

Student Disciplinary Policy

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The Senate Committee on Student Affairs
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INTRODUCTION

As members of the University of Illinois at Chicago community, students assume obligations of academic performance and conduct reasonably imposed by the institution relevant to its objectives and mission. The purpose of the student judicial process is to assist each student in the development of a responsible lifestyle which is rewarding to the individual student, respectful of the rights of others, and compatible with the legal norms of society. The student judicial process plays a supportive role in the development of responsible student behavior. If the behavior of a student conflicts with established university standards, the student judicial process seeks to educate the student about the personal and social consequences of his or her behavior.

The actions imposed in the student judicial process may include educational and disciplinary measures which are designed to contribute to the growth of the student and the welfare of the community. Because the primary goal of the student judicial process is educative, the process is non-adversarial, confidential, and not to be considered analogous to court proceedings.

I. GENERAL INFORMATION

A. Authority and Jurisdiction

The Student Disciplinary Policy is authorized through guidelines, provided in the University of Illinois Statutes, which state that the responsibility for administering the Student Disciplinary Policy is vested in a Senate Committee on Student Affairs. The Student Disciplinary Policy is recognized as the standard process for handling incidents of student misconduct. The Student Disciplinary Policy is independent from and may be implemented in addition to any other university document, policy or process which may exist and relates to matters of student behavior. This Policy governs all regional sites of the University of Illinois at Chicago.

The Student Disciplinary Policy applies to the on-campus conduct of all students and registered student organizations. In addition, the University reserves the right to exercise jurisdiction for events or actions occurring off the campus in those instances in which the university's community interest is affected.

This Policy also applies to the off-campus conduct of students and registered student organizations in direct connection with:

1. A professional practice assignment;
2. Academic course requirements, such as internships, field trips, or student teaching;
3. Any activity supporting pursuit of a degree, such as research at another institution;
4. Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
5. Any activity that causes substantial destruction of property belonging to the university or members of the university community or causes disruption or serious harm to the health or safety of members of the university community; or
6. Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

B. Student Disciplinary Policy and Public Law

Students continue to be subject to city, state, and federal laws while at the University and violations of those laws may also constitute violations of this Policy. In such instances, the University may proceed with disciplinary action under this policy whether or not civil or criminal proceedings have been instituted against the student and may impose sanctions for violations of the policy independent of any criminal or civil penalties that may be ordered. Any proceedings initiated through the University's Student Disciplinary Policy will not be abandoned or withdrawn solely on the grounds that the criminal or civil charges have been dismissed or reduced, nor will the disciplinary proceedings be delayed pending the outcome of the criminal/civil charges.

C. Student Disciplinary Policy and Campus Housing

Violations of Campus Housing rules of conduct may also constitute violations under the Student Disciplinary Policy. In accordance with the Student Disciplinary Policy, the disciplinary guidelines of Campus Housing, and the Campus Housing contract, cases originating from Campus Housing may be submitted for review under these procedures and may result in a hearing (Section VI), a referral to the Student Mediation and Resource Center (Section X), and/or a referral to the College Dean or Associate Vice Chancellor for Student Affairs (“AVCSA”) for Administrative Action (Section VII).

D. Student Disciplinary Policy and Student Organizations

Violations of campus policies and rules related to student organizations may also constitute violations under the Student Disciplinary Policy. The complaints related to conduct by student organizations may be reviewed in accordance with this policy.

E. Retention/Disclosure of Records

Student judicial records are maintained in the Office of the Associate Vice Chancellor for Student Affairs/Dean of Students for a period of five years from the date of the final decision or resolution and are then destroyed in accordance with University policy. These records include but are not limited to notices, reports, communications, decisions, evidence, recordings, and/or transcripts that are related to the discipline process, maintained by the college, department, or AVCSA office and as otherwise defined by the Family Educational Rights and Privacy Act (FERPA) and the UIC Student Records Policy (http://www.uic.edu/depts/oar/forms/records_policy.doc).

Student disciplinary records will not be disclosed to any third party except as permitted by law and/or the Student Records Policy. A complainant will not be notified of a final outcome of a disciplinary complaint unless the complainant is the victim of a crime of violence or the complainant has a legitimate need to know as more fully provided in the UIC Student Records Policy.

F. Publications

Copies of the Student Disciplinary Policy and the Guidelines Regarding Academic Integrity are available from the Office of the Associate Vice Chancellor for Student Affairs/Dean of Students and online at <http://deanofstudents.uic.edu>.

G. Designees

Any campus administrator assigned (a) role(s) or duty(ies) within this policy shall have the right to designate an appropriate person, over which he/she has authority, to fulfill the stated role/duty.

H. Definitions:

The following definitions shall apply to this policy:

1. Associate Vice Chancellor for Student Affairs/Dean of Students: An individual appointed with that title. (Sometimes referred to in this policy as “AVCSA”)

2. Committees

a) Senate Committee: The Senate Committee on Student Affairs is established through Article II Section 1G and Article XI Section 2 of the University of Illinois Statutes, and the Constitution and Bylaws of the UIC Senate and is charged with the duties and responsibilities as stated in those statutes, constitution, and bylaws. The Senate Committee on Student Affairs has the oversight responsibility for the Referral Committee, University Judiciary Committee, and the Student Affairs Judiciary Committee

b) Referral Committee: The Referral Committee conducts preliminary reviews of all academic dishonesty complaints which are submitted to the Executive Director. The Referral Committee is comprised of four members: the Executive Director of the Senate Committee on Student Discipline, student members of the Senate Committee, and the Dean/designee of the college in which the student is registered. A quorum for the committee is three members and each member will have one vote.

c) University Judiciary Committee (UJC): The University Judiciary Committee is responsible for hearing charges of academic dishonesty as well as those of a general academic nature. The University Judiciary Committee consists of a pool of faculty members and students. Individual hearing panels are formed from this pool. The chairperson of the UJC is appointed by the Executive Director. The Executive Director will serve as an ex-officio, non-voting member of the committee. The Quorum for the committee will be four voting members which will include a minimum of one student voting member.

d) Student Affairs Judiciary Committee (SAJC): The Student Affairs Judiciary Committee hears cases of behavioral misconduct (note that cases of academic dishonesty are heard by the University Judiciary Committee). The Student Affairs Judiciary Committee may consist of student affairs professionals, academic advisors from the support service programs, faculty, and students. The SAJC is chaired by the AVCSA. The Executive Director will serve as an ex-officio, non-voting member of the committee. The Quorum for the committee will be four voting members which will include a minimum of one student voting member.

3. Complaint: A complaint is comprised of a completed incident report form and all available supporting evidence. Supporting evidence includes but is not limited

to: examinations, term papers, photos, police reports, housing reports or other University reports, statements from witnesses, bills, and receipts. In addition, a complaint may include physical evidence such as: weapons, damaged items, and recovered stolen goods, et cetera. Any member of the university community, including students, faculty, and staff may file a complaint against a student. If the complainant is not a member of the university community, he/she should contact the AVCSA to discuss his/her concerns. The AVCSA, in his/her sole discretion, may then initiate proceedings against the student.

4. Complainant / Responsibilities of the Complainant: The complainant is the individual who files a disciplinary complaint against a student. In addition to filing an incident report with supporting evidence, the complainant is required to provide testimony during the hearing and to arrange for the appearance of any persons who witnessed the incident or who can provide testimony relevant to the incident.

5. Days: Days shall mean business days which exclude all Federal, State, and University holidays or closings.

6. Executive Director of the Senate Committee on Student Discipline: An individual, appointed by the Associate Vice Chancellor for Student Affairs/Dean of Students to receive and have custody of all Senate Committee records and related materials. The individual will also advise the complainant(s), student(s), and committee(s) regarding the student judicial procedures and serves as a non-voting member of the University Judiciary Committee and the Student Affairs Judiciary Committee.

7. Hearing Officer: The AVCSA or a member of the Senate Committee, University Judiciary Committee, or Student Affairs Judiciary Committee will serve as hearing officers.

8. Incident Report: A document required to be completed in order to file a disciplinary complaint about an alleged student violation of the University's Standards of Conduct. Incident reports are available from the Office of the Dean of Students, Room 3030, Student Services Building or on the website at <http://deanofstudents.uic.edu>. The incident report should provide as much detail as possible, including the date, time and location of the incident and the identity of any witnesses.

9. Judicial Liaison: An individual, appointed by the AVCSA, to administer the Judicial Liaison Process. (Section IX).

10. Student: A student shall mean any person who has paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the University to take instruction, part-time or full-time, degree or non-degree. Student status lasts until an individual graduates, is dismissed, or is not in attendance for two (2) consecutive semesters (excluding summer session). In regards to the student disciplinary policy, the university exercises jurisdiction over a person even if any part of the student disciplinary procedures is scheduled at a time when the person is not enrolled or if the behavior or actions which violate this Policy arise while the person has status as a continuing student as defined by the UIC Office of Admissions and Records, but is not registered.

11. Student Mediation and Resource Center: The Student Mediation and Resource Center in the Dean of Student's office provides an alternative means of resolving disputes involving students. Students, faculty, staff, and other individuals, as appropriate, may utilize this service.(Section X).

12. Transcript: The official academic record of a student held in the Office of Admissions and Records.

13. Written Notice: A written statement contained in a complaint, charge, decision, or other writing notifying a party of the date, time and/or location of any student judicial proceeding. Unless otherwise noted, written notices will be sent to the student via mail to the student's address located in his/her official records held by the Office for Admissions and Records, to the student's official university issued email address, or hand-delivered to the student. Students may also be contacted by phone or email to come to the Office of the Associate Vice Chancellor for Student Affairs/Dean of Students to personally receive all written notices.

II. STUDENT RESPONSIBILITY

A. Knowledge and Compliance with University Rules, Policies, and Procedures:

The University expects students not only to conduct themselves in accordance with accepted principles of responsible citizenship and with due regard for the rights of others, but also to inform themselves of, understand and comply with all University rules, policies and procedures.

B. Full Cooperation with all Student Judicial Procedures:

Throughout the student judicial process, students have the responsibility to cooperate fully in the judicial process and to present only truthful information. Any student found to have willfully presented false or misleading information or to have withheld information may be subject to further disciplinary action.

C. Appearance at and Participation in all Proceedings:

If a student, having been provided written notice, fails to appear at a hearing or meeting as described in this policy and fails to produce an explanation acceptable to the responsible committee/hearing officers prior to the hearing/meeting, the hearing committee/hearing officers may conduct the hearing/meeting and impose sanctions in the student's absence. Alternatively, the hearing committee/hearing officers may place the student on indefinite suspension or probation without hearing the evidence for the failure to appear. In such cases, the student must submit to the responsible committee/hearing officers a written explanation for his/her failure to appear. The responsible committee/hearing officers will consider the explanation and decide whether or not to reconvene the hearing/meeting, and whether or not to leave the suspension or probation in place pending the hearing. If the hearing is reconvened, it shall be considered the original hearing and shall not affect the right of appeal. Further sanctions may be imposed upon a student for refusing to appear or cooperate in that hearing.

D. Compliance with and Successful Completion of all Sanctions:

A student is responsible for compliance with and successful completion of all disciplinary sanctions imposed. Failure to do so may result in further disciplinary action. The person/responsible committee charged with monitoring the student's compliance with any sanction reserves the right to develop substitute sanctions when the student does not meet the conditions outlined in the sanction(s) previously imposed.

E. Tampering with the Judicial Process:

Students should not take any adverse action against the complainant and/or the witnesses or threaten or intimidate the complainant and/or witnesses as a result of their participation in any student disciplinary proceedings. If a student is found to have taken any adverse action against a complainant or witness, he/she may be subject to further disciplinary action.

III. STANDARDS OF CONDUCT

Students assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution and suitable to members of the university community. The University may at any time exclude a student or impose disciplinary sanctions on a student for violations of the UIC Standards of Conduct. The conduct for which students are subject to disciplinary action includes, but is not limited to, the following:

A. Academic Dishonesty.

Any violation of the, "Guidelines Regarding Academic Integrity" which includes but is not limited to: giving or receiving unauthorized aid in any

assignment or examination, plagiarism, tampering with grades, or other academic irregularities.

B. Violation of Professional Standards.

Any conduct which violates any commonly recognized or generally accepted professional standards (as defined by the student's college) including, but not limited to unacceptable conduct in clinical, practicum, or off-campus training.

C. Withholding Information or Giving False Information.

Withholding information or giving false, misleading, or inaccurate information during a University process or proceeding or to any University department, committee, or official for any reason.

D. Disruption of University Activities.

Conduct that prevents, limits, creates hazards for, or impairs the teaching, research, public service, community, professional, athletic, organizational, administrative, clinical, academic, and/or ordinary business of students, faculty, and staff. Disruptions include, but are not limited to: disruption of building services, noise disruptions, interference with or obstruction of university activities or proceedings, prevention of access to classes and university facilities, and all other university or university-approved events, including conduct in residence halls, hospitals, clinics, practicum or any off-campus activities, study, or training programs.

E. Failure to Comply with Requests from University Officials.

Failure to comply with the requests from University officials, including but not limited to: refusal to show or surrender a university identification card, or failure to respond to mail, email, and telephone messages regarding allegations of misconduct.

F. Rules, Policies, Procedures Violations.

Violations of University or Campus Housing rules, policies and/or procedures, including, but not limited to, the policies on discrimination, sexual harassment, smoking, and parking.

G. Misuse or Unauthorized Use of University Facilities, Property, and Grounds

Including, but not limited to the following: Tampering with university property or equipment; causing damage to personal or university property; theft of personal or university property; the sale, receipt, or possession of stolen goods; theft of services including telephone, internet, and cable services; unauthorized access to, presence in, or use of university facilities and grounds; duplication, use, or unauthorized possession of a university key card

or key; arson; tampering with fire and/or safety equipment; failure to follow fire drill or other emergency procedures; and violation of University and Campus regulations on demonstrations, picketing, and distribution of printed materials.

H. Misuse or Unauthorized Use of University Documents.

Including, but not limited to: Alteration, mutilation, misuse or fraudulent use of an official University document or granting permission for the use of a university document by an unauthorized person. Official documents include, but are not limited to: UIC ID cards, course programs, charge slips, receipts, grade reports, transcripts, computer access/account numbers, and CTA U-Pass.

I. Misuse or Unauthorized Use of University Resources and Information.

Including, but not limited to: Misuse, theft, or misappropriation of funds, library, research, and computer resources or information; Misuse of email and internet services including (e.g. harassment, fraudulent activities, unauthorized use of stored data, communication interfaces, computer software or hardware, and library and research materials; granting access to others to computer/library resources and/or giving information to a person or persons not authorized to have access to such resources or information; any conduct that impairs the proper access and/or usage of computer/library resources or facilities by members of the University community; any conduct which violates the policies on acceptable use of ACCC and library services and facilities.

J. Offenses Involving Substances, Products, and Drugs.

Including, but not limited to the misuse or unauthorized possession of intoxicants (e.g.. alcohol), controlled or illegal substances, drug paraphernalia, or materials dangerous to public health and safety.

K. Offenses Involving Weapons

Possession, display, or use of firearms, weapons, fireworks, explosives, ammunition, or the abuse of flammable substances.

L. Violation of the Rights of Any Person.

Including, but not limited to actions which are considered hazing, unlawful harassment, stalking, or coercion; actions that may cause mental or bodily harm to another person(s) or oneself; conduct that threatens or endangers the safety of others or constitutes physical or psychological abuse or intimidation; or any other inappropriate or disruptive behavior that evidences poor adjustment to the university community.

M. Violation of Regulations for Student Organizations.

Violations of regulations established for student organizations, including but not limited to, financial and student election regulations. Student organizations whose

members engage in activities which violate the university's Standards of Conduct may have their campus privileges suspended or revoked and officers and/or members, as individuals, may be subject to individual disciplinary action on the basis of their responsibility for, or participation in, the proscribed activities.

N. Actions That Adversely Affect the University's Community Interest.

Actions that violate the laws or regulations contained in the Student Disciplinary Policy and/or which substantially affect the interest of the University community even if such actions do not occur on University premises or property or at University-sponsored events.

O. Violation of Local, State or Federal Law, or Board of Trustees' Action

All actions occurring on or off University premises that would constitute a violation of local, state, or federal law, or Board of Trustees' action.

IV. DISCIPLINARY ACTIONS

A. General.

Students who violate the University's Standards of Conduct may be subject to one or more of the following disciplinary actions:

1. **Warning:** A written warning is an official notice to the student that his/her behavior has violated the Standards of Conduct of the University of Illinois at Chicago. A letter of warning serves as a notification to the student that further misconduct could result in additional disciplinary action.
2. **Developmental Sanction:** An assigned task or tasks intended to involve the student in a positive learning experience appropriate to the violation. Sanctions of this type include but are not limited to: service to the community, involvement with an established university program or committee (e.g.: Student Leadership Training, writing center, alcohol education workshop, ethics training program), or a writing assignment.
3. **Recommended Counseling:** A recommendation that a student participate in personal counseling sessions. In the event that a student chooses to participate in the counseling sessions, these sessions may be provided by either the University Counseling Center or by a non-university affiliated counselor of the student's choosing, but should be with a licensed,

professional psychologist or psychiatrist. The student can facilitate communication between the counselor and Executive Director/hearing committee where appropriate. Any communications of this sort will not occur without the student's

written consent. The number of counseling sessions in which the student participates is at the discretion of the student's counselor.

4. Restitution and Fines: A payment required to obtain reimbursement for costs associated with or resulting from damage, destruction, loss or theft of property belonging to the University and/or others or increased maintenance or repair costs for the University and/or others. In the case of injury to any person, payment of all medical, hospital and other expenses of the injured person may be required. Proof of full payment shall be required to clear the student's disciplinary record and failure to make payment may result in further disciplinary action.

5. Failure or Grade Modification: The assignment of a failing grade or modified grade for a course, assignment, paper or examination following an adjudication of academic dishonesty according to these procedures. No grade shall be modified without the consent of the instructor. The student may also be required to redo the original assignment or paper, and/or retake the examination.

6. University Probation: University probation is a formal notice to the student that his/her behavior is unacceptable within the university community. University probation requires that the student demonstrate during the probationary period that he/she is capable of functioning in a way which does not violate the university's Standards of Conduct. University probation covers a specified period and includes stated requirements. At the end of the specified period, a determination will be made whether the student has met the stated requirements or should be subject to further disciplinary action due to failure to meet those requirements. The terms of the probation may include any or all of the following: a requirement that the student report regularly to a member of the administration or faculty; a restriction on participation in co-curricular student activities; a denial of access to university facilities and grounds; or the imposition of other appropriate conditions. A member of the faculty or administration may be named to supervise the terms of the probation. If the student violates the terms of probation, the responsible committee will meet to impose further disciplinary action, which could include an extension of the probation. The responsible committee may also choose to outline, in the letter describing the details of the probation, the consequences for non-compliance. Probation will be noted on the disciplinary record and may be noted on the transcript.

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7. Suspension: Exclusion from the University of Illinois at Chicago for a specified period. A student may be required to fulfill one or more conditions during his/her suspension in order to be readmitted. This action may also include the suspension of graduation privileges and the issuance of diplomas in consultation with

representatives of the colleges. The student has the right to reenter the University or to have his/her privileges reinstated after the specified period only if he/she provides the required verification that the conditions of suspension, if any, have been met. In those circumstances, the student need not reapply for admission. The suspension may be noted on the student's transcript or disciplinary record at the direction of the responsible committee.

8. Dismissal: Exclusion from the University as a whole, including the Chicago campus for a specified period, with the right to reapply for admission at the end of that period. Readmission is not automatic or guaranteed. Each case shall be reviewed by the appropriate college. This action may include the suspension of graduation privileges and issuance of diplomas in consultation with representatives of the colleges. Dismissal will be noted permanently on the student's transcript and disciplinary records.

9. Expulsion: Permanent exclusion from the University as a whole, including the Chicago campus, and termination of all rights and privileges associated with student status. The student shall not be readmitted to any campus of the University of Illinois. This action may include the cancellation of graduation privileges and the withdrawal of or refusal to award diplomas, in consultation with representatives of the colleges. Expulsion will be noted permanently on the student's transcript and disciplinary record.

B. Students in Campus Housing.

In addition to the disciplinary actions listed above, students living in campus housing facilities may be subject to one or more of the following disciplinary actions:

10. Residence Hall Probation: Residence Hall probation is a formal notice to the student that his/her behavior is unacceptable in the residence halls and continued misconduct could result in further disciplinary action. Residence Hall probation covers a specified period and includes stated requirements.

11. Residence Hall Reassignment: The student would be required to move to another room assignment within the residence hall system.

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12. Residence Hall Contract Suspension: The student would be required to vacate his/her residence hall room for a specified time period. This action could be imposed for student conduct which causes harm to another person and/or to

himself/herself. Campus Housing reserves the right to immediately suspend a student from the residence halls pending student judicial action.

13. Residence Hall Contract Termination: Termination of the Residence Hall contract will result in removal from the residence halls (typically the removal will occur in 3 to 5 days), full financial responsibility for room and board charges up to the date of check-out, loss of visitation privileges in any university housing facilities, and other substantial penalties.

C. Student Organizations

In addition to the disciplinary sanctions listed in Section IV- A, student organizations may be subject to one or more of the following disciplinary actions:

14. Warning: A written notice informing the student organization and the officers/members that any future misconduct may result in more serious disciplinary action. A copy of the warning may be sent to national organization representatives, officers, or advisors.

15. Educational Activities: Educational activities are required activities intended to involve student organization members in a positive learning experience. The type of activities required may include, but are not limited to, developing or participating in a campus or community service project, a writing assignment, attending an educational workshop, or presenting a program on a subject matter related to the violation.

16. Probation: Probation may be for one or two academic terms, or until a fixed date within one year of imposition; and shall consist of the withdrawal of certain privileges, including but not limited to any or all of the following: the right to hold meetings, to recruit new members, to reserve booths or any university facilities, to distribute literature, to advertise, or to post notices. Probation serves notice that any future misconduct during the probationary period may result in more serious disciplinary action.

17. Withdrawal of Registration: Removal of the name of the organization from the list of registered organizations which will result in the termination and denial of all privileges granted to registered organizations for a specified period.

D. Records Encumbrance.

The AVCSA may encumber student records until the student has successfully complied with and completed all requirements stated in the written notice containing the hearing outcome and the disciplinary sanctions imposed. In

addition, student records may be encumbered for failure to cooperate with the student disciplinary procedures.

V. COMPLAINT REVIEW PROCESS

A. Filing of the Complaint. Allegations of student misconduct in violation of the University's Standards of Conduct should be filed in the following manner: A complaint should be submitted to the Executive Director, comprised of an incident report identifying the accused student(s), the complainant, witnesses, and a written description of the facts for review. In addition, copies, photos, or originals of all available materials, where applicable, should be submitted. A complaint may also include a copy of an opinion made by a college's Honor Code Committee.

The complaint must be submitted to the Executive Director in the Office of the Associate Vice Chancellor for Student Affairs/Dean of Students no later than 45 days from the date of the alleged violation(s) or from the date the violation(s) reasonably could have been detected. The Judicial Liaison Process shall not operate to extend the deadline for submission of a formal complaint. Information submitted by any parties involved in the case will be shared with both the complainant and the accused student(s) where relevant and appropriate.

B. Notice to the Student: As soon as possible after receiving the complaint, the Executive Director will send the accused student(s) a written notice, a copy of the complaint, and information regarding where to obtain the Student Disciplinary Policy. The notice will inform the student(s) of his/her right to file a written response, the right to obtain a full explanation of the Student Disciplinary Policy, and the right to a hearing, where applicable.

C. Complaint Referral Process

1. Academic Dishonesty: All complaints of academic dishonesty will be reviewed by the Referral Committee. The Referral Committee's decision will be reported in writing and sent to the student. Copies of the report will also be sent to the person who submitted the complaint and to the Dean of the College in which the student is enrolled. The Referral Committee's decisions are determined by majority vote.
2. Behavioral Misconduct: All complaints of behavioral misconduct other than those of academic dishonesty will be reviewed by the AVCSA.

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D. Referral Decisions: The Referral Committee /AVCSA will make one of the following decisions based on the complaint and the student's written response:

1. Administrative Action: Administrative action may be considered and imposed by the appropriate committee/AVCSA. The Referral Committee may refer a disciplinary complaint involving academic dishonesty to the Dean of the student's

college for resolution. The AVCSA will be responsible for administrative action involving minor behavioral infractions.

2. Dismissal of Complaint: The complaint should be dismissed because of insufficient grounds for action.

3. Hearing: The complaint is of sufficient concern and contains adequate support to require a hearing, The complaint will be referred to the responsible committee. The Office of the Executive Director will have forty five (45) days from the date of the Referral Decision to schedule the hearing.

4. Insufficient Documentation: The complaint is inadequately documented and should be returned to the complainant for further information. The complaint may then be resubmitted within ten (10) days after the Referral Decision is reported to the complainant.

5. Referral to Student Mediation and Resource Center: The complaint is of sufficient concern to support a referral to the Student Mediation and Resource Center for action.

E. Procedures for Campus Housing Complaints: The procedures for considering a Campus Housing complaint within the Student Disciplinary Policy are as follows:

1. Filing of Complaint: At the discretion of the Director of Housing, a complaint may be referred to the Office of the Associate Vice Chancellor for Student Affairs/Dean of Students. However, cases which may result in Residence Hall Suspension or Residence Hall Contract termination will be referred to the AVCSA office. The complainant must complete an incident report and submit it with all relevant documents including the Campus Housing incident report to the Executive Director.

2. Review of the Complaint: The AVCSA will review all documents including any written responses submitted by the student(s) and will decide the disposition of the complaint. (Section V-D).

3. Campus Housing Decisions: The decisions of the responsible committee/administrator will not be restricted by any previous findings, decisions, or sanctions that may have been imposed by Campus Housing.

F. Procedures for Student Organization Complaints: With regard to complaints alleging misconduct on the part of a student organization, the complainant must complete an incident report and submit it with all relevant documents to the Executive Director. The AVCSA will conduct a review of all documents including any written responses submitted by the student(s) and will decide the disposition of the complaint (Section V-D).

VI. HEARING

A. Hearing Guidelines. Disciplinary hearings are non-adversarial, fact-finding proceedings. It is the responsibility of the hearing committee/hearing officers to ask all relevant questions, to determine the admissibility and relevance of all

materials, to render decisions based on the materials, and to impose sanctions where appropriate.

B. Objectives of the Hearing. Requisite levels of due process and fairness will be provided to all participants during these procedures. The hearing shall have the following objectives:

1. Inform the student of the charges;
2. Give the accused student an opportunity to respond to the charges;
3. Determine the facts of the case;
4. Determine if any violations of the Student Disciplinary Policy were committed.
5. Determine the disciplinary actions to be imposed based upon the facts, as determined at the hearing.

C. Participants in Hearing. All hearings are closed except for the following individuals: members of the responsible committee, the complainant, the student, advisors or legal counsel, witnesses, the Judicial Liaison, where applicable, and the Executive Director. If more than one student is involved in the same incident, the Executive Director may decide to assemble one hearing committee for the purpose of hearing all the evidence together. In those cases, all the students will be present for the reading of the charges, opening remarks, presentation of evidence by the complainant, witness testimony (for the complainant), and closing statements. However, at the time the individual student presents his/her case, the other student(s) and his/her advisor or legal counsel and witnesses may be excluded from the proceedings unless otherwise agreed upon by the accused student(s) and the committee.

Advisor. The student and the complainant have the right to have one advisor present during the hearing. The role of the advisor will be restricted to advising the respective parties. No advisor may speak at any time in place of the student, complainant, or the responsible committee or subcommittee. The responsible committee/hearing officers reserve the right to exclude an advisor from the proceedings for failure to abide by these guidelines.

Legal Counsel. If the student chooses to retain legal counsel as his/her advisor for the hearing, written notice must be given to the Executive Director at least five (5) days before the hearing. The responsible committee/hearing officer may then request that a representative from the Office of University Counsel be present. Failure to provide the requisite notice may result in the advisor/legal counselor being excluded from the proceedings.

Witnesses. It is the responsibility of the student and the complainant to arrange for the attendance of their respective witnesses at the hearing. Written notice must be given to the Executive Director at least five (5) days before the hearing. Witnesses are excluded from the hearing until called and will only be present for his/her testimony unless otherwise agreed upon by the accused students.

D. Quorum. A quorum consists of four voting members of the responsible hearing committee. At least one of these members must be a student.

E. Hearing Format. Hearings will follow the sequence below. The hearing is not conducted as a civil or criminal proceeding and consequently strict rules of evidence do not apply. At the sole discretion of the hearing chair, changes may be made to the hearing format to accommodate special circumstances.

1. Reading of Charges: The Chair of the responsible committee will convene the hearing by reading the charge(s) and requesting that all persons present state their identity.

2. Opening Statements: The complainant and the student may each make an opening statement for the purpose of providing the hearing committee with a short summary of the complaint and the materials to be presented.

3. Presentation of Materials:

a. Sequence of presentation: The complainant will first present relevant materials, followed by the student.

b. Materials: Materials may include, but are not limited to: witness statements, affidavits, documents, photos, written reports and memoranda, or objects related to the incident(s).

c. Questioning: After each participant/witness has presented his/her statements, members of the hearing committee will be given the opportunity to ask questions of each participant. When the committee members have completed questioning, the complainant and student may then pose questions to each other or to the witnesses. Questions may be directed through the hearing chair.

The hearing committee, through the chairperson, may recall any witnesses or refuse to hear any individual or review any materials which the hearing committee considers disruptive, immaterial or irrelevant.

4. Closing Statements: The complainant and the student may each make a closing statement. The closing statement should be a short summary of the materials and statements presented.

5. Executive Session: The hearing committee will then excuse all participants and enter into executive session. The executive session will begin with the committee reviewing the materials and statements presented in the hearing. The committee will also consider any sanctions imposed on the accused student for previous violations of the Student Disciplinary Policy. The review

of any previous sanctions will include all disciplinary actions taken as a result of Administrative Action, the Judicial Liaison Process, or imposed by a hearing or appeal committee. The committee is charged with assessing the weight of this information as it pertains to the complaint under consideration. If the hearing committee, by a majority vote, finds that the student(s) is responsible for violating

the University's Standards of Conduct, the committee must determine and impose the appropriate disciplinary sanction(s). The deliberations of the executive committee will not be recorded.

F. Written Decision. Within five (5) days of the conclusion of the hearing, a written decision will be issued to the student and all appropriate parties.

G. Record of Hearing.

1. Record Format: The Executive Director will maintain a record of the hearing which may be in the form of a summary of the proceedings, a recording, or a verbatim transcript.

2. Copy of the Record: The record of the hearing will be made available to the student, in the same format it is maintained, at no cost for the first copy, upon receipt of a written request from the student within ten (10) days of the conclusion of the hearing. Subsequent requests for copies of the hearing record will be assessed a fee equal to the actual costs of duplication and the fee must be received before the requested copy will be sent.

3. Confidentiality: Upon the conclusion of a hearing, the hearing committee members are required to return to the Executive Director all documents pertaining to the complaint. These documents include, but are not limited to the following: incident reports, police reports, written statements from witnesses, and written statements submitted by the accused students. The committee members may keep their copies of the Student Disciplinary Policy and Hearing Guidelines for future use, as well as their own notes taken during the hearing. The committee members are also notified to refrain from discussing the outcomes of a hearing beyond the confines of the hearing chambers.

VII. APPEALS

Appeals are not re-hearings and are not granted based on a student's disagreement with the outcome. The Dean of Students office will review all requests for appeal to determine if appropriate grounds for filing are being followed.

A. Filing an Appeal. The student may request an appeal regarding the decision of the responsible committee or hearing officer to the Appeal Committee. The request for appeal must be filed within ten (10) days after

receiving written notification of the decision. The request for appeal must be accompanied by the Request for Appeal form (to be issued by the Office of the Dean of Students) and must include a statement explaining the grounds for the

appeal, all relevant supporting evidence and documentation, and the desired outcome of the appeal request.

B. Appeal Committee. The Appeal Committee will consist of faculty, student affairs staff members, and student Senate Committee members. No member of the Appeal Committee will have served as a member of the original Hearing Panel or referral review.

C. Grounds for Appeal. Any student found responsible for violations of the University's Standards of Conduct may file an appeal based upon the following grounds:

1. Procedural Error: A procedural error occurred in the handling of the complaint which substantially affected the outcome of the hearing.
2. New Evidence: New evidence exists, sufficient to alter a decision, which was not available to the student at the time of the original hearing. Information is not considered new evidence if the student did not attend the original hearing or voluntarily withheld information during the original hearing.

Note: In addition to the above reasons for appeal, any student who receives a sanction of Dismissal or Expulsion will have the following additional grounds for appeal:

3. Excessively Severe Sanction: The sanction imposed was excessively severe in light of the violation the student was found to have committed.

D. Information to be Reviewed on Appeal. The Appeal Committee will, except as required to explain the basis of new evidence, limit its review to the verbatim record of the initial hearing (including any documents or written statements considered by the hearing panel) and any supporting documents and statements submitted by the student as part of the appeal process.

E. Relief Available on Appeal. After reviewing the appeal request, the Appeal Committee, where applicable, may: uphold the original disciplinary decision and thus deny the appeal, modify the original disciplinary decision., or remand the matter for an entirely new hearing.

F. Issuance of Decision The Appeal Committee will issue its decision in writing within a reasonable period of time not to exceed 20 days from the date the appeal was received.

G. Remand. If a new hearing is ordered, the Appeal Committee must state, in writing, the reason for the new hearing. A Remand Hearing/Review may be

ordered where the Appeal Committee has found: **a)** a procedural error occurred which substantially affected the outcome of the hearing; or **b)** new evidence exists, not available at the time of the hearing, which may substantially affect the outcome of the hearing. or **c)** the sanction is excessively severe. If a determination has been made that the sanction imposed by the original Hearing Committee was excessively severe, the case will be sent to the Remand Committee for review of the entire record for the sole purpose of determining an appropriate sanction. For purposes of this section only, the Remand Committee shall not revisit the issue of guilt or innocence on the original charges decided by the Hearing Committee, but will assume guilt and decide only which sanction is appropriate.

1. Remand Committee: Complaints originally heard by the UJC will be heard by a University Judiciary Appeal Committee. Complaints originally heard by the SAJC will be heard by the Student Affairs Judiciary Appeal Committee. The Remand Committee will have the same composition as the original UJC or SAJC hearing committee, but the voting members will all be different.

2. Remand Hearing or Review: The Remand Hearing or Review will be scheduled within fifteen (15) days after the date the Appeal Committee issues its decision. All documents submitted for consideration at the Remand Hearing must be filed with the Executive Director five (5) days before the date of the hearing. At least four (4) days prior to the Remand Hearing, the Executive Director shall provide the student and the members of the Remand Committee with copies of all materials produced or delivered related to the appeal. The Remand Hearing will follow the hearing procedures outlined in (Section VI).

3. Decision: A written decision of the Remand Committee will be issued within five (5) days after the conclusion of the hearing or review. A copy of that decision will be issued to the student and all appropriate administrators.

H. Finality of Decisions. The decision of the Appeal Committee and any decision resulting from a Remand Hearing or Review are final and no further appeals are allowed. All decisions shall be reported to the student and all appropriate administrators.

A. Nature of Complaint: The Referral Committee may refer a disciplinary complaint involving academic dishonesty to the Dean of the student's college for resolution. The Dean, after reviewing these materials, may dismiss the complaint, refer the complaint to the responsible committee for adjudication, or recommend imposition of one of the following sanctions: warning, university probation, developmental sanctions, recommended counseling, or restitution/fines. The AVCSA will be responsible for administrative action involving minor behavioral infractions. Administrative action would only be considered for complaints where the imposition of the following disciplinary actions would be considered: warning, university probation, developmental sanctions, recommended counseling, or restitution/fines.

B. Meeting with the Student

The Dean/AVCSA will arrange a meeting with the student. At that meeting, the charges will be reviewed, the student will have an opportunity to respond to the charges, an explanation of the possible sanctions/outcomes will be discussed, and the student will be notified that future misconduct could result in more serious disciplinary action. The student may choose to be accompanied by an advisor whose role will be the same as that described in(Section VI.C). Within a reasonable period of time not to exceed 10 days after the meeting, a written notification will be sent to the student containing the outcome of the meeting. The Dean/AVCSA will report the outcome to the Executive Director within 90 days of the case being referred for Administrative Action.

C. Appeal

The student will have a right to appeal the decision (Section VII).

IX. JUDICIAL LIAISON PROCESS

A. Description of Process.

The Judicial Liaison Process provides support to faculty in handling allegations of academic misconduct before the submission of a disciplinary complaint. The Judicial Liaison Process complements the faculty's right to act on these matters apart from the Student Disciplinary Policy. Prior to the formal filing of a complaint, a faculty complainant or college representative for a faculty member, may, but is not required to request that an alleged incident of academic dishonesty be handled through the Judicial Liaison Process. The Judicial Liaison Process can be utilized only for allegations of academic dishonesty.

B. Initial Contact.

A faculty member/complainant or college administrative representative contacts the Office of the Executive Director to initiate the Judicial Liaison Process.

C. Meeting with Complainant and Development of Preliminary Resolution.

The Judicial Liaison speaks to the faculty member or college representative either in person or over the telephone and explains the various options within the Student Disciplinary Policy. If the faculty member or college representative wishes to continue with the Judicial Liaison Process, the Liaison will ask the faculty member to provide a proposed preliminary resolution which he/she would impose if the student admits guilt. The sanction must be within the faculty member's authority to impose. The following are examples of preliminary resolutions which may be imposed: a failing grade for the course in which the student is enrolled, a failing grade for the assignment in which the faculty member believes academic dishonesty took place, a letter of reprimand issued to the student, and/or repeating the assignment in question.

D. Meeting with Student.

The Judicial Liaison will contact the student as soon as possible after initial contact with the faculty member in order to schedule a meeting. The Judicial Liaison meets with the student to discuss the allegations. During this meeting, the Judicial Liaison discusses the matter with the student and presents him/her with the Student Disciplinary Procedures, emphasizing the relevant alternatives described in the document. The Liaison must also present the preliminary resolution proposed by the faculty member.

E. Student Response. The student must respond to the proposed resolution within (5) days of the meeting. The options available to the student are:

1. Accept the Resolution: If the student chooses to accept the faculty member's preliminary resolution, a waiver of further review of the case is signed by the student. The case is then considered closed and the results of the process are reported to the faculty member, Senate Committee, AVCSA, Dean of the student's college, and the Referral Representative.
2. Reject the Resolution: If the student does not accept the faculty member's preliminary resolution, a statement is signed by the student, indicating that he/she understands the various options afforded under the Student Disciplinary Procedures and chooses not to accept the proposed resolution. This decision is communicated to the complainant. When a student chooses not to accept the preliminary resolution, the faculty member will be notified by the Office of the AVCSA and the faculty member can then choose to either

file a formal disciplinary complaint charging the student with academic dishonesty or discontinue the matter. Failure of the student to either accept or reject the proposed resolution within 5 days of the meeting will constitute a rejection.

3. Failure to Respond to or Meet with Liaison. In the event that the student fails to respond to the Judicial Liaison's request for a meeting within (5) days of the request to appear at a scheduled meeting(s), or to provide a reasonable explanation revealing why he/she cannot or will not participate in the Judicial Liaison Process, the Judicial Liaison will draft a complaint for submission to the AVCSA.

F. Subsequent Violations.

The Judicial Liaison Process may be utilized only for the first incident of academic dishonesty alleged against a student. Any subsequent allegations of academic dishonesty made against a student will be forwarded to the Referral Committee through the submission of a formal complaint.

X. STUDENT MEDIATION AND RESOURCE CENTER.

A. Nature of Complaint: The Student Mediation and Resource Center cannot be utilized to adjudicate cases involving academic dishonesty. At the sole discretion of the AVCSA, complaints of behavioral misconduct, based solely on the complaint and, if available, the student's written response, may be referred to the Student Mediation and Resource Center for action.

B. Mediation Session: The Coordinator of the Student Mediation and Resource Center will contact the parties involved in the complaint and schedule a mediation session. The mediation session must take place within 25 days of the referral of the complaint to the Coordinator of the Student Mediation and Resource Center.

C. Outcome: A report outlining the outcome of the mediation session will be sent to the AVCSA. If the mediation session succeeds, a written agreement will be developed. It should be signed by both the student and the complainant and a copy will be given to both parties and forwarded to the AVCSA. Once the signed agreement is received, the AVCSA will consider the matter resolved.

If the mediation process or the resolution fails, the Coordinator of the Student Mediation and Resource Center will return the complaint to the AVCSA, noting why the mediation was unsuccessful. The AVCSA may (1) impose administrative action, (2) refer the complaint to the Dean of the student's college for administrative action, or (3) refer the complaint to the Student Affairs Judiciary Committee for a hearing. The AVCSA may at his/her discretion, decide to dismiss the complaint.

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XI. EMERGENCY SUSPENSION PROCEDURE

A. Standard for Removal. In emergency circumstances, the Chancellor, the Vice Chancellor for Student Affairs, or the AVCSA may order the interim suspension of a student when, in his/her opinion, such immediate removal from the Campus is

necessary for the student's protection, for the protection of others, for the protection of the University and Campus property, or to maintain the normal operation of the University. Whenever possible, the Dean/designee of the college in which the student is enrolled will be consulted before such action is taken. These procedures are to be utilized only in those extraordinary situations where, in the judgment of the appropriate campus administrator, the complaint process (Section 5) is not appropriate, or cannot be applied in a timely manner.

B. Notice. The student will first be notified of the suspension either by telephone or in person. Within five (5) days of imposition of the suspension, the student will be provided with a written notice containing an explanation of the action and the date and time when the student is to appear for a hearing. As soon as possible after the issuance of the emergency suspension, the Executive Director will inform all appropriate campus administrative units of the imposition of the suspension. The student will remain absent from the Campus until the hearing and failure to do so will result in automatic dismissal from the University.

C. Hearing. The AVCSA will schedule a hearing within five (5) days of the student's receipt of the notice of the emergency suspension. The hearing will be conducted as described within this policy (Section VI). The AVCSA will have the power to grant a continuance of the hearing upon written request made by the student. If a continuance is granted, the suspension will remain in effect until the hearing has been completed. Failure of the student to appear at the hearing without providing a reason acceptable to the committee will result in an automatic dismissal and written notification of the dismissal will be sent to the student.

XII. INVOLUNTARY WITHDRAWAL

A. Standard for Withdrawal. A student may be forced to withdraw temporarily from the University, if the AVCSA in conjunction with a mental health professional (a licensed psychiatrist or psychologist) on the staff of the University and assigned by Student Affairs, conclude, in their professional opinion, that the student has exhibited behavior which poses imminent danger of causing harm to the health or welfare of the student or others, or impedes the lawful activities of other members of the campus community, or inhibits the ability of the student to function appropriately within the campus community.

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The procedures and specifications outlined herein are to be utilized only in those extraordinary situations; where, in the judgment of the AVCSA and the assigned mental health professional, the regular student judicial system is not sufficient to address the concerns related to the student, or cannot be applied in a timely manner.

B. Notice. If the AVCSA determines in consultation with the assigned mental health professional that the criteria listed above are present, the AVCSA will implement an interim, mandatory withdrawal, the equivalent of an immediate suspension, and provide the student with written notice. The written notice will briefly describe the reason(s) for the decision requiring the interim withdrawal. The decision will also be communicated to all applicable parties.

C. Appeal/Hearing. In the event that the student would like to appeal the decision of the AVCSA, the student should make a written request to the Vice Chancellor for Student Affairs for a hearing. The written request should be submitted to the Vice Chancellor for Student Affairs within five (5) days of the student's receipt of the notice of involuntary withdrawal. The hearing will be convened within ten (10) days after the submission of the student's written request. The student will remain withdrawn pending completion of the hearing.

The hearing will be scheduled by the Vice Chancellor for Student Affairs. The student will receive written notice of the date, time and location of the hearing. The Vice Chancellor may also request that the student be evaluated by a mental health professional prior to the hearing. A student who does not comply with the request for an evaluation by a mental health professional may be permanently withdrawn from the University. During the hearing, the student may submit and review with the Vice Chancellor the professional evaluations and other relevant materials. The Vice Chancellor and/or the student may also request that the AVCSA and the assigned mental health professional be present. The student may be assisted by a mental health professional during the hearing. After the evaluation, if required, and the hearing, the Vice Chancellor will determine whether to uphold the withdrawal or to reinstate the student. The decision of the Vice Chancellor shall be final.

D. Terms of the Withdrawal: If the student is involuntarily withdrawn in accordance with this policy, the withdrawal will remain in effect until the student can adequately demonstrate that the behavior which caused the withdrawal is no longer present to the degree described in this section. To prove that the behavior which led to the involuntary withdrawal has changed,

the student must provide a written statement to the Executive Director requesting a review of the situation. The request should include a description of the changed situation and an evaluation by a qualified mental health professional addressing the status of the behavior at issue. Readmission is not guaranteed and will depend upon the circumstances of each case.

E. Effect of the Withdrawal: Once withdrawn, the student may no longer attend classes, reside in campus housing, participate in University activities, work on campus, use University facilities or grounds, or participate in any other benefits or privileges associated with student status. The student will receive any refunds of tuition, fees, room and board charges as appropriate to the time of the withdrawal and in accordance with University policy.

Revised
7/09/09