate explicit behavioral expectations to students and to ensure that these standards are consistently enforced. A student attending Illinois State University agrees to be governed by this *Code of Student Conduct*, hereafter referred to as *Code*, as well as by other applicable University policies. The University, through authority given by the University President to the Vice President for Student Affairs and the Dean of Students Office, maintains the exclusive authority to determine violations of the *Code* and to impose sanctions.

Students should be aware that the student conduct process is fundamentally different from criminal and civil court processes. For the purpose of this *Code*, the procedures used to enforce University expectations assure written notice and a hearing before an objective decision-maker. No student will be found in violation of University regulations without information demonstrating that it is more likely than not that a policy violation occurred and, if found in violation, sanctions imposed will be proportionate to the severity of the violation and cumulative conduct record of the student.

II. Definitions for the Purpose of This Document

The following definitions apply to the terms utilized in this document:

- a) The term “student” means all persons admitted for enrollment at or through the University, both full-time and part-time, pursuing undergraduate or graduate degrees (including those enrolled at Illinois State University who are seeking degrees from other institutions, or those individuals who are enrolled students at the time of a violation of the *Code*, as well as individuals on University premises for any purpose relating to registration for enrollment), as well as certificate and other educational programs. Individuals are still considered students for the purpose of this *Code* between academic sessions, until such time that a student’s degree has been awarded. Once enrolled, students with interruptions in active enrollment may be subject to this *Code* until the point at which the student is required by the Office of Admissions to reapply for enrollment.
- b) The terms “registered student organization” and “student organization” means a group of students who have met the formal requirements for University recognition and affiliation through registration with the Dean of Students Office.
- c) The term “University Official” means any faculty, instructor, or staff member employed by the University performing assigned administrative duties or professional responsibilities.

- 1 d) The term “University community” refers to all students, faculty, and staff members at Illinois
2 State University, including those individuals who maintain a formal connection to the University
3 through part-time employment or the supervision of students in academic endeavors such as
4 student teaching or internships.
- 5 e) The term “University business days” means weekdays when the University is open for business,
6 whether or not classes are in session.
- 7 f) The term “assignment” means any material submitted to an instructor for the purpose of
8 academic credit and/or degree fulfillment, whether or not a grade is assigned. This includes, but
9 is not limited to: homework, lab assignments, quizzes, examinations, proposals, thesis,
10 dissertations, publications, and other materials.
- 11 g) The terms “shall” and “will” are used in the imperative sense.
- 12 h) The term “may” is used in the voluntary sense.
- 13

14 III. Jurisdiction

15
16 Students at Illinois State University are annually provided with a link to the *Code* electronically. Hard
17 copies are available upon individual request from Student Conduct and Conflict Resolution (SCCR).
18 Students are responsible for reading and abiding by the provisions of the *Code*.

19

20 The *Code* and the student conduct process shall apply to the academic and social conduct of individual
21 Students, both undergraduate and graduate, and all Registered Student Organizations. If sanctioned, a
22 hold may be placed on the student’s ability to re-enroll, register for classes, and/or obtain official
23 transcripts and degrees until the conduct matter has been resolved and all sanctions have been
24 satisfied. The University will resolve all cases involving alleged violations of the *Code*, and will not defer
25 proceedings pending any external criminal or civil review. Students who are members of registered
26 student organizations may be subject to jurisdiction both as an individual student and as a member of
27 the student organization.

28

29 The *Code* applies to behaviors that take place on-campus, at University sponsored events and activities,
30 in online or hybrid courses connected to Illinois State University, and off-campus, when the off campus
31 behavior impacts University interests. Students attending a function as a representative of the
32 University (including, but not limited to, students on academic or athletic teams, students involved in
33 internships, and students participating in exchange or study abroad programs) are subject to the *Code*.

34

35 For the purpose of the *Code*, a University interest is impacted when situations including but not limited
36 to the following occur:

37

- 38 a) Any situation where it appears that the student’s conduct may present a danger or threat to the
39 health or safety of her/himself or others; and/or
- 40 b) Any situation that significantly impinges upon the rights, property or achievements of self or
41 others or significantly breaches the peace and/or causes social disorder; and/or
- 42 c) Any situation that is detrimental to the educational mission of the University.
- 43

44 The Vice President for Student Affairs (VPSA) is the final arbiter of jurisdiction.

45

46 The *Code* may be applied to behavior conducted online, via email, text messages, or other electronic
47 medium. Students should be aware that online postings such as social media sites, blogs, web posting,

1 and chat rooms are in the public sphere and are not private. Action may be taken for online activity
2 when the behavior violates the *Code*.

3
4 Students who host guests on campus and/or at University events may be held responsible for the
5 actions of their guests under the *Code*. Visitors to and guests of the University may seek resolution of
6 violations of the *Code* committed against them by students.

7
8 There is no time limit on reporting violations of the *Code*; however, the longer someone waits to report
9 an offense, the more difficult it becomes for the University to obtain information and statements and to
10 make determinations regarding alleged violations. Finally, the University accepts anonymous complaints
11 regarding student conduct, but anonymity may limit the University's ability to investigate and respond
12 to a complaint. Those who are aware of misconduct are encouraged to file reports as quickly as possible
13 with the Illinois State University Police Department, or with SCCR. If an individual does not meet the
14 definition of a student, the University has no jurisdiction.

15
16 The University cannot foresee all violations of the *Code* within the regulations (see Section VI). As such,
17 students may be subject to the student conduct process when their behavior is detrimental or disruptive
18 to the goals and/or purposes of the University and/or may violate federal, state, or local
19 laws/regulations and are not otherwise provided for in the *Code*. Furthermore, the University reserves
20 the right, in keeping with its commitment to offer a fundamentally fair process for all students involved
21 in the Student Conduct Process, to adapt certain aspects of the Student Conduct Process in specific
22 circumstances, in order to meet the interests of all involved parties, including the University.

23 24 **IV. Interim Actions**

25 26 **A. Interim Actions for Individuals**

27
28 The University reserves the right to impose an interim disciplinary suspension and/or other
29 restrictions when the interim action is needed to:

- 30
31 a) Ensure the safety and well-being of members of the University community or preservation
32 of University property; and/or
33 b) Ensure a student's own physical or emotional safety and well-being; and/or
34 c) Alleviate a threat that a student poses to the normal operations of the University through
35 behavior that disrupts or interferes with those operations.

36
37 The Vice President for Student Affairs or her/his designee shall be responsible for the determination
38 of interim suspensions and residence hall suspensions. During an interim suspension, the suspended
39 student shall be denied access to all campus facilities, including residence halls and classes, and to
40 all University-related activities or privileges for which the student might otherwise be eligible, as the
41 Vice President or her/his designee may determine to be appropriate. The Vice President or her/his
42 designee shall also be responsible for the terminations of housing contracts and mandated room
43 reassignments.

44
45 The Vice President for Student Affairs (VPSA) or her/his designee shall be responsible for the
46 determination of any other interim restrictions, including but not limited to restrictions from
47 contacting specific individuals, residence hall restriction, and/or restrictions from other specific
48 University locations. These decisions will be made in conjunction with Office of Equal Opportunity,

1 Ethics, and Action in cases involving allegations of sexual misconduct, sexual exploitation,
2 relationship violence, and violations of the University Anti-Harassment and Non-Discrimination
3 Policy.

4
5 Whenever an interim action is taken, a proceeding to resolve alleged violations of the *Code* shall be
6 convened at the earliest possible time. The interim actions may remain in effect until a final decision
7 has been reached, including any appropriate appeals process, at the discretion of the VPSA or
8 her/his designee. In cases where an interim suspension is removed or a suspension is not a sanction
9 following the student conduct process, effort will be made to restore the student formerly on
10 interim suspension to academic wholeness. Steps can include, but not be limited to, communicating
11 with professors, assisting in obtaining course materials, and assisting in identifying academic
12 assistance resources.

13 B. Interim Actions for Student Organizations

14 The University reserves the right to impose an interim disciplinary suspension on a registered
15 student organization when the interim action is needed to:

- 16
17
18
19 a) Ensure the safety and well-being of members of the University community or preservation of
20 University property; and/or
21 b) Alleviate a threat that a student organization poses to the disruption of or interference with the
22 normal operations of the University.

23
24 The Vice President for Student Affairs (VPSA) or her/his designee shall be responsible for the
25 determination of interim suspensions and any other interim restrictions, including but not limited to
26 activity restrictions, restrictions from contacting specific individuals and/or restrictions from specific
27 University locations. During an interim suspension, a student organization may not engage in any
28 organized activities.

29
30 Whenever an interim action is taken, a proceeding to resolve alleged violations of the *Code* shall be
31 convened at the earliest possible time. The interim actions may remain in effect until a final decision
32 has been reached, including any appropriate appeals process, at the discretion of the VPSA or
33 her/his designee and/or the Assistant Vice President/Dean of Students or her/his designee.

34 35 V. Violations of the Law

36
37 The student conduct process is responsible for reviewing alleged violations of the *Code*, and is not
38 responsible for the determination of public law violations. These processes are distinctly different from
39 one another. Nevertheless, allegations of *Code* violations from an incident may also be reviewed by
40 external legal authorities. The formal rules of due process, procedure, and/or technical rules of evidence
41 that are applied in criminal or civil courts do not apply to the student conduct process.

42 43 VI. University Regulations

44
45 Standards for student behavior are articulated through University regulations. Three categories of
46 regulations reflect expectations as they relate to institutional values, a commitment to social justice, and
47 personal responsibility.

1 A. University Values and Expectations
2

3 The University expects all students to act in a manner that demonstrates personal integrity, ethical
4 behavior, and respect for the truth in the conduct of their affairs. Behavior that violates the *Code*
5 includes, but is not limited to the following regulations.
6

7 1. Academic Dishonesty
8

9 Students are expected to be honest in all academic work. A student's attachment of his or her name
10 on any academic exercise shall be regarded as assurance that the work is the result of the student's
11 own thought, effort, and study.
12

13 Violations include such behavior as:
14

- 15 a) Possessing or utilizing any means of assistance (books, notes, papers, articles, third parties, etc.)
16 to complete any assignment, quiz, or examination unless specifically authorized by the
17 instructor. Students are prohibited from conversation or other communication in examinations
18 except as authorized by the instructor.
19 b) Acting with the intent to deceive the person in charge, such as falsifying data or sources,
20 providing false information, etc.
21 c) Plagiarizing. For the purpose of this policy, plagiarism is the unacknowledged appropriation of
22 another's work, words, or ideas in any themes, outlines, papers, reports, speeches, computer
23 programs, artwork, musical scores, performance, or other academic work, regardless of intent.
24 This includes all forms of intellectual property that can be copyrighted, patented, or
25 trademarked, whether published or unpublished. Students must ascertain from the instructor in
26 each course the appropriate means of documentation and/or attribution.
27 d) Submitting the same paper for more than one University course or academic requirement
28 without the prior approval of the instructors. A student may only submit an assignment once
29 during their affiliation with the University unless provided explicit permission of the instructors.
30 e) Willfully giving or receiving unauthorized or unacknowledged assistance on any assignment. This
31 may include the reproduction and/or dissemination of test materials. Both parties to such
32 collusion are considered responsible.
33 f) Substituting for another student in any academic assignment.
34 g) Being involved in the unauthorized collection, distribution, advertisement, solicitation, or sale of
35 term papers, research papers, or other academic materials completed by a third party.
36

37 In cases of group assignments, unless otherwise indicated by the instructor, all parties to the
38 assignment are responsible for the submission of any final product, and bear responsibility for the
39 integrity of the product. Students participating in group projects may be held responsible for the
40 actions of other group members unless it can be established that a group member was not aware,
41 and reasonably could not have been aware, of any material that violates University expectations.
42

43 Academic integrity expectations apply to all forums used for the collection and dissemination of
44 knowledge, including in the classroom, written and electronic assignments, online participation,
45 field work, and publications.
46

47 For the purpose of this policy, it should be noted that the University holds graduate students to a
48 higher standard given the academic rigor of graduate programs and the fact that students in

1 graduate programs are already degreed students. As such, graduate students may face more severe
2 levels of sanctioning for academic misconduct, and may also face repercussions in their academic
3 departments and assistantships.

4 5 2. Disruption

6
7 Students are free to assemble and to express their free speech in a peaceful and orderly manner,
8 provided that doing so does not hinder the normal operations of the University.

9
10 Violations include such behavior as:

- 11
- 12 a) Disrupting or obstructing teaching, research, administrative, or other University functions,
13 including its public service functions on or off campus, or other authorized non-University
14 activities when these activities take place on University property.
 - 15 b) Leading or inciting others to disrupt scheduled and/or normal non-academic activities
16 associated with the operation of the University.
 - 17 c) Creating an intentional obstruction which unreasonably interferes with freedom of movement,
18 either pedestrian or vehicular.
 - 19 d) Disrupting the operation of any Illinois State University information technology resources,
20 computers, networking systems, information and data.
 - 21 e) Tampering with the elections process of any Registered Student Organization.
- 22

23 3. University Records

24
25 Violations include such behavior as:

26
27 Forging, altering, or misusing any official University record or University-issued instrument of
28 identification.

29 30 4. Academic Records

31
32 Violations include such behavior as:

33
34 Knowingly altering, tearing, marking, rendering imperfect, or otherwise damaging or destroying
35 University owned or University held academic materials.

36 37 5. Acts of Dishonesty

38
39 Violations include such behavior as:

- 40
- 41 a) Knowingly providing false or inaccurate information to any University or public official or office,
42 whether in person, through correspondence, via electronic means, or through official forms.
 - 43 b) Forging, altering, or misusing any official document, record, or instrument of identification,
44 regardless of origin.
 - 45 c) Aiding, abetting, influencing, or procuring another person or persons to violate any University
46 regulation or policy.
 - 47 d) Engaging in any electronic exploitation of another person, including eavesdropping on,
48 surveillance of, and/or the recording and/or broadcasting non-public actions, in any forum. For

1 the purpose of this policy, people have a reasonable expectation of privacy when not in public
2 areas, and the dissemination of visual or audio transmissions of the actions of a person without
3 that person's consent are prohibited.

4
5 6. Failure to Comply

6
7 Violations include such behavior as:

- 8
9 a) Failing to comply with the reasonable and lawful requests or directives of University officials
10 and/or law enforcement officers acting in performance of their official duties.
11 b) Interfering with University officials and/or law enforcement officers acting in performance of
12 their official duties. Students are required to show proper identification to University officials
13 and/or law enforcement officers upon request.

14
15 7. Theft

16
17 Violations include such behavior as:

- 18
19 a) appropriating or attempting to appropriate or possess public or private property without the
20 consent of the owner or person legally responsible.
21 b) obtaining or attempting to obtain any service by devious means.
22 c) maintaining possession of public or private property that is stolen.

23
24 8. Unauthorized Possession of Property

25
26 Violations include such behavior as:

27
28 Maintaining possession of public or private property, and/or utilizing goods or services without the
29 consent of the owner or the person legally responsible. Students must take reasonable measures to
30 know that property, goods, or services being transferred to their possession have been obtained
31 legally.

32
33 9. Damage to Property

34
35 Violations include such behavior as:

- 36
37 a) Taking any action that causes damage or which would reasonably be anticipated to cause
38 damage to public or private property without the consent of the owner or the person legally
39 responsible.

40
41 10. Disorderly Conduct

42
43 Violations include such behavior as:

44
45 Engaging in behavior that is disruptive or indecent, regardless of intent, which is unwanted and
46 breaches the peace of one or more members of the community. Examples of disorderly conduct
47 include but are not limited to: inappropriately disruptive arguments or celebrations, overly loud

1 amplified sound, deliberately and publicly exposing one's intimate body parts, public urination,
2 public defecation, and public sex acts.

3 4 11. Abuse of the Conduct Process

5
6 Students are expected to comply fully and honestly with the student conduct process at all times.

7
8 Violations include such behavior as:

- 9
10 a) Failing to attend meetings designated as required in the student conduct process.
11 b) Knowingly providing false, inaccurate, misleading information to any case manager,
12 administrative hearing officer, the University Hearing Panel, or any other University official
13 during any formal or informal meetings or hearings, including investigations.
14 c) Disrupting or interfering with the orderly operation of any student conduct proceeding or
15 investigation.
16 d) Knowingly filing a false or inaccurate statement or accusation against another person.
17 e) Attempting to discourage an individual's participation in, or use of, the student conduct process.
18 f) Attempting to influence the impartiality of any case manager or any member of the University
19 Hearing Panel during the student conduct process.
20 g) Intimidating or harassing any member of the student conduct process prior to, during, and/or
21 following any student conduct proceeding.
22 h) Failing to comply with sanctions and/or interim actions imposed under the *Code*. (Alleged
23 violations of this aspect of the policy are processed under Section VIII, F).
24

25 12. Other University Rules and Regulations

26
27 Students are expected to comply with other University policies, rules, and regulations not
28 specifically detailed in the *Code*. Such policies include but are not limited to: the University Anti-
29 Harassment and Non-Discrimination Policy, posting policies, smoking policy, rules relating to the
30 payment of financial obligations, policies regarding University trademarks and copyrights, and rules
31 regarding the appropriate use of technology. For more information on other University rules and
32 regulations, visit <http://policy.illinoisstate.edu/>.
33

34 B. Social Justice Values and Expectations

35
36 The University expects students to recognize that respecting the dignity of every person is essential
37 for creating and sustaining a flourishing academic community. Students should understand and
38 appreciate how their decisions and actions affect others, and strive to be just and equitable in their
39 treatment of all members of the community. Behavior that violates the *Code* includes, but is not
40 limited to the following regulations.

41 42 1. General Safety

43
44 Violations include such behavior as:

- 45
46 a) Setting fire to any public or private property.
47 b) Creating a fire hazard or be in possession of flammable or hazardous substances.

- 1 c) Falsely reporting a fire, bomb, or other emergency by activating an alarm or by any other
2 means.
3 d) Engaging in unauthorized possession, use, or alteration of any University-owned emergency or
4 safety equipment.
5 e) Failing to evacuate a building or other structure during an emergency, or during emergency
6 drills.
7 f) Taking or threatening any action that creates a substantial health or safety risk or reasonable
8 fear of such health or safety risk. (Alleged violations of this aspect of the policy may be
9 processed under Section VIII, G3, at the discretion of the Assistant Vice President/Dean of
10 Students or her/his designee).

11
12 2. Unauthorized Entry

13
14 Violations include such behavior as:

15
16 Misusing access privileges to University, public, or private premises or unauthorized entry to or use
17 of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or
18 exit from a facility or space.

19
20 3. Dangerous Objects

21
22 Dangerous Objects include but are not limited to:

- 23
24 a) Firearm, Handgun, Firearm ammunition, BB gun, pellet gun, paintball gun (except with prior
25 written approval from the Chief of Police), tear gas gun, stun, taser, or other dangerous or deadly
26 device of similar type;
27 b) Knife with a blade of at least 3 inches in length (except an ordinary eating utensil), dagger, dirk,
28 switchblade knife, stiletto, ax, hatchet, or other deadly or dangerous weapon or instrument of
29 similar type;
30 c) Bludgeon, blackjack, slingshot, sandbag, sand club, metal knuckles, billy club, throwing star,
31 nunchaku, or other dangerous or deadly weapon of similar type;
32 d) Bomb, bombshell, grenade, firework, bottle, or other container containing an explosive, toxic, or
33 noxious substance, unless under academic/classroom supervision, (other than an object containing
34 a nonlethal noxious liquid, gas, or substance designed solely for personal defense possessed by a
35 person 18 years of age or older);
36 e) Souvenir weapon or other weapon that has been rendered permanently inoperative; and any
37 weapons outlined in the Illinois Compiled Statutes on Armed Violence (720 ILCA 5/33A-1, et seq.)

38
39 Violations include such behavior as:

- 40
41 a) Possessing, storing, carrying, or unlawfully using any weapon or firearm on University property
42 or in any vehicle owned, leased or controlled by the University, even if that person has a valid
43 federal or state license to possess or carry a firearm unless a valid exception applies.
44 b) Displaying, brandishing, discharging, or otherwise using any and all weapons or firearms,
45 including concealed weapons or firearms.
46 c) Utilizing any instrument to simulate a weapon in a manner that endangers or tends to endanger
47 any person.
48

1 Exceptions to this policy are outlined in Policy 5.1.1 found at [http://policy.illinoisstate.edu/health-](http://policy.illinoisstate.edu/health-safety/general/5.1.1Concealed%20Carry.shtml)
2 [safety/general/5.1.1Concealed%20Carry.shtml](http://policy.illinoisstate.edu/health-safety/general/5.1.1Concealed%20Carry.shtml).

3 4 4. Threatening and Intimidation

5
6 Violations include such behavior as:

- 7
8 a) Threatening to subject another person to physical harm or unwanted physical contact that
9 causes a reasonable fear of injury to the health or safety of any person or damage to any
10 property.
11 b) Engaging in any action which is unwanted and results in a reasonable fear for imminent bodily
12 harm and/or the emotional/mental disruption of a person's daily life or educational
13 environment.
14 c) Engaging in any acts of intimidation that unreasonably impairs the security or privacy of another
15 person.
16 d) Following another person in or about a public place or places such that it creates a reasonable
17 fear for a person's health or safety.

18
19 For the purpose of this policy, such behavior can be considered threatening and/or intimidating
20 whether this behavior takes place in person, through third parties, or by any remote means,
21 including electronic and online communication.

22 23 5. Physical Misconduct

24
25 Violations include such behavior as:

- 26
27 a) Intentionally or recklessly causing physical harm, or attempting to cause harm, to another
28 person or persons.
29 b) Intentionally or recklessly endangering the health or safety of any persons by creating a
30 situation where such harm is foreseeable and/or likely.

31 32 6. Sexual Misconduct

33
34 Violations include such behavior as:

35
36 Engaging in any act that is sexual in nature and which is committed without the full and informed
37 consent of all persons involved. Examples of sexual behaviors include, but are not limited to: any
38 penetration of the mouth, vagina, or anus with any body part or other object; contact with a
39 person's breasts, buttocks, groin, or genitals; touching another person with one's own breasts,
40 buttocks, groin, or genitals; any other intentional bodily contact of a sexual nature, or; exposing
41 one's intimate body parts to another person or persons.

42
43 For the purpose of this policy, informed consent must be freely and actively given through mutually
44 understandable terms or actions. Attending an artistic or educational event or a class in which
45 nudity occurs and for which advanced notice of nudity has been provided qualifies as informed
46 consent. A person is deemed incapable of giving consent when that person is a minor, mentally
47 disabled, mentally incapacitated, physically helpless, incapacitated through the use of alcohol
48 and/or drugs to the point of being unable to make an informed and rational decision, unconscious,

1 or asleep. Informed consent cannot be obtained through physical force, compelling threats,
2 intimidating behavior, or coercion. A person always retains the right to revoke consent at any time
3 during a sexual act. (Alleged violations of this aspect of the policy are processed under Section VIII,
4 E).

5 6 7. Sexual Exploitation

7
8 Violations include such behavior as:

9
10 Engaging in any action that results in one or more persons taking nonconsensual or abusive sexual
11 advantage of another person or persons. Examples of such behavior include, but are not limited to:
12 invasion of sexual privacy; recording or broadcasting sexual activity, including redistribution of
13 pictures, video, or audio; engaging in voyeurism; facilitating or allowing voyeurism without the
14 consent of all parties; knowingly exposing another to a sexually transmitted disease; inducing
15 another person or persons to commit an inappropriate sexual act, or; inducing incapacitation in
16 another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual
17 conduct actually occurs. (Alleged violations of this aspect of the policy are processed under Section
18 VIII, E).

19 20 8. Hazing

21
22 Violations include such behavior as:

- 23
24 a) Engaging in any act that endangers the mental, emotional, or physical health or safety of a
25 student for the purpose of initiation into, affiliation with, or continued membership in any
26 group, organization, or team whose members are or include students of Illinois State University.
27 b) Engaging in any act where an individual is encouraged to engage in conduct of an unbecoming
28 or humiliating nature, or which in any way detracts from an individual's academic pursuits for
29 the purpose of initiation into, affiliation with, or continued membership in any group,
30 organization, or team whose members are or include students of Illinois State University.
31 c) Engaging in any acts such as paddling (using a paddle to strike another individual), physical
32 punishments, creating excessive fatigue, work sessions, physical or emotional shock, wearing
33 apparel which is conspicuous and not in good taste, public stunts, morally degrading or
34 humiliating games or events, of that encourage the illegal and/or abusive use of alcohol and/or
35 other drugs.
36 d) Failing to prevent, and/or failing to discourage, and/or failing to report known acts of hazing as a
37 member of an organization participating in such activities when these activities are known to be
38 taking place, or where it should be reasonably known that such activities are taking place.

39
40 For the purpose of this policy, hazing includes any activity that is inconsistent with regulations or
41 policies of Illinois State University or the laws of the State of Illinois for the purpose of initiation into,
42 affiliation with, or continued membership in any group, organization, or team whose members are
43 or include students of Illinois State University. Acts of this nature are considered to be hazing
44 whether or not a person willingly participates in such activities.

45 46 C. Personal Responsibility Values and Expectations

1 Students are given and accept a high level of responsibility to self, to others, and to the community.
2 The University expects students to take this responsibility seriously, and to conduct themselves in a
3 manner that demonstrates preparedness to abide by the expectations of both society and the
4 academic community. Behavior that violates the *Code* includes, but is not limited to the following
5 regulations.

6 7 1. Alcohol

8
9 Violations include such behavior as:

- 10
11 a) Possessing, purchasing, distributing, manufacturing, or consuming any alcoholic beverage unless
12 that student is at least twenty-one years of age. Students of legal age may possess or consume
13 alcoholic beverages only in specified areas and only in compliance with all other University
14 regulations and guidelines related to alcohol consumption.
15 b) Selling alcohol. Students may not sell alcohol at any time without possessing an appropriate
16 license.
17 c) Providing alcohol to minors. No student may provide alcohol to another person who is under the
18 age of twenty-one.
19 d) Public intoxication and/or abusive consumption of alcohol, defined as that which results in
20 violations of the rights of others, leads to disorderly or dangerous behavior, or that impairs
21 personal health or safety.
22 e) Open container, defined as a bottle, can or other receptacle that contains any amount of
23 alcohol, and that is open or has a broken seal, or the contents of which are partially removed.
24 f) Operating motor vehicles under the influence of alcohol and/or other illegal drugs.

25
26 For the purpose of this policy, registered student organizations must also abide by procedures for
27 the use of alcohol established by the Dean of Students Office.

28 29 2. Drugs

30
31 Violations include such behavior as:

- 32
33 a) Possessing, purchasing, distributing, manufacturing, selling, or using any illegal or controlled
34 substance in crude or refined form is prohibited on any University property. It is not a violation
35 of this policy to be using a controlled substance if under the direction of a licensed physician and
36 not in violation of state law.
37 b) Abusing, misusing, selling, or distributing prescription or over the counter medications.
38 c) Operating motor vehicles under the influence of alcohol and/or other illegal drugs.

39 40 3. Drug Paraphernalia

41
42 Violations include such behavior as:

43
44 Possessing any items that are designed for the use of illegal drugs (blunts, bowls, one-hitters, bongs,
45 etc.). Any items that are adapted for the purpose of facilitating or disguising illegal drug or
46 controlled substance use (vaporizers, blow tubes, etc.) will also be considered a violation of this
47 policy.

1 4. Residence Hall Regulations
2

3 Violations include such behavior as:
4

5 Taking any action that violates a regulation established within the housing contract, or any
6 supplemental rules communicated by University Housing Services staff.
7

8 5. Gambling
9

10 Violations include such behavior as:
11

12 Wagering on games of chance or skill, outcomes of games, contests or other public events for
13 money or another thing of value. Raffles, charitable games, pull tabs and jar games are permissible
14 only in compliance with State of Illinois law and local ordinance.
15

16 6. Guests
17

18 Students are responsible for the behavior of their non-student guests on campus and at University
19 events, in that they are expected to make guests aware of behavioral expectations, to take
20 reasonable preventive measures to avoid guest violations of the *Code*, and to take immediate action
21 to end violations of the *Code* when they do take place.
22

23 Violations include such behavior as:
24

- 25 a) *Code* violations by guests who were not properly informed of University regulations by the
26 student host.
27 b) *Code* violations by guests who were encouraged to commit violations by the student host.
28 c) *Code* violations by guests who were undeterred by the student host when the violations were
29 discovered.
30

31 **VII. Rights and Responsibilities**
32

33 A. Responding Student Rights and Responsibilities in the Student Conduct Process
34

35 Students responding to allegations have the right to be heard and to be treated fairly throughout
36 the student conduct process. Students also bear the responsibility for participating in the student
37 conduct process in a manner that demonstrates respect for the student conduct process and all
38 people participating in that process. The following rights and responsibilities have been established
39 to reflect the mutual responsibility that exists between the student and the student conduct
40 process.
41

42 Student respondents are entitled to the following rights in the student conduct process:
43

- 44 1. A student has the right to be treated with respect and dignity by all representatives of the
45 student conduct process.
46 2. A student has the right upon request to information pertaining to counseling assistance
47 available to her/him.

- 1 3. A student has the right to a hearing by an unbiased administrative hearing officer or University
2 Hearing Panel.
- 3 4. A student has the right to have an advisor present at all meetings or hearings in the student
4 conduct process. The advisor's role is non-participatory, limited only to advising the student,
5 and the advisor may not actively participate in the proceedings, nor serve as a witness.
- 6 5. A list of conduct consultants (students, faculty and staff who have volunteered and received
7 basic training in the student conduct process) is provided by SCCR as an optional resource to
8 offer assistance in the student conduct process.
- 9 6. A student has the right to written notice of any student conduct charges under review. This
10 notice shall indicate the time and place of any student conduct meeting or hearing. Proper
11 written notification shall be defined as delivery of email to a student's University account (ilstu).
12 When not enrolled, individuals shall be notified via their permanent mailing address provided to
13 the University unless an alternative electronic or physical address is provided in writing.
- 14 7. A student has the right to receive a written copy of the incident report(s) stating the
15 circumstances and allegations involved. This information shall generally be provided to the
16 student when she/he is notified of the charges.
- 17 8. A student has the right not to present information against her/himself.
- 18 9. A student has the right to hear and respond to all information presented against her/him. This
19 includes the right to questions all involved parties through an administrative hearing officer or
20 the University Hearing Panel.
- 21 10. A student has the right to present information and/or witnesses on her/his behalf. Only
22 witnesses able to speak to the substance of an allegation may be called. The number of
23 witnesses who may be called may be subject to the discretion of the administrative hearing
24 officer or the University Hearing Panel.
- 25 11. A student has the right to written notification of the outcome of a hearing no later than five
26 University business days after the hearing. This may be delayed if an administrative hearing
27 officer or University Hearing Panel needs additional time to review the information provided at
28 the hearing. Notifications of any delay will be sent to a student by email.
- 29 12. A student has the right to request to participate in the student conduct process via electronic
30 means (email, telephone, video conference, etc.). Requests for this accommodation must be
31 submitted to SCCR at least 48 hours prior to a scheduled proceeding. The student is responsible
32 for providing appropriate contact information to SCCR as a part of the request. Determinations
33 regarding these requests will be made by the coordinator of the student conduct case and
34 communicated to the student in advance of any meeting or hearing.
- 35 13. A student has the right to appeal any student conduct outcome and shall be informed of this
36 right, as well as the process for doing so. A student has the right to appeal voluntary resolutions
37 from a SCCR case management conference (Section VIII, B) that involve disciplinary suspension
38 or disciplinary dismissal as a sanction.

39
40 Student respondents are expected to adhere to the following responsibilities in the student conduct
41 process:

- 42
- 43 1. A student has the responsibility to take the student conduct process seriously, to act in good
44 faith, and to treat everyone involved in the process with respect and dignity.
- 45 2. A student has the responsibility to educate her/himself on the *Code* and its expectations.
- 46 3. A student giving testimony or evidence is expected to tell the full and complete truth
47 throughout the student conduct process.

- 1 4. A student has the responsibility to represent her/himself at all meetings or hearings in the
2 student conduct process. Students will not take direction from advisors during the course of a
3 proceeding, nor will advisors be permitted to script student responses and/or questions during a
4 meeting or hearing.
- 5 5. A student is responsible for insuring that her/his advisors attend meetings and hearings,
6 understanding that meetings and hearings may only be rescheduled to accommodate advisors
7 at the discretion of the Assistant Vice President/Dean of Students or her/his designee.
- 8 6. A student has the option to meet with the SCCR conduct consultant in advance of meetings or
9 hearings if the student is choosing to take advantage of this service.
- 10 7. A student is responsible for regularly checking her/his University email account (ilstu) and is
11 responsible for the contents of any notices sent to her/his account, whether or not the student
12 chooses to open them. When not enrolled, the student has the responsibility to provide the
13 University with an accurate permanent mailing address.
- 14 8. A student has the responsibility to participate in student conduct proceedings at the time they
15 are originally convened. Students are not obligated to provide information against themselves in
16 student conduct proceedings, but may not later utilize this as a basis for appeal on the grounds
17 of new information.
- 18 9. A student has the responsibility to abide by all interim actions, if any are in place, and to abide
19 by the conditions and sanctions of any final decision reached.
- 20 10. A student in an administrative hearing or appearing before the University Hearing Panel has the
21 responsibility to present only those witnesses that can speak to the substance of the allegations
22 made. Character witnesses may submit written statements for inclusion at the hearing, but may
23 not be called as a witness.
- 24 11. A student has the responsibility to keep confidential all information pertaining to the student
25 conduct process.

26 B. Complainant Rights and Responsibilities in the Student Conduct Process

27
28
29 Complainants have the right to bring forward allegations of misconduct against students and to have
30 those allegations taken seriously. Complainants also bear the responsibility for participating in the
31 student conduct process in a manner that demonstrates respect for the student conduct process
32 and all people participating in that process. The following rights and responsibilities have been
33 established to reflect the mutual responsibility that exists between the complainant and the student
34 conduct process.

35
36 Complainants are entitled to the following rights in the student conduct process:

- 37
38 1. A complainant has the right to be treated with respect and dignity by all representatives of the
39 student conduct process.
- 40 2. A complainant has the right to a review of their complaint by an unbiased conduct staff member
41 and/or hearing body.
- 42 3. A complainant has the right to have an advisor present at all meetings or hearings in the student
43 conduct process. The advisor's role is non-participatory, limited only to advising the
44 complainant, and the advisor may not actively participate in the proceedings, nor serve as a
45 witness.
- 46 4. A list of conduct consultants (students, faculty and staff who have volunteered and received
47 basic training in the student conduct process) is provided by SCCR as an optional resource to
48 offer assistance in the student conduct process.

- 1 5. A complainant has the right to appear at any formal hearing to resolve the substance of the
2 complaint. The time and location of any hearing will be provided to the complainant in writing
3 (email). If the complainant does not maintain an active ilstu email account, the complainant is
4 responsible for providing the University (via SCCR) an active email and/or mailing address.
- 5 6. A complainant has the right to present information and/or witnesses in support of the
6 complaint. Only witnesses able to speak to the substance of an allegation may be called. The
7 number of witnesses who may be called may be subject to the discretion of the administrative
8 hearing officer or the University Hearing Panel.
- 9 7. A complainant has the right to written notification of the outcome of a hearing as it pertains
10 specifically to the complainant no later than five University business days after the hearing. This
11 may be delayed if an administrative hearing officer of University Hearing Panel needs additional
12 time to review the information provided at the hearing. Notifications of any delay will be sent to
13 a complainant by email.
- 14 8. A complainant has the right to request to participate in the student conduct process via
15 electronic means (email, telephone, video conference, etc.). Requests for this accommodation
16 must be submitted to SCCR at least 48 hours prior to a scheduled proceeding. The complainant
17 is responsible for providing appropriate contact information to SCCR as a part of the request.
18 Determinations regarding these requests will be made by the coordinator of the student
19 conduct case and communicated to the complainant in advance of any meeting or hearing.
- 20 9. A complainant has the right to know the outcome of any appropriate appeals process as it
21 applies to the respondent.

22
23 Complainants are expected to adhere to the following responsibilities in the student conduct
24 process:

- 25
- 26 1. A complainant has the responsibility to take the student conduct process seriously, to act in
27 good faith, and to treat everyone involved in the process with respect and dignity.
- 28 2. A complainant has the responsibility to educate her/himself on the *Code* and its expectations.
- 29 3. A complainant giving testimony or evidence is expected to tell the full and complete truth
30 throughout the student conduct process.
- 31 4. A complainant has the responsibility to represent her/himself at all meetings or hearings in the
32 student conduct process. Complainants will not take direction from advisors during the course
33 of a proceeding, nor will advisors be permitted to script complainant responses and/or
34 questions during a meeting or hearing.
- 35 5. A complainant is responsible for insuring that her/his advisors attend meetings and hearings,
36 understanding that meetings and hearings may only be rescheduled to accommodate advisors
37 at the discretion of the Assistant Vice President/Dean of Students or her/his designee.
- 38 6. A complainant is responsible for regularly checking her/his University email account (ilstu) and is
39 responsible for the contents of any notices sent to her/his account, whether or not the
40 complainant chooses to open them.
- 41 7. A complainant in an administrative hearing or appearing before the University Hearing Panel has
42 the responsibility to present only those witnesses that can speak to the substance of the
43 allegations that have been made.
- 44 8. A complainant has the responsibility to keep confidential all information pertaining to the
45 student conduct process.
- 46
- 47 C. Aggrieved Party Rights and Responsibilities in the Student Conduct Process
- 48

1 Aggrieved parties are those members of the University community who have been identified as
2 someone who has been caused personal harm by the alleged actions of a responding student.
3 Aggrieved party status shall be limited to cases involving physical and sexual misconduct, sexual
4 exploitation, threats and intimidation, relationship violence, hazing, and theft. The Assistant Vice
5 President/Dean of Students or her/his designee shall determine when the status of aggrieved party
6 shall apply. Once a member of the University community is given a designation of aggrieved party
7 status, a SCCR professional staff member shall invite the aggrieved party to a meeting to review
8 rights and responsibilities provided under the *Code*. Invitations shall be issued within three
9 University business days of the Dean's (or designee's) decision. In cases involving investigation by
10 the Office for Equal Opportunity, Ethics, and Access (OEOEA), the Director of OEOEA or her/his
11 designee may also assign aggrieved party status.

12
13 Aggrieved parties have the right to bring forward allegations of misconduct against students and to
14 have those allegations taken seriously. Aggrieved parties also bear the responsibility for
15 participating in the student conduct process in a manner that demonstrates respect for the student
16 conduct process and all people participating in that process. The following rights and
17 responsibilities have been established to reflect the mutual responsibility that exists between the
18 aggrieved party and the student conduct process.

19
20 Aggrieved parties are entitled to the following rights in the student conduct process:

- 21
22 1. An aggrieved party has the right to be treated with respect and dignity by all representatives of
23 the student conduct process.
- 24 2. An aggrieved party has the right upon request to information pertaining to counseling assistance
25 available to her/him.
- 26 3. An aggrieved party has the right to a hearing by an unbiased administrative hearing officer or
27 University Hearing Panel.
- 28 4. An aggrieved party has the right to have an advisor present at all meetings or hearings in the
29 student conduct process. The advisor's role is non-participatory, limited only to advising the
30 aggrieved party, and the advisor may not actively participate in the proceedings, nor serve as a
31 witness.
- 32 5. A list of conduct consultants (students, faculty and staff who have volunteered and received
33 basic training in the student conduct process) is provided by SCCR as an optional resource to
34 offer assistance in the student conduct process.
- 35 6. An aggrieved party has the right to protections provided to responding students, including the
36 right to written notification of a hearing, the right to hear all information presented to the
37 administrative hearing officer or UHP, the right to present information and witnesses, the right
38 to written notification of the results of a hearing, and the right to appeal the outcome of a
39 hearing. Only witnesses able to speak to the substance of an allegation may be called. The
40 number of witnesses who may be called may be subject to the discretion of the administrative
41 hearing officer or the University Hearing Panel.
- 42 7. An aggrieved party has the right to request to participate in the student conduct process via
43 electronic means (email, telephone, video conference, etc.). Requests for this accommodation
44 must be submitted to SCCR at least 48 hours prior to a scheduled proceeding. The aggrieved
45 party is responsible for providing appropriate contact information to SCCR as a part of the
46 request. Determinations regarding these requests will be made by the coordinator of the
47 student conduct case and communicated to the aggrieved party in advance of any meeting or
48 hearing.

- 1 8. An aggrieved party has the right to have any unrelated past behavior excluded from the student
2 conduct process. The administrative hearing officer or UHP shall determine what constitutes
3 unrelated behavior.
- 4 9. An aggrieved party has the right to deliver or submit a written impact statement to the case
5 manager, administrative hearing officer or UHP that will be considered only in sanctioning,
6 should there be a finding of violation against a responding student. The impact statement may
7 be filed at any time in the student conduct process prior to the conclusion of a formal hearing.
- 8 10. An aggrieved party has the right to expect to be free from intimidation and harassment
9 throughout the conduct process.
- 10 11. An aggrieved party has the right, upon request, to have reasonable steps taken by SCCR or other
11 University agencies to prevent any unnecessary or unwanted contact with the responding
12 student(s).

13
14 Aggrieved parties are expected to adhere to the following responsibilities in the student conduct
15 process:

- 16
- 17 1. An aggrieved party has the responsibility to take the student conduct process seriously, to act in
18 good faith, and to treat everyone involved in the process with respect and dignity.
- 19 2. An aggrieved party has the responsibility to educate her/himself on the Code and its
20 expectations.
- 21 3. An aggrieved party giving testimony or evidence is expected to tell the full and complete truth
22 throughout the student conduct process.
- 23 4. An aggrieved party has the responsibility to represent her/himself at all meetings or hearings in
24 the student conduct process. Aggrieved parties will not take direction from advisors during the
25 course of a proceeding, nor will advisors be permitted to script aggrieved party responses
26 and/or questions during a meeting or hearing.
- 27 5. An aggrieved party is responsible for insuring that her/his advisors attend meetings and
28 hearings, understanding that meetings and hearings may only be rescheduled to accommodate
29 advisors at the discretion of the Assistant Vice President/Dean of Students or her/his designee.
- 30 6. An aggrieved party is responsible for regularly checking her/his University email account (ilstu)
31 and is responsible for the contents of any notices sent to her/his account, whether or not the
32 aggrieved party chooses to open them.
- 33 7. An aggrieved party in an administrative hearing or appearing before the University Hearing
34 Panel has the responsibility to present only those witnesses that can speak to the substance of
35 the allegations that have been made.
- 36 8. An aggrieved party has the responsibility to keep confidential all information pertaining to the
37 student conduct process.

38
39
40 **D. Student Organization Rights and Responsibilities in the Student Conduct Process**

41
42 Registered student organizations have the right to be heard and to be treated fairly throughout the
43 student conduct process. Student organizations also bear the responsibility for participating in the
44 student conduct process in a manner that demonstrates respect for the student conduct process
45 and all people participating in that process. The following rights and responsibilities have been
46 established to reflect the mutual responsibility that exists between the student organization and the
47 student conduct process.

48

1 Student organizations are entitled to the following rights in the student conduct process:
2

- 3 1. A student organization has the right to be treated with respect and dignity by all representatives
4 of the student conduct process.
- 5 2. A student organization has the right to a hearing by an unbiased administrative hearing officer
6 or University Hearing Panel.
- 7 3. A student organization may be represented by up to three student members of the organization
8 during the student conduct process. The Assistant Vice President/Dean of Students or designee
9 may allow additional representatives during any investigations processes.
- 10 4. A student organization has the right to have up to two advisors present at all meetings or
11 hearings in the student conduct process. The advisor's role is non-participatory, limited only to
12 advising the student members, and the advisor may not actively participate in the proceedings,
13 nor serve as a witness.
- 14 5. A list of conduct consultants (students, faculty and staff who have volunteered and received
15 basic training in the student conduct process) is provided by SCCR as an optional resource to
16 offer assistance in the student conduct process.
- 17 6. A student organization has the right to written notice of any student organization conduct
18 charges filed against it. This notice shall indicate the time and place of any conduct meeting or
19 hearing. Proper written notification shall be defined as delivery of email to the President (or
20 other recognized student leader or the organization's) University account (ilstu).
- 21 7. A student organization has the right to receive a written copy of the incident report(s) stating
22 the circumstances and allegations involved. This information shall generally be provided to the
23 organization's President when she/he is notified of the charges.
- 24 8. A student organization has the right to hear and respond to all information presented against it.
25 This includes the right to questions all involved parties through an administrative hearing officer
26 or the University Hearing Panel.
- 27 9. A student organization has the right to present information and/or witnesses on its behalf. Only
28 witnesses able to speak to the substance of an allegation may be called. The number of
29 witnesses who may be called may be subject to the discretion of the administrative hearing
30 officer or the University Hearing Panel.
- 31 10. A student organization has the right to request to participate in the student conduct process via
32 electronic means (email, telephone, video conference, etc.). Requests for this accommodation
33 must be submitted to SCCR at least 48 hours prior to a scheduled proceeding. The aggrieved
34 party is responsible for providing appropriate contact information to SCCR as a part of the
35 request. Determinations regarding these requests will be made by the Coordinator and
36 communicated to the aggrieved party in advance of any meeting or hearing.
- 37 11. A student organization has the right to written notification of the outcome of a hearing no later
38 than five University business days after the hearing. This may be delayed if an administrative
39 hearing officer of University Hearing Panel needs additional time to review the information
40 provided at the hearing. Notifications of any delay will be sent to the organization's President by
41 email.
- 42 12. A student organization has the right to appeal any student conduct outcome and shall be
43 informed of this right, as well as the process for doing so. A student organization has the right to
44 appeal voluntary resolutions from a SCCR case management conference (Section VIII, B3) that
45 involves disciplinary suspension or disciplinary dismissal as a sanction.
46
47

1 Student organizations are expected to adhere to the following responsibilities in the student
2 conduct process:

- 3
- 4 1. The members of a student organization have the responsibility to take the student conduct
5 process seriously, to act in good faith, and to treat everyone involved in the process with respect
6 and dignity.
- 7 2. The members of a student organization have the responsibility to educate themselves on the
8 *Code* and its expectations.
- 9 3. The members of a student organization giving testimony or evidence are expected to tell the full
10 and complete truth throughout the student conduct process.
- 11 4. The members of a student organization have the responsibility to represent themselves at all
12 meetings or hearings in the student conduct process. Students will not take direction from
13 advisors during the course of a proceeding, nor will advisors be permitted to script student
14 responses and/or questions during a meeting or hearing.
- 15 5. Members of a student organization are responsible for insuring that their advisors attend
16 meetings and hearings, understanding that meetings and hearings may only be rescheduled to
17 accommodate advisors at the discretion of the Assistant Vice President/Dean of Students or
18 her/his designee.
- 19 6. Members of a student organization have the responsibility to meet with the SCCR student
20 advisor in advance of meetings or hearings if choosing to take advantage of this service.
- 21 7. Members of a student organization are responsible for regularly checking their University email
22 accounts (ilstu) and are responsible for the contents of any notices sent to their accounts,
23 whether or not the student chooses to open them.
- 24 8. Members of a student organization have the responsibility to participate in student conduct
25 proceedings at the time they are originally convened. Students are not obligated to provide
26 information against themselves in student conduct proceedings, but may not utilize this as a
27 later basis appeal on the grounds of new information.
- 28 9. Members of a student organization have the responsibility to abide by all interim actions, if any
29 are in place, and to abide by the conditions and sanctions of any final decision reached.
- 30 10. Members of a student organization in an administrative hearing or appearing before the
31 University Hearing Panel has the responsibility to present only those witnesses that can speak to
32 the substance of the allegations that have been made. Character witnesses may submit written
33 statements for inclusion at the hearing, but may not be called as a witness.
- 34

35 **VIII. Forums of Resolution**

36

37 This section provides a general overview of how the student conduct process operates for cases
38 involving allegations of student misconduct (adjudicatory processes), for cases involving no allegations
39 of student misconduct (non-adjudicatory processes), and for cases involving allegations of student
40 misconduct where additional factors provide a possibility of a combination of adjudicatory (formal) and
41 non-adjudicatory (informal) processes. In some cases, a deferral of adjudicatory processes may be
42 granted pending a successful non-adjudicatory outcome. While the University endeavors to operate
43 with consistency in its management of student conduct matters, these procedures are flexible, given
44 that not all situations are of the same severity or complexity. The Coordinator of SCCR, operating in
45 consultation with the Assistant Vice President/Dean of Students or her/his designee, will have the final
46 authority over the processing of each student conduct case.

47

1 What follows is a description of the formal and informal methods of resolving student conduct cases
2 with SCCR.

3

4 A. Formal Resolutions

5

6 Step One: Receipt of Incident

7

8 The student conduct process is initiated with the reporting of an incident to Student Conduct and
9 Conflict Resolution. A case manager shall be assigned to review the information available to determine if
10 SCCR will pursue a formal or informal means for resolving the case.

11

12 Step Two: Notification

13

14 If the case manager determines that the case should be resolved through the formal conduct process,
15 the student will be notified by email to attend a case management conference with the case manager.
16 The initial email will include a copy of the incident report. Students shall be provided two University
17 business days notice of a case management conference, and are provided the option of meeting with a
18 conduct consultant at any point during the conduct process.

19

20 Step Three: Case Management Conference

21

22 The case manager and the student meet to review the incident report and determine the University
23 regulations that may have been violated, as well as any sanctions that would be imposed as a result of
24 the behavior. The case management conference is also used to identify affected parties of the behavior.
25 In cases where a party has been granted aggrieved party rights, the aggrieved party will be provided
26 with the option to meet with the case manager prior to the respondent's case management conference.

27

28 The following outcomes may result from a case management conference:

29

- 30 a) The student and case manager may agree on the University violations for which the student is
31 responsible and the sanctions to be imposed. In this case, a decision letter is generated within
32 five University business days and the case is resolved. There is no right to appeal, unless the
33 student has agreed to a disciplinary suspension or disciplinary dismissal, in which case the
34 student maintains limited appeal rights (see Section VIII, H). In cases where multiple students
35 face possible violations, no agreement is considered final until all involved students have
36 attended case management conferences and reached decisions about their cases.
- 37 b) In cases where there the student acknowledges University violations and where the student and
38 the complainant or aggrieved party have expressed a desire to jointly bring resolution to the
39 incident, the case will be referred to a restorative conference (see Section VIII, D). Any inactive
40 sanctions will be imposed by the case manager, but the active sanctions will be determined as
41 an outcome of the restorative conference. See Section IX for more information on sanctions.
- 42 c) The student and case manager may not agree on the University violations and/or sanctions to
43 be imposed. The case will then be forwarded to a formal hearing.
- 44 d) If a student fails to attend a required case management conference, the case manager may
45 make a decision on the information provided, and may add an additional charge of University
46 Regulation Section VI,A, 11, Abuse of the Conduct Process. A student failing to appear at a case
47 management conference retains the right of appeal, as outlined in Section VIII, H.

- 1 e) If a student fails to attend a required case management conference and the case manager
2 believes that the case may result in disciplinary suspension or disciplinary dismissal, the case
3 may be referred to a formal hearing.
- 4 f) In cases where a resolution can be reached between the student and the case manager, and
5 there is an identified aggrieved party, the case manager will consult with the aggrieved party to
6 review the proposed outcome. If the outcome is satisfactory to all involved parties, a decision
7 letter will be generated and the case will be resolved. If the aggrieved party does not support
8 the proposed outcome, the case will be referred to a formal hearing.

9
10 Step Four: Formal Hearing

11
12 In cases where a resolution cannot be achieved in a case management conference, the case will be
13 forwarded to a formal hearing. The hearing will consist of either a single administrative hearing officer
14 (see Section VIII, E) or the University Hearing Panel (see Section VIII, F). Students shall be provided five
15 University business days notice of a formal hearing, except in cases involving an interim suspension,
16 where students will be provided three University business days notice.

17
18 Unless otherwise prescribed in this *Code*, the Case Manager shall determine the formal hearing body to
19 hear a case. A priority of scheduling formal hearings shall be minimizing the waiting period.

20
21 At the conclusion of the hearing, the hearing body will deliberate to determine if a violation of the Code
22 occurred and, if so, determine appropriate sanctions. A decision letter will be emailed to the student by
23 no later than five business after the hearing. This may be delayed if an administrative hearing officer or
24 the University Hearing Panel needs additional time to review the information provided at the hearing.
25 Notifications of any delay will be sent to a student by email.

26
27 Step Five: Appeal

28
29 Should a student wish to appeal a decision reached in a hearing, they may do so under Section VIII, H.

30
31 B. Informal Resolutions

32
33 Step One: Receipt of Incident

34
35 The student conduct process is initiated with the reporting of an incident to Student Conduct and
36 Conflict Resolution. A case manager shall be assigned to review the information available to determine if
37 SCCR will pursue a formal or informal means for resolving the case.

38
39 Step Two: Notification

40
41 If the case manager determines that the case should be resolved through the informal conduct process,
42 the student will be notified by email to attend an intake meeting with a student conflict specialist. The
43 initial email will include a copy of the incident report. Students shall be provided two University business
44 days notice of an intake meeting.

45
46 Step Three: Intake Meeting

1 At the intake meeting, the student and the specialist will review the incident and discuss possible
2 avenues of resolution. Should the student wish for the formal process to be utilized, the case will be
3 referred back to the case manager for formal resolution (see Section VIII, A). The case may also be
4 referred back to formal resolution if the student conflict specialist becomes aware of information that
5 would otherwise make the case inappropriate for informal resolution.

6
7 The following outcomes may result from an intake meeting:

- 8
- 9 a) The case may be referred to the formal resolution process, as described above.
- 10 b) The case may be referred to the case manager for a restorative conference or informal
11 facilitation, pending consultation with other involved parties.
- 12 c) The case may be referred to the mediation process, pending consultation with other parties.
- 13 d) The case may be referred to arbitration by an administrative hearing officer, pending
14 consultation with other parties.
- 15 e) The case may be withdrawn, with the student conflict specialist offering guidance to the student
16 on how to remedy the current situation as well as future conflicts.
- 17

18 In some cases, formal conduct processes are deferred pending the outcome of informal processes. In
19 such cases, formal student conduct may be waived in the interest of an informal outcome. However, in
20 all cases the case manager retains the right to invoke the formal process at any time prior to final
21 resolution. Informal processes may also be used as a supplement to the formal conduct process at the
22 discretion of the case manager.

23 24 C. Residence Hall Cases

25
26 Residence hall professional staff members shall be empowered to hear minor student conduct cases for
27 incidents of alleged student misconduct that take place in the residence halls. The Assistant Director of
28 University Housing Services for Student Conduct or her/his designee shall be empowered to hear the
29 same types of cases as SCCR staff members, with the same sanctioning authority. All processes for
30 resolving minor disciplinary matters shall reflect the formal process described in Section VIII, A, with the
31 following amendments:

- 32
- 33 1. Any agreement reached between a residence hall professional staff member and a student in a
34 case management conference is subject to review and approval by the UHS Assistant Director
35 for Student Conduct. If the Assistant Director approves the finding and sanction, a formal
36 decision will be sent to the student via email. The Assistant Director has five University business
37 days to act upon the recommendation and issue a decision.
- 38
- 39 2. If the Assistant Director declines the recommendation of the residence hall professional staff
40 member, or if the student fails to attend the scheduled case management conference, the
41 Assistant Director may:
 - 42
 - 43 a. Notify the student that a case management meeting will be held with the Assistant
44 Director. The case management meeting shall reflect the formal process described in
45 Section VIII, A.
 - 46 b. Render an administrative decision. Students may choose to appeal these decisions
47 under Section VIII, H, 3B.

- 1 c. Notify the student that the case is being forwarded to SCCR for review. SCCR may then
2 choose to retain jurisdiction over the case, or to return the case to the Assistant Director
3 for review.
4
- 5 3. Residence hall professional staff members, with the exception of the Assistant Director, shall
6 only hear minor cases involving allegations of violations of University regulations. Residence hall
7 professional staff may not hear cases involving physical misconduct, sexual misconduct, hazing,
8 academic dishonesty, threats and intimidation, repeated alcohol policy or drug policy violations.
9 Any cases that might result in Disciplinary Probation, Restrictive Disciplinary Probation,
10 Disciplinary Suspension, or Disciplinary Dismissal are to be immediately referred to the Assistant
11 Director for review. Residence hall staff will receive guidance from the Assistant Director as to
12 what constitutes a minor conduct case. Cases involving allegations of drug distribution, sexual
13 misconduct, hazing, and academic integrity shall be referred to SCCR. The Assistant Director will
14 consult with the SCCR Coordinator as to what cases must be referred to SCCCR.
15
- 16 4. Residence hall professional staff may seek the assistance of SCCR to conduct restorative
17 conferences as a means of formal resolution of a residence hall case. In cases where residence
18 hall professional staff, SCCR, and all involved parties agree to a restorative conference, the
19 conference will be conducted as outlined in Section VIII, D (below), with the Assistant Director
20 determining the inactive sanction to be imposed.
21
- 22 5. Residence hall professional staff may refer cases to SCCR staff for informal resolutions, as well as
23 request informal processes to supplement formal student conduct proceedings. Residence hall
24 professional staff shall consult with the Assistant Director and/or SCCR on a case to case basis
25 when considering informal options.
26

27 D. Restorative Conferences

28

29 In cases where a student's conduct has resulted in an identifiable harm to a member of the Illinois State
30 University community and/or to the community itself, restorative conferences may be utilized to resolve
31 the conditions of the conflict and to determine active sanctions that will be imposed for violations of
32 University regulations. The following conditions apply to restorative conferences:
33

- 34 1. A restorative conference is founded on the concept that a student is acknowledging
35 responsibility for violations of the *Code*. As a result, the finding(s) of violation and the inactive
36 sanction must be resolved as a precondition for the conference.
37
- 38 2. A restorative conference will seek to bring together those parties who have been harmed,
39 directly or indirectly, with the student acknowledging responsibility.
40
- 41 3. A restorative conference will be facilitated by a trained staff member, who will allow all parties
42 the opportunity to speak, and who will aid the conference participants in arriving at active
43 sanctions to be imposed for the violations.
44
- 45 4. Should an agreement be reached, a final decision letter will be sent by the case manager to the
46 student within five University business days. The case is then considered closed, with no right of
47 appeal for any parties involved.
48

- 1 5. If no agreement can be achieved through a restorative conference, the case will be referred
2 back to the case manager for sanctioning. The student acknowledging responsibility and any
3 aggrieved parties would maintain a limited right of appeal on the criteria of disproportionate
4 sanction, as described in Section VIII, H1.

5 6 E. Administrative Hearings

7
8 In some cases where a student is unable to reach a resolution in a case management conference, as well
9 as in all cases involving allegations of sexual misconduct, sexual exploitation, relationship violence, and
10 violations of the University Anti-Harassment and Non-Discrimination Policy, an administrative hearing
11 shall be convened. Parties to the hearing shall be provided five University business days notice of a
12 formal hearing, except in cases involving an interim suspension, where parties will be provided three
13 University business days notice.

14
15 The following rules apply to administrative hearings:

- 16
17 1. Hearings will be closed to the public.
- 18
19 2. Admission to the hearing of persons other than the parties involved will be at the discretion of
20 the hearing officer.
- 21
22 3. In hearings involving more than one responding student, the standard procedure will be to hear
23 the case jointly, providing that other respondents have not previously accepted a finding
24 through a case management conference. The administrative hearing officer may grant separate
25 hearings at her/his discretion if the hearing officer finds sufficient cause to do so.
- 26
27 4. The primary parties (responding party, complainant, and/or aggrieved party) all have the right to
28 have an advisor of their choosing present at the hearing. The advisor may not participate in the
29 hearing process and may not actively direct the participation of any party.
- 30
31 5. The hearing officer will first hear information and witnesses presented on behalf of the
32 complaint. Once the complaint information has been heard, the responding student will then be
33 given the opportunity to provide information and witnesses. All people appearing at a hearing
34 are subject to questioning by all primary parties, with the hearing officer receiving priority in
35 asking questions. Any questions asked by the parties must be directed to the hearing officer.
36 Unduly repetitive information and witnesses can be limited at the discretion of the hearing
37 officer. Only witnesses who can speak to the substance of the allegations will be considered by a
38 hearing officer.
- 39
40 6. Cases involving allegations of sexual misconduct, sexual exploitation, relationship violence, and
41 violations of the University Anti-Harassment and Non-Discrimination Policy shall include the
42 Director of Equal Opportunity, Ethics, and Access (OEOEA) or her/his designate. The OEOEA
43 representative shall be charged with determining whether or not the University Anti-
44 Harassment and Non-Discrimination Policy has been violated and shall notify the parties of the
45 outcome in a separate email notification. Sanctioning authority for these violations rests with
46 the hearing officer.
- 47
48 7. All procedural questions are subject to the final decision of the hearing officer.

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8. At the conclusion of the hearing, the hearing officer will deliberate to reach a decision for the alleged violations, on the basis of whether it is more likely than not that a student violated each cited University regulation. The hearing officer will prepare a finding of fact and then impose sanctions for any violations found.
 9. The hearing officer will provide the student with written notification of the outcome of a hearing no later than five University business days after the hearing. This may be delayed if an administrative hearing officer needs additional time to review the information provided at the hearing. Notifications of any delay will be sent to a student by email. The hearing officer will also provide written notification of relevant findings and sanctions to any aggrieved party via email. All decision letters will outline the recipient's process for appeal. Findings shall not be verbally provided at the time of the hearing.
 10. There will be a single verbatim audio recording of the hearing. Deliberations will not be recorded. This recording will be maintained by SCCR as a part of the record only until the conclusion of any applicable appeals process. Access to the record will be provided for parties upon request in preparation for their appeal only. No transcripts will be created or provided, nor are any parties permitted to record and/or broadcast the proceedings.

F. University Hearing Panel

In some cases where a student is unable to reach a resolution in a case management conference, as well as in all cases involving allegations of academic misconduct or cases involving registered student organizations, a hearing of the University Hearing Panel shall be convened. Parties to the hearing shall be provided five University business days notice of a formal hearing, except in cases involving an interim suspension, where parties will be provided three University business days notice. Summer holdover cases will be conducted in accordance with Section VIII, G, 5.

The following rules apply to UHP hearings:

1. Hearings will be closed to the public.
2. Each hearing panel shall consist of three members, consisting of students, faculty, and/or staff. A fourth panel member shall be assigned as an alternate in each case.
3. The UHP shall be advised by a professional staff member or graduate student who is present to ensure that the procedures follow established protocol. The UHP Advisor does not participate in deliberations.
4. Admission to the hearing of persons other than the parties involved will be at the discretion of the UHP chair, in consultation with the UHP Advisor.
5. In hearings involving more than one responding student, the standard procedure will be to hear the case jointly, providing that other respondents have not previously accepted a finding through a case management conference. The UHP, in consultation with the case manager, may grant separate hearings at their discretion if they find sufficient cause to do so.

- 1 6. The primary parties (responding party, complainant, and/or aggrieved party) all have the right to
2 have an advisor of their choosing present at the hearing. The advisors may not participate in the
3 hearing process and may not actively direct the participation of any party.
4
- 5 7. The UHP will first hear information and witnesses presented on behalf of the complaint. Once
6 the complaint information has been heard, the responding student will then be given the
7 opportunity to provide information and witnesses. All people appearing at a hearing are subject
8 to questioning by all primary parties, with the UHP receiving priority in asking questions. Any
9 questions asked by the parties must be directed to the UHP Chair. Unduly repetitive information
10 and witnesses can be limited at the discretion of the UHP Chair. Only witnesses who can speak
11 to the substance of the allegations will be considered by a hearing panel.
12
- 13 8. All procedural questions are subject to the final decision of the UHP Chair, in consultation with
14 the UHP Advisor.
15
- 16 9. At the conclusion of the hearing, the UHP will deliberate to reach a decision, by consensus, for
17 the alleged violations, on the basis of whether it is more likely than not that a student violated
18 each cited University regulation. The UHP will prepare a finding of fact and then impose
19 sanctions for any violations found.
20
- 21 10. The UHP Advisor will provide the student with written notification of the outcome of a hearing
22 no later than five University business days after the hearing. This may be delayed if the UHP
23 needs additional time to review the information provided at the hearing. Notifications of any
24 delay will be sent to a student by email. The UHP Advisor will also provide written notification of
25 relevant findings and sanctions to any complainant and/or aggrieved party via email. All decision
26 letters will outline the recipient's process for appeal. Findings shall not be verbally provided at
27 the time of the hearing.
28
- 29 11. There will be a single verbatim audio recording of the hearing. Deliberations will not be
30 recorded. This recording will be maintained by SCCR as a part of the record only until the
31 conclusion of any applicable appeals process. Access to the record will be provided for parties
32 upon request in preparation for their appeal only. No transcripts will be created or provided, nor
33 are any parties permitted to record and/or broadcast the proceedings.
34
- 35 12. In cases involving allegations of academic dishonesty, the UHP shall include at least one faculty
36 member and one student. SCCR will make every effort to ensure that graduate students are
37 utilized on the UHP when the case involves an allegation against a graduate student.
38
- 39 13. In cases involving registered student organizations, there shall be at least two students on the
40 UHP, one of whom has affiliation in a peer-type student organization (Greek letter, sports club,
41 academic student organization, etc.) and one student who does not share the peer-type
42 affiliation.
43

44 G. Specialized Rules

- 45 1. Academic Integrity Cases
46
47

1 Issues of academic integrity are paramount to the University. A scholar's integrity is the key to
2 academic credibility, and a degree conferred by the University is an inherent testament to that
3 scholar's credibility. As such, when a student is alleged to have committed academic dishonesty,
4 there are two issues at stake; any grade or credit issue attached to that course or requirement, and
5 the relationship between the student and the institution. Therefore, faculty are strongly encouraged
6 to report all instances of academic dishonesty to SCCR, with the recognition that faculty members
7 retain jurisdiction over any academic penalties related to that course and/or activity that might be
8 imposed.

9
10 With respect to the handling of academic integrity cases:

- 11
- 12 a) Faculty members who discover academic dishonesty should meet with the student as soon as
13 possible to review the allegation. Prior to this meeting, faculty members are encouraged to
14 contact SCCR for consultation.
 - 15 b) If the student acknowledges academic dishonesty and the faculty member is satisfied that the
16 incident has been resolved:
 - 17 i. The faculty member will discuss the academic penalty to be applied and/or the
18 reparation required of the student. Faculty members should adhere to the grade
19 penalty policy, if any, noted in an appropriate syllabus. Faculty members without such a
20 policy, or where such a policy would not be applicable, should develop academic
21 penalties consistent with the nature of the dishonesty.
 - 22 ii. The faculty member are strongly encouraged to complete the electronic referral process
23 for academic dishonesty and submit this referral to SCCR, along with recommendations
24 for appropriate sanctions, recommendations for no sanctions, or a request for a
25 restorative conference for the parties to devise their own sanctions. A SCCR case
26 manager will review the case and the recommendation.
 - 27 iii. If the student does not have previous academic dishonesty violations and is otherwise in
28 good disciplinary standing with the University, the case manager can accept the faculty
29 member's recommendation of no sanction, or a faculty member's request for a
30 restorative conference.
 - 31 iv. If the student has previous violations for academic dishonesty or is otherwise not in
32 good disciplinary standing with the University, the case must be referred to the formal
33 conduct process as outline in Section VIII, A). Note that a faculty member requesting a
34 restorative conference may still have that conference granted if the student can resolve
35 the inactive sanction in the case management conference.
 - 36 v. If a faculty member recommends formal conduct action and sanctions, the case will be
37 referred for a case management conference, with the faculty member serving as a
38 complainant if needed.
 - 39 c) If the student denies the allegation of academic dishonesty or if the faculty member believes
40 that the severity of the conduct may warrant a suspension or dismissal from the University:
 - 41 i. The faculty member will complete the electronic referral process for academic
42 dishonesty and submit this referral to SCCR. This submission should contain copies of all
43 information to be utilized in the student conduct process, including the names of all
44 parties involved. Note that the student will receive access to all information provided.
 - 45 ii. A SCCR case manager shall conduct a case management conference with the student, as
46 outlined in Section VIII, A), with the faculty member serving as the complainant.
 - 47 iii. If the case manager and the student can reach a resolution, the case manager will
48 consult with the faculty member to review the proposed outcome. If the outcome is

1 satisfactory to all involved parties, a decision letter will be generated and the case will
2 be resolved.

3 iv. If the student and the case manager cannot resolve the case, or if the faculty member
4 does not support the proposed outcome, the case will be referred to the University
5 Hearing Panel for resolution. In the event of a hearing, the faculty member will be
6 provided with the rights of a complainant (see Section VII, B). Cases being resolved
7 during summer session will be referred to an administrative hearing.

8 d) It is strongly recommended that faculty members withhold the imposition of an academic
9 penalty in any cases where the student is contesting the allegation. In cases where final grades
10 are being awarded, a grade of "Incomplete" should be assigned pending the outcome of the
11 student conduct process. If a faculty member imposes an academic penalty and a student is
12 found not in violation of the allegation, the student may have grounds for appealing the penalty
13 through the Office of the Provost.

14 2. Student Organization Cases

15 Student organizations are collectively responsible for any actions committed by members that serve
16 to reflect upon the organization as a whole or upon the University community. Student conduct
17 action against organizations is separate from student conduct taken against individuals, and the
18 facts of an incident may necessitate action against both an organization and its individual members.
19 Individual student conduct proceedings stemming from a student organization conduct proceeding
20 will only include students involved in the alleged incident. Processes used to resolve student
21 organization cases will reflect both the formal and informal resolution processes outlined in this
22 *Code*.

23 3. Health and Safety Cases

24 Health and Safety Procedures may be used when an alleged violation of the *Code of Student*
25 *Conduct* VI.B.1.f. takes place. Once a determination is made, the case may be reviewed under the by
26 the Health and Safety Procedures Guide, at the discretion of the Assistant Vice President/Dean of
27 Students or her/his designee. The student will meet with the Assistant Vice President/Dean of
28 Students or her/his designee at the first available time after the student has received notice that a
29 Health and Safety Conference is necessary. If, during the conference, it is determined that the
30 student accepts responsibility or is found responsible for the violation(s), the Assistant Vice
31 President/Dean of Students or her/his designee will determine an appropriate
32 intervention/sanction(s). The Dean may impose any sanction provided for in this *Code*. A student
33 found responsible for violating the *Code* as a result of a Health and Safety Conference may appeal
34 the decision to the Vice President for Student Affairs or her/his designee.

35 4. Policy Violations

36 Alleged Policy Violations under Code Section VI.A.11., VI.B.6 and/or VI.B7 will be considered using
37 existing processes for determining whether the University policies, rules or regulations have been
38 violated. (e.g., University Policy on Harassment and Discrimination, Policy for Unauthorized Release
39 of Protected Health Information, etc.). Please consult the University Policy site for specifics.

40 5. Holdover Cases

1 Beginning ten University business days before the end of the fall and spring semesters, minor cases
2 of University regulations requiring a formal resolution by SCCR or UHS may be referred to a holdover
3 process. Those cases in which it is determined by the case manager that restrictive probation,
4 disciplinary suspension, or disciplinary dismissal are possible outcomes may not be resolved by the
5 holdover process, but shall be referred to a formal hearing at the earliest possible time. When the
6 delay occurs over the summer break, all formal hearings will be through an administrative hearing.
7

8 The holdover process shall operate as follows:
9

- 10 a) Within ten University business days of the end of the semester, SCCR or UHS shall contact the
11 student by email and provide the incident report, seeking to learn the responding student's
12 version of the event(s). The student shall be provided ten business days to respond.
- 13 b) Based on the information provided by the student, the case manager has five University
14 business days to exercise one of the following options:
- 15 i. Send a decision letter to the student noting any violations of University regulations and
16 any appropriate sanctions. The student may appeal the decision to the Assistant Vice
17 President/Dean of Students (or designee) overseeing the student conduct process as
18 described in Section VIII, H.
 - 19 ii. Refer the case to a restorative conference and/or to informal resolution, pending
20 consultation with other parties.
 - 21 iii. Refer the case to a formal hearing.
 - 22 iv. Dismiss the case.
- 23

24 6. Medical Amnesty and Good Samaritan Policy 25

26 It is imperative that medical assistance be sought when concerns arise for an individual's safety
27 because of an emergency situation such as severe level of impairment, serious injury, and/or
28 unwanted sexual contact. In emergency situations, students are urged (1) to contact emergency
29 officials by calling 911 to report the incident, (2) to remain with the individual(s) needing emergency
30 treatment and cooperate with emergency officials, so long as it is safe to do so, and (3) to meet with
31 appropriate University officials after the incident and cooperate with any University investigation.
32

33 SCCR will consider the positive impact of taking the appropriate action in an emergency situation (as
34 outlined above) when determining the appropriate response for alleged alcohol and/or other
35 substances policy violations by the reporting student, including self-reporting. This means that
36 formal University disciplinary sanctions may be deferred for possible alcohol and/or other
37 substances violations, but the incident will be documented, and educational, community, and health
38 interventions — as well as contact with a student's parents or family — may be required as a
39 condition of deferring disciplinary actions or sanctions. If all conditions are met, formal disciplinary
40 sanction will be vacated. Failure of a student(s) to respond to an emergency situation may void all
41 protections under this policy and be considered as an aggravating factor for the purposes of
42 sanctioning.
43

44 Registered student organizations (RSOs), through their officers and members, are also urged to take
45 appropriate action in emergency situations and to incorporate these expectations into their training
46 and risk management plans. When an RSO's officers and members take the appropriate action in
47 dealing with emergency situations it will be considered a mitigating factor when determining the
48 outcome or sanction of an incident that otherwise merits disciplinary action against the

1 organization. Failure of a registered student organization, or its members, to respond to an
2 emergency situation may void all protections under this policy and be considered as an aggravating
3 factor for the purposes of sanctioning.
4

5 H. Appeals 6

7 Responding students, student organizations, and aggrieved parties may appeal outcomes of student
8 conduct cases, except in cases where the appeal right has been waived as a result of a voluntary
9 agreement. In cases of a voluntary agreement involving a disciplinary suspension or disciplinary
10 dismissal, students maintain limited appeal rights. Only one appeal is collectively afforded to all parties
11 involved in a student conduct case.
12

13 The following conditions apply to the appeals process:
14

15 1. Appeals are not re-hearings of student conduct cases, but only serve to review the conditions
16 within which a case was resolved. Because this is not a new hearing of the case, the burden rests
17 with the appealing party to establish that the original hearing and/or the decision reached are
18 improper. Appeals officers and appeals boards shall give deference to the original decision
19 unless it is established as more likely than not that the appellant was deprived of a fair process;
20 they shall not supplant their judgment over the decision of the original hearing body without
21 cause.
22

23 2. The criteria for filing an appeal are:
24

- 25 A. Procedural Error – the appellant is contending that a substantive error was committed
26 as a part of the student conduct process that deprived the appellant of a fair hearing of
27 the case. This would include but not be limited to a substantiated bias, an arbitrary and
28 capricious finding, a material deviation from established procedures, etc.
29 B. New Information – the appellant is contending that there is new information that was
30 unavailable to the appellant at the time of the original proceeding, and that this
31 information would have substantially impacted the outcome of the proceeding. The
32 student must include the new information with the appeal. Note that this criteria may
33 not be utilized by students who choose or fail to attend or participate in the original
34 proceeding they are appealing.
35 C. Disproportionate Sanction – the appellant is contending that the sanction is not
36 appropriate to the findings of the case.
37 D. Unsupported Conclusion – the appellant is contending that the decision reached by the
38 hearing body is arbitrary and capricious, and is unsupported by substantial information.
39

40 3. The process for the review of appeals is as follows:
41

- 42 A. Students have ten calendar days to request an appeal any student conduct decision. The
43 ten day period begins on the date of delivery of the decision letter via email.
44 B. Appeals of decisions reached through case management conferences are reviewed by
45 the Assistant Vice President/Dean of Students or designee except in cases involving
46 Disciplinary Suspension and Disciplinary Dismissal. She/he shall review the information
47 provided by the appellant, as well as all case information. In some cases, the Dean or
48 designee may invite the appellant to provide additional information in person or by

1 telephone. The Dean or designee will respond to all appeals within ten University
2 business days of receipt. The Dean's or designee's decision is final, subject to no further
3 route of appeal.

- 4 C. Appeals of administrative hearing decisions, UHP decisions, and case management
5 conferences involving Disciplinary Suspension and Disciplinary Dismissal shall be
6 reviewed the by the University Appeals Board. The Chair of the UAB will review the
7 request for appeal submitted by the appellant, as well as all case information, to ensure
8 that the appeal meets the criteria for appeal. In some cases, the Chair may invite the
9 appellant to provide additional information in person or by telephone. The Chair will
10 respond to all requests for appeals within five University business days of receipt. Cases
11 involving allegations of sexual misconduct, relationship violence, and violations of the
12 University Anti-Harassment and Non-Discrimination Policy shall not be heard by the
13 UAB.
- 14 D. Appeals of cases involving allegations of sexual misconduct, sexual exploitation,
15 relationship violence, and violations of the University Anti-Harassment and Non-
16 Discrimination Policy shall be reviewed by the Assistant Vice President/Dean of
17 Students' Appeals Board. The Dean will review the request for appeal submitted by the
18 appellant, as well as all case information, to ensure that the appeal meets the criteria
19 for appeal. In some cases, the Dean may invite the appellant to provide additional
20 information in person or by telephone. The Dean will respond to all requests for appeals
21 within five University business days of receipt.
- 22 E. If the Chair of UAB or Assistant Vice President/Dean of Students' Appeal Board denies
23 the appeal hearing, the case is closed, subject to no further route of appeal.
- 24 F. If the Chair or Dean grants the appeal hearing, the hearing will be convened within ten
25 University business days to review the case.
- 26 G. In cases involving an aggrieved party, both the responding party and the aggrieved party
27 shall be given the opportunity to appeal at the same appeals hearing. Whether or not
28 both the responding party and the aggrieved party appeal, both shall be provided the
29 opportunity to attend a hearing.
- 30 H. In cases involving allegations of academic dishonesty, the UAB shall include at least one
31 faculty member and one student. The UAB Chair will make every effort to ensure that
32 graduate students are utilized on the UAB when the case involves an allegation against a
33 graduate student.
- 34 I. Proceedings of all appeal hearings shall abide by the following protocol:
35 i. All hearings are closed to the public.
36 ii. The representative from SCCR offers a brief overview of the facts of the case to
37 date.
38 iii. The appellant offers a summary of their cause for appeal, providing any relevant
39 information. Both the UAB (or AVP/Dean) and the representative from SCCR
40 (generally the case manager or hearing officer) shall both have the opportunity
41 to ask questions.
42 iv. The representative from SCCR offers a response to the appellant's case,
43 providing any relevant information. Both the UAB (or AVP/Dean) and the
44 appellant shall have the opportunity to ask questions.
45 v. Optional final statements can be made by both parties, beginning with the
46 appellant.
47 vi. In the event that there is a responding party, an aggrieved party, and a
48 representative of SCCR present, the appellant shall proceed first, the counter

1 party second, and SCCR third. In cases where both the responding student and
 2 aggrieved party file appeals, the responding student shall proceed first, the
 3 aggrieved party second, and SCCR third.

4 vii. Upon conclusion of the hearing, deliberations will take place in closed session to
 5 reach a decision, by consensus. In UAB hearings, the Chair shall observe the
 6 proceedings and aid in the authoring of a decision, but shall not participate in
 7 the deliberations.

8 viii. Appeal hearings shall result in one of the following outcomes:

9 1. Affirm the original finding and sanction.

10 2. Affirm the finding and modify the sanction. In cases where the accused
 11 student is the appealing party, the sanction may not be increased. In
 12 cases where the aggrieved party is the appellant, the sanction may be
 13 increased or reduced as deemed appropriate.

14 3. Remand the case for a new hearing or case management conference.

15 ix. Written findings shall be conveyed to all parties within five business days of the
 16 hearing. Findings shall not be verbally provided at the time of the hearing.

17 J. In cases where the Director of Equal Opportunity, Ethics, and Access (OEOEA) or her/his
 18 designee has issued a finding in relation to the University Anti-Harassment and Non-
 19 Discrimination Policy, appeals of the finding shall be directed to the University President
 20 or her/his designee. Sanctions in these cases may only be appealed to the Assistant Vice
 21 President/Dean of Students' Appeals Board.

22 IX. Sanctions

23
 24
 25 When students and/or student organizations are found in violation of University regulations, sanctions
 26 shall be imposed. The purpose of sanctioning is to educate a student as to why her/his behavior is
 27 inappropriate, as well as to make the student aware of and sensitive to all the possible consequences of
 28 the behavior in question. Sanctions for misconduct will be determined on a case by case basis, utilizing
 29 four main criteria: a) the nature of the offense; b) the precedent established at the University for similar
 30 conduct; c) the previous conduct record of the student; and, d) the student's attitude and behavior
 31 throughout the conduct process.

32
 33 Sanctions shall generally be comprised of two components: a) an "inactive sanction" or written sanction
 34 (Censure, Disciplinary Probation, Restrictive Disciplinary Probation, Disciplinary Suspension, or
 35 Disciplinary Dismissal), as well as; b) an "active sanction" or educational sanction, requiring the student
 36 to complete some form of assignment requiring the student's active participation and reflection.

37
 38 The following sanctions may be imposed by a case manager, administrative hearing officer, University
 39 Hearing Panel, University Appeals Board, Assistant Vice President/Dean of Students or through a
 40 restorative conference upon any student found to have violated the *Code*:

41 A. Inactive Sanctions

42
 43 Inactive sanctions include those sanctions that determine a student's standing at the University.
 44 These sanctions include:

45 1. Censure

1 A censure is an official statement that the student or student organization has violated a
2 University regulation, and serves as a formal reprimand. A censure also indicates that future
3 violations will likely result in more serious level of sanctioning.
4

5 2. Disciplinary Probation

6 Disciplinary Probation is a serious encumbrance on the student or student organization's good
7 standing in the University community, and serves as a recognition that the student (or
8 organization) is no longer in good disciplinary standing with the University. Disciplinary
9 Probation will last at least one semester (eighteen academic calendar weeks) and any
10 subsequent violations during the probationary period will be viewed as both a violation of
11 University regulations and a violation of the probation. No more than three Disciplinary
12 Probation sanctions may be imposed on a student prior to that student being removed from the
13 University community, though the student may be removed prior to this condition. Student
14 organizations are limited to three probationary sanctions in a four year period prior to that
15 student organization being removed from the University community, though the student
16 organization may be removed prior to this condition.
17

18 A student on disciplinary probation may not hold any elected or appointed office at the
19 University and is ineligible for a sophomore housing exemption to move to a fraternity or
20 sorority house. At the end of the disciplinary probation period, all lost privileges shall be
21 restored.
22

23 3. Restrictive Disciplinary Probation

24 Restrictive Disciplinary Probation is a serious encumbrance on the student or student
25 organization's good standing in the University community, and indicates that a student or
26 student organization is at a "near removal status" from the University. Any additional incidents
27 in which the student or student organization is found in violation of the *Code of Student Conduct*
28 would result in immediate removal from the University for a period of time and the possibility of
29 additional sanctions. No more than one restrictive disciplinary probation sanction shall be
30 imposed on a student prior to removal from the University community. Student organizations
31 are limited to one restrictive disciplinary probation sanction in a three year period. Restrictive
32 disciplinary probations may not be extended as a result of separate incidents.
33

34 A student on restrictive disciplinary probation may not hold elected office, is ineligible for a
35 sophomore housing exemption to live in a fraternity or sorority house, and may not represent
36 the University in any official capacity, including intercollegiate athletics, major extracurricular
37 activities (including forensics, debate, plays and musicals) or student exchange programs. At the
38 end of the restrictive disciplinary probation period, all lost privileges and eligibility shall be
39 restored. Student organizations on restrictive disciplinary probation may not seek sophomore
40 housing exemptions and may not host any events with alcohol.
41

42 4. Disciplinary Suspension

43 Disciplinary Suspension establishes a fixed period of time during which the student or student
44 organization may not participate in any academic or other activities of the University. At the end
45 of the suspension period, the student or student organization may apply for reinstatement and
46 be readmitted only upon the approval of the Assistant Vice President/Dean of Students or
47 her/his designee.
48

1 5. Disciplinary Dismissal

2 Disciplinary Dismissal denies the student or student organization the right to participate in any
3 academic or other activities of the University. This is a permanent exclusion from the University
4 community. Students subject to disciplinary dismissal shall be restricted from University
5 property and University-related events for a minimum of five calendar years.
6

7 6. Restrictions

8 A restriction takes away a privilege that the student may have, as well as restricting contact with
9 people and/or access to property.
10

11 B. Active/Educational Sanctions

12 Case managers, administrative hearing officers, and the University Hearing Panel are strongly
13 encouraged to impose “active” and educational sanctions that promote learning, understanding,
14 and reflection. These sanctions may be developed as necessary and as deemed relevant to
15 specific conduct and specific individuals.
16

17 Among the previously established educational sanctions are:

- 18 i. Alcohol Education Program
 - 19 ii. Attendance at Educational Programs
 - 20 iii. Conflict Management Training
 - 21 iv. Educational Service Hours
 - 22 v. Ethics Workshop
 - 23 vi. Reflective Exercises
 - 24 vii. Restitution
- 25

26 C. Conduct Fines and Fees

27 Fines are utilized as a deterrent to further student misconduct, and are most often employed in
28 cases involving the use of alcohol and other drugs. Conduct fines are, however, also utilized for
29 frequent offenders of University regulations. Conduct fine rates are approved by the Vice
30 President for Student Affairs. Conduct fees are associated with costs for providing educational
31 sanctions, and are set by the service provider.
32

33 D. More than one sanction may be imposed for any violation.
34

35 E. Case managers, administrative hearing officers, and the University Hearing Panel may impose
36 other restrictions, such as restriction from class registration and other academic activities as is
37 deemed necessary.
38

39 **X. Conduct Records**

40

41 A. All student conduct records, both adjudicatory and non-adjudicatory, are maintained by SCCR
42 for a period of seven years from the date of creation, with the following exceptions:
43

- 44 1. Records of students placed on disciplinary probation or restrictive disciplinary probation are
45 maintained for a period of seven years after the date by which the student completes their
46 probationary status.
47

- 1 2. Records of students who are subject to disciplinary suspension or disciplinary dismissal are
2 maintained permanently.
- 3
- 4 3. Records of registered student organizations are maintained permanently.
- 5
- 6 B. In compliance with the Family Educational Rights & Privacy Act, all student conduct proceedings
7 and student conduct records are considered confidential, except as otherwise provided by law.
8 Only those persons authorized by the student or by the Dean of Students Office may have
9 access to these records.
- 10
- 11 C. Exceptions for parental and public notification are provided in Section XI.
- 12

13 **XI. Parental and Public Notification**

- 14
- 15 A. In cases where student who is found in violation of University regulations is under the age of
16 twenty-one and is also financially dependent (as noted on federal tax forms), parents and legal
17 guardians will be notified when:
 - 18
 - 19 1. The student is found in violation of alcohol or drug related regulations and is given the
20 sanction of Disciplinary Dismissal, Disciplinary Suspension, Restrictive Disciplinary
21 Probation, or if the student accrues more than one semester of Disciplinary Probation.
 - 22
 - 23 2. The student is found in violation of physical or sexual misconduct towards another
24 person and is given the sanction of Disciplinary Dismissal, Disciplinary Suspension,
25 Restrictive Disciplinary Probation, or if the student accrues more than one semester of
26 Disciplinary Probation.
 - 27
- 28 B. Parents and legal guardians will be notified of such decisions only after the conclusion of all
29 appropriate appeal processes.
- 30
- 31 C. In some cases, students may offer reasons why parental notification would be detrimental to
32 their emotional and/or physical well-being. In such cases, the Assistant Vice President/Dean of
33 Students or her/his designee will review the request and issue a final determination.
- 34
- 35 D. Parents and legal guardians will be notified via a letter sent to the student's permanent address.
- 36
- 37 E. Once notified, parents and legal guardians will be provided full disclosure of the specific incident
38 leading to the sanction upon written request. Requests for access to previous or subsequent
39 student conduct history (except for those meeting the criteria outlined in Section XI, A above)
40 will require a signed consent from the student.
- 41
- 42 F. At no time will SCCR provide any information that divulges to the public the name, address, or
43 other identifying personal information of anyone involved in the student conduct process.
- 44
- 45 G. SCCR will maintain a public online summary of the disciplinary status of student organizations
46 that have been sanctioned through the student conduct process. Additionally, the Assistant Vice
47 President/Dean of Students may authorize the notification of all parents of student members of

1 a student organization with respect to the actions of the organization and the sanctions
2 imposed.

3 4 **XII. Conduct Bodies**

5 6 **A. Case Managers**

7
8 Case managers are professional and graduate student staff members of SCCR and University
9 Housing Services that are assigned to manage student conduct cases. SCCR staff shall receive
10 training in all areas related to case management from the Coordinator of SCCR. University Housing
11 Services staff shall receive case management training from the Assistant Director of University
12 Housing Services, in consultation with the Coordinator of SCCR.

13 14 **B. Student Conflict Specialists**

15
16 Student conflict specialists are undergraduate or graduate student staff member assigned by SCCR
17 to assist students in a conflict resolution intake process. They shall receive training and supervision
18 from SCCR professional staff.

19 20 **C. Conduct Consultants**

21
22 Conduct Consultants are faculty, staff, and student volunteers who have received basic training in
23 the student conduct process. These volunteers are an optional resource open to any student
24 involved in the student conduct process.

25 26 **D. Administrative Hearing Officers**

27
28 Administrative Hearing Officers are full-time employees of the University (typically from the Dean of
29 Students Office and University Housing Services) who are trained and empowered to hear formal
30 cases involving allegations of student misconduct. The Assistant Vice President/Dean of Students or
31 designee shall be responsible for approving the selection of hearing officers, and the Coordinator of
32 SCCR shall be responsible for providing appropriate training. Administrative Hearing Officers may
33 also serve as arbiters when a case is referred to arbitration.

34 35 **E. University Hearing Panel**

36
37 The University Hearing Panel shall consist of students, faculty, and staff who are trained and
38 empowered to hear formal cases involving allegations of student misconduct. All recruitment and
39 selection of University Hearing Panel members is conducted at the start of the fall semester.
40 Vacancies are filled on an as-needed basis. The following rules apply to the UHP:

- 41
42 1. Students serving on the UHP are first nominated by the Coordinator of SCCR following a
43 recruitment and selection process conducted by SCCR. They must be in both good
44 academic and disciplinary standing with the University at both the time of their
45 selection and throughout their term of service. The Assistant Vice President/Dean of
46 Students or her/his designee reserves the right to establish more stringent
47 requirements. A student's application will authorize the release of necessary records for
48 verification purposes. Nominations are forwarded to the Student Government

1 Association for approval. Students may serve until graduation, at the discretion of the
2 Coordinator of SCCR. A comprehensive recruitment campaign will be conducted at least
3 once annually, with special recruitment campaigns being implemented as necessary to
4 maintain an appropriate pool of members.

- 5
- 6 2. Those students selected for UHP membership must complete an initial course of training
7 before their service may begin. Additional training may be offered as needed each
8 semester.
- 9
- 10 3. Faculty/staff members serving on the UHP are first nominated by the Rules Committee
11 of the Academic Senate. They are then elected by the Faculty Caucus. Faculty and staff
12 serve two year terms. Faculty and staff may be reappointed.
- 13
- 14 4. Those faculty/staff appointed to UHP membership must complete an initial course of
15 training before their service may begin. Additional training may be offered as needed
16 each semester.
- 17
- 18 5. Staff members serving on the UHP are recruited and selected by the Coordinator of
19 SCCR, subject to approval by the Vice President for Student Affairs or her/his designee.
- 20
- 21 6. Those staff members appointed to UHP membership must complete an initial course of
22 training before their service may begin. Additional training may be offered as needed
23 each semester.
- 24
- 25 7. All members of the UHP may be removed from membership at the discretion of the
26 Coordinator of SCCR for any of the following reasons: failure to participate in training
27 activities, failure to attend scheduled hearings, poor performance appraisals,
28 termination or expiration of employment, violation of University regulations, failure to
29 uphold confidentiality requirements, or other issues as specified by the Coordinator.
- 30
- 31 8. The Coordinator of SCCR will notify the Academic Senate of vacant faculty/staff seats,
32 and the Senate will provide replacement appointments as necessary. SCCR may conduct
33 recruitment and selection processes to nominate faculty members to the Academic
34 Senate for approval.
- 35
- 36 9. The UHP reports annually to the Academic Affairs Committee.

37 F. University Appeals Board

38 The University Appeals Board shall consist of students, faculty, and staff who are trained and
39 empowered to review appeals of cases heard by administrative hearing officers and the University
40 Hearing Panel. The following rules apply to the UAB:

- 41
- 42
- 43
- 44 1. The members of the UAB shall be five faculty members nominated by the Faculty
45 Caucus, five students nominated by the Student Government Association, and five staff
46 members nominated by the Vice President for Student Affairs, all appointed by the
47 President. A faculty member or professional staff member not employed by the Dean of
48 Students Office shall be appointed by the Vice President of Student Affairs to serve as

1 the non-voting Chair of UAB. Faculty and staff members are appointed for three year
2 staggered terms. Students are appointed on an annual basis. Student members must be
3 admitted to an authorized degree or credential program.

- 4
- 5 2. Two students, two faculty members, and one staff member shall be assigned to each
6 appeal hearing. A quorum will consist of three members, of which at least two will be
7 faculty and/or staff.
8
 - 9 3. As noted in Section VIII, H, the Chair shall be given the authority to screen appeals to
10 ensure that they meet the criteria for filing an appeal. The Chair shall supervise all
11 hearings of the UAB including deliberations.
12
 - 13 4. All UAB members must complete an initial course of training before their service may
14 begin. Additional training may be offered as needed each semester.
15
 - 16 5. All members of the UAB may be removed from membership at the discretion of the UAB
17 Chair for any of the following reasons: failure to participate in training activities, failure
18 to attend scheduled hearings, poor performance appraisals, termination or expiration of
19 employment, violation of University regulations, failure to uphold confidentiality
20 requirements, or other issues as specified by the Chair.
21

22 G. Assistant Vice President/Dean of Students Appeals Board

23
24 The Assistant Vice President/ Dean of Students shall convene a Dean's Appeal Board, which shall
25 hear appeals of cases involving allegations of sexual misconduct, sexual exploitation, relationship
26 violence, and for sanctions imposed for violation of the University Anti-Harassment and Non-
27 Discrimination Policy. The following rules apply to the Dean's Appeal Board:
28

- 29 1. The members of the Assistant Vice President/ Dean of Students' Appeal Board (Board)
30 shall be faculty and staff members recruited and selected by the Assistant Vice
31 President/Dean of Students. Members of the University Appeals Board are eligible to
32 serve. Board members are subject to annual review and renewal at the discretion of the
33 Assistant Vice President/Dean of Students.
34
- 35 2. The Assistant Vice President/Dean of Students will identify at least four faculty and staff
36 members to serve on the Board. All members of the Board are required to complete
37 training specific to the subject matter of the appeals over which the Board holds
38 jurisdiction.
39
- 40 3. Three members of the Board shall serve on each appeal hearing. The Assistant Vice
41 President/Dean of Students shall chair the hearing unless this role is designated to
42 another Board member by the Assistant Vice President/Dean of Students. The Assistant
43 Vice President/Dean of Students is a voting member of the Board.
44
- 45 4. All members of the Board may be removed from membership at the discretion of the
46 Assistant Vice President/Dean of Students for any of the following reasons: failure to
47 participate in training activities, failure to attend scheduled hearings, poor performance
48 appraisals, termination or expiration of employment, violation of University regulations,

1 failure to uphold confidentiality requirements, or other issues as specified by the
2 Assistant Vice President/Dean of Students.

3
4 H. Mediators

5
6 When student conduct matters are referred to mediation, SCCR shall provide trained mediators to
7 assist in the resolution of conflicts. Mediators will include students, faculty, and staff, and all
8 mediators shall receive appropriate training and supervision from SCCR professional staff.

9
10 I. Restorative Conference Facilitators

11
12 When student conduct matters are referred to restorative conferences, SCCR shall provide trained
13 facilitators to assist in the resolution of conflicts and/or the determination of sanctions. Facilitators
14 will include students, faculty, and staff, and all mediators shall receive appropriate training and
15 supervision from SCCR professional staff.

16
17 **XIII. References**

18
19 This *Code* was created by a committee of University students, faculty, and staff, and has been reviewed
20 and approved by the University's shared governance process before being approved by the University
21 President.

22
23 The following documents were utilized to assist in the development of this *Code*, in addition to direct
24 feedback received by numerous members of the University community.

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