

Ball State University

Code of Student Rights and Responsibilities

Proposed Changes for 2011-2012

Proposed additions are underlined; proposed deletions are struck-through unless otherwise noted. All modifications are highlighted for ease of review. Green vs. yellow highlighting only indicates changes made/approved at different times.

Please also note that page numbers will differ due to additions and due to fact that pages without changes have been removed.

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¹ TOC page numbers will be corrected when document is finalized (footnotes removed, etc.)

² Highlighted sections are new due to restructuring of this section.

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

INTRODUCTION³

The vision of Ball State University is, in part, to be “a learner-centered and socially responsible academic community.” Therefore, Ball State University expects and requires all of its students and their guests to cooperate in developing and maintaining high standards of scholarship and conduct. Upon entrance into the University, students are not only presented with many rights, privileges, and opportunities, they are also faced with attendant responsibilities. In order for students to live and learn in harmony with others in the University community, they must assume responsibility for their actions and respect the rights and beliefs of others. A broad statement of those expectations is expressed in Ball State’s Beneficence Pledge which is found below (approved and published separately as well):

The Beneficence Pledge

Members of the Ball State University Community...

pledge to maintain high standards of scholarship and excellence

to work with students, faculty, and staff to strengthen teaching and learning on campus.

pledge to practice academic honesty

to model and uphold academic integrity, to honor their peers and earn the trust and respect from all members of the community.

pledge to act in a socially responsible way

to treat each person in the Ball State community with civility, courtesy, compassion, and dignity; to respect the property and environment of the campus.

pledge to value the intrinsic worth of every member of the community

*to respect and learn from differences in people, ideas, and opinions.*⁴

The University community is not a sanctuary from the law and all students of the University are subject to local, state and federal laws. In addition, each individual is obligated to protect the University as a forum for the free expression of ideas.

The Code of Student Rights and Responsibilities outlines behaviors expected of students at Ball State University and methods used to judge student behavior fairly according to these standards. The standards of conduct apply to students while on the campus or off campus, when attending University-sponsored events, or when such conduct involves the security or integrity of the University community.

The resolution of complaints for violation of *The Code of Student Rights and Responsibilities* may vary according to the location of the alleged violation, the complexity of the circumstances of the complaint, or the relative seriousness of the complaint. Offices and departments will routinely consult to determine the

³ Underline removed from section headings. All-caps and formatting do not require additional emphasis.

⁴ Some organizations have objected to inclusion of similar pledges or creeds suggesting they constitute implicit restrictions on speech and other expression. Stoner and Lowery (2004) cite legal precedent to state “Although it is most common to enforce negatively worded community standards, ones stated in the affirmative are permissible, too. They are most commonly used at private institutions.” (p 34). With inclusion in the introduction, the Beneficence Pledge is not intended to modify Section V, Code of Conduct.

most appropriate venue for adjudication. Regardless of where a complaint is resolved, the purpose of this code is, in part, to provide an educational framework for students so that they may make responsible choices regarding their behavior in this academic community.

I. Bill of Rights and Responsibilities

1.1 Preamble

Students of the University have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. All students share the obligation to respect:

- The fundamental rights of others as citizens;
- The rights of others based upon the nature of the educational process;
- The rights of the institution; and
- The rights of students to fair and equitable procedures determining when and upon whom penalties for violation of campus regulations should be imposed.

1.2 Student's Relation to Civil Law

As citizens, students of Ball State University enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others as all other citizens.

Among the basic rights are freedom of speech, freedom of press, freedom of peaceful assembly and association, freedom of political beliefs, and freedom from personal force and violence, threats of violence, and personal abuse.

Freedom of the press guarantees there will be no censorship of students or of any other individuals in the Ball State community. Professional journalistic standards encourage the public's right to know, accepted ethical practices, accuracy, objectivity, and fair play; students and other individuals in the University community are encouraged to follow these standards.

It should be made clear in writings and broadcasts that editorial opinions are not necessarily those of Ball State University or its students.

The campus is not a sanctuary from local, state, and federal law.

~~The University does not stand *in loco parentis* for its students.~~⁵

Admission to and employment by the University shall be in accordance with the provisions against discrimination in local, state, and federal law.

1.3 Student's Relation to Community

⁵ This is correct and has not been an accurate legal description of the University's relationship with the student for many years. Student Rights and Community Standards recommends deletion as the statement is unnecessary and the Latin phrasing causes confusion for students. If we retain, "*in loco parentis*" should be plainly stated as "in place of parents."

- 1.3.1** Students attending the University take on responsibilities not only of campus citizenship but also community citizenship. When community standards are not respected and upheld by students, unpleasant and undesirable conflicts between students and other community residents **may** result. Such conflicts are destructive to human relationships in the community and detrimental to the image of the University, as well as, to the reputation of the student body. Students are also subject to legal sanctions when they violate local, state, and federal laws or otherwise infringe upon the rights of others.
- 1.3.2** Students shall conduct themselves responsibly in the community, respecting the personal and property rights of all residents. It is to the advantage of the student body, as well as in the best interest of the University and the community, for everyone to work together to maintain community standards and to build good relations among the citizenry.

1.4 Student's Relation to University

Ball State University as an institution of higher education and any division or agency which exercises direct or delegated authority for the institution has rights and responsibilities of its own, including:

- 1.4.1** Obligation to provide opportunities for students of the University to present and debate public issues.
- 1.4.2** Obligation not to take a position as an institution in electoral politics.
- 1.4.3** Right to require that persons on the campus be willing to identify themselves by name and address and state what connection, if any, they have with the University.
- 1.4.4** Right to establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of its students, visitors, and University property.
- 1.4.5** Right to prohibit individuals and groups who are not students of the University from using its name, its finances, and its physical and operating facilities for political activities, or for commercial activities, except as specifically agreed to in writing by the proper authorities of the University.
- 1.4.6** Right to prohibit students of the University from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving recognized student and faculty groups as provided for in policies governing use of the campus facilities and fund-raising activities.
- 1.4.7** Right and obligation to provide, for recognized student groups of the University, the use of campus facilities under the rules of the campus, including use for political purposes such as meeting of political clubs; to prohibit use of its facilities by individual students or student groups on a regular or prolonged basis as free headquarters for political campaigns; and to prohibit use of its name and its finances for any political purpose at any time. Use of other resources for political purposes must comply with existing local, state, and federal laws.

1.5 Academic Freedom

1.5.1 Academic freedom is a foundation of any University community. The affirmation of academic freedom of students should be accepted as a reciprocal understanding among the individual student or groups of students and the faculty and administration. The student is not only privileged to think independently but, in the tradition of a University, is responsible for developing independent thinking. The University seeks to provide and maintain an academic climate which is conducive to learning.

1.5.2 Ball State University, as an institution of higher education, reaffirms the following policies, insuring the academic freedom of students:⁶

- a. That students have the right to the best education possible;
- b. That students have the rights and responsibilities for participation in policy and decision making and implementation in areas affecting student welfare;
- c. That students have inherent rights to the establishment and practice of representative self-government as set forth in the Constitution of the Student Government Association of Ball State University;
- d. That students have rights to and means whereby they may communicate their ideas and concerns to responsible authorities in the University;
- e. That students have the right to ready access to the spoken and printed word;
- f. That students have the right to express their thoughts and judgments concerning the professional competency of the faculty and professional personnel.

1.5.3 All students are subject to the University policy on intellectual property, as amended from time to time. A copy of the University's Intellectual Property Policy⁷ is available for student's review on the University website or a copy can be obtained from the University Office of Technology Transfer.

1.5.4 If a student is concerned about any issue in the classroom, including a perceived academic freedom issue, this student may:

- a. Consult with the Assistant to the Vice President for Student Affairs/Ombudsperson in the Office of Student Affairs to explore options available to the student.
- b. Options available to the student include:
 - 1) The student may meet with the faculty or staff person to discuss the student's concerns and to come to an understanding about the situation.
 - 2) If resolution is not satisfactory, the student may request a meeting with the individual's department chair or supervisor to discuss the concern further.
 - 3) The chairperson or school director, will meet with all parties involved and will determine an appropriate resolution, conclusion or recommendations about the issue. The chairperson or school director will keep a written record of the issue and the conclusions and recommendations.
 - 4) If the student's concern involves a grade appeal issue, the student may be referred to the grade appeal process outlined in the Student Code Section 6.5 of the Code of Student Rights and Responsibilities.

⁶ Bolding removed in 1.5.3 and 1.5.4. Other similar changes have been made in document for consistency.

⁷ This originally indicated "Police." Similar typographical errors elsewhere in the document have been corrected without comment.

1.6 Additional Rights and Responsibilities

All students of Ball State University have other responsibilities based upon the nature of the educational process and the requirements of the search for truth and its free presentation. These rights and responsibilities include the following:

- 1.6.1** Obligation to respect the freedom to teach, learn, and to conduct research and publish findings in the spirit of free inquiry (i.e., without detriment to or denigration of other, especially untried, methods and/or subjects of inquiry).
 - a.** Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or ranking to investigative programs may be an administrative necessity.
 - b.** Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grade or positions of the persons submitting them.
 - c.** Free inquiry implies that faculty and/or faculty-directed student research—the results of which are predestined for classification under the National Security Act—may be conducted only under the conditions imposed by the statements in the *Faculty and Professional Personnel Handbook*, “On preventing conflicts of interest in government sponsored research at universities” and with prior knowledge of the intended restrictions to be placed on the distribution of the results.
- 1.6.2** Obligation not to infringe upon the right of any of the members of the University community to privacy in office, laboratories, and residence and in the keeping of personal papers, confidential records and effects, subject only to the local, state and federal law and to conditions voluntarily entered into. Permanent records will not contain information concerning religion, political, or social beliefs, and membership in any organization other than honorary and professional organizations directly related to the academic processes, except upon expressed written request of the student in question.
- 1.6.3** Obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement.
- 1.6.4** Obligation not to interfere with the freedom of any member of the University community to hear and to study unpopular and controversial views on intellectual and public issues.
- 1.6.5** Right to identify oneself as a student of the University and a concurrent obligation not to speak or act on behalf of the institution, or any group of students therein, without authorization.
- 1.6.6** Right to hold public meetings in which students participate, to post notices, and to engage in peaceful, orderly demonstrations. Reasonable and impartially applied rules, designed to reflect the academic purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities in accordance with (1) Policy Concerning Distribution, Solicitation, Fund Raising, Sales, and Commercial Activity on University Property – Office of the Vice President for Business Affairs; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations - *Faculty and Professional Personnel Handbook*; **and** (3) Policy on Special Events on Campus – *Faculty and Professional Personnel Handbook*.

1.6.7 Right to recourse if another member of the University community is negligent or irresponsible in performance of his or her responsibilities, or if another member of the University community represents the work of others as his or her own.

1.6.8 Obligation to maintain an environment conducive to respect for the rights of others and fulfillment of *academic* responsibilities.

1.6.9 Right to Funeral and Bereavement Leave

- a. Students will be excused from class for funeral leave in the event of the death of a member of the student's immediate family or household, including: father, mother, husband, wife, son, daughter, grandfather, grandmother, grandchild, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson and stepdaughter. The number of excused absences allowed is determined by the distance of funeral services from Muncie, Indiana, as follows:

Three work days - Within 150 miles radius of Muncie

Four work days - Between 150-300 miles radius of Muncie

Five work days - Beyond 300 miles radius of Muncie

Seven work days - Outside of North America

If the student is unable to attend the funeral services, the student will be allowed three work days for bereavement.

- b. In the event of the death of a student's stepmother-in-law, stepfather-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, and niece, students will be allowed one work day.
- c. A student may contact the Office of Student Rights and Community Standards to request that an informational notice (without verification) be sent to the student's instructor(s). The student will provide documentation to each instructor. Given proper documentation, the instructor will excuse the student from class and provide the opportunity to earn equivalent credit for assignments missed. If the student is not satisfied with the outcome, he or she may appeal as outlined in the Ball State University's Procedure for Student Bereavement Appeals. (See Appendix M)

II. AUTHORITY

2.1 Authority

The Board of Trustees of Ball State University is empowered by the Indiana General Assembly to manage, control, and operate the institution and to promulgate rules and regulations to carry out its responsibilities. The Indiana statutes provide that the Board of Trustees may delegate this authority to its officers, faculty, employees, and others. The statutory authority conferred upon the Board of Trustees includes the specific authority under Indiana Code 21-39-2 to regulate the conduct of students and others as follows:

- a. To govern, by regulation and other means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the institution.
- b. To govern, by lawful means, the conduct of its students, faculty and employees, wherever the conduct might occur, to prevent unlawful or objectionable acts that: (1) seriously threaten the ability of the institution to maintain its facilities; or (2) violate the reasonable rules and standards

of the institution designed to protect the academic community from unlawful conduct or conduct presenting a serious threat to person or property of the academic community.

- c. To dismiss, suspend, or otherwise punish any student, faculty member, or employee of the institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings.

The Board of Trustees has delegated its authority to regulate the conduct of students to the President and to the Vice President for Student Affairs & Dean of Students, who in turn have further delegated to other Student Affairs staff the authority to implement and apply the Code of Conduct and the Disciplinary Procedures set forth this *Code of Student Rights and Responsibilities*. Whenever **an** action is permitted or required to be taken under this *Code of Student Rights and Responsibilities* by a University Officer or other employee, the action may be taken by that person's designee.

2.2 The Code of Conduct and the Disciplinary Procedures set forth this *Code of Student Rights and Responsibilities* may apply to off-campus as well as on-campus conduct, as is clear from the statutory authority described in Section 2.1(b) above allowing for the regulation of the conduct of students "wherever the conduct might occur." The *Code* applies to all conduct of students and student organizations on-campus. It also applies to certain off-campus conduct including:

- a. Conduct that causes or threatens harm to the health or safety to the person or damage or destruction to the property of a member of the University community;
- b. Conduct in connection with an academic course assignment, internship, practicum, field trip, student teaching, research or other University activity;
- c. Conduct in connection with any activity sponsored, conducted or authorized by the University or by a student organization, **fraternity or sorority**⁸;
- d. Conduct involving serious crimes including all crimes of violence, felonies or the sale or distribution of illegal drugs or controlled substances, if a police report has been filed, a summons or indictment has been issued, or an arrest has occurred; or
- e. Conduct adversely affecting the University community or indicating that the continued presence of a student on campus poses a threat to the student's well-being or the well-being of other members of the University community.

2.3⁹ At the discretion of University officials, disciplinary action under this Code of Student Rights and Responsibilities may proceed in advance of or during the pendency of other proceedings.

2.34 **Application**—¹⁰These policies and procedures, as from time to time amended, shall apply to all undergraduate and graduate students of Ball State University and shall be deemed a part of the terms and conditions of admission and enrollment of all students. **These policies and procedures shall apply to a student's conduct even if the student withdraws from the University while a disciplinary matter is pending.**¹¹ These policies and procedures, and any amendments hereto, shall take effect on the date prescribed by the Board of Trustees and shall remain in effect until rescinded or modified by the Board of Trustees. **Amendments may be proposed by the Ball State Student Government Association, University Senate, administrative staff, or by the Board of**

⁸ Fraternities and sororities are student organizations and do not require separate note (nkb)

⁹ Paragraph given section number to accommodate recommended sections below

¹⁰ Labeled for ease of reference as are 2.5 and 2.6.

¹¹ This clarifies that disciplinary proceedings may continue or take place if a student withdraws. See also change to section 4.3, definition of student. Language from Stoner & Lowery (2004) Model Code, p. 24.

Trustees.¹²

2.5 Interpretation—Any question of interpretation or application of the Code of Student Rights and Responsibilities shall be referred to the Vice President for Student Affairs and Dean of Students or his or her designee for final determination.¹³

2.6 Amendments and Review—Amendments may be proposed by the Ball State Student Government Association, University Senate, administrative staff, or by the Board of Trustees. In addition, the Code of Student Rights and Responsibilities shall be reviewed every two years under the direction of the Director of Student Rights and Community Standards or other University official designated by the Vice President for Student Affairs and Dean of Students.¹⁴

III. EQUITABLE PROCEDURES

All students at Ball State University have a right to fair and equitable procedures for determining the validity of charges of violation of University regulations.

- 3.1** These procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges and to meet the fundamental requirements of fairness (i.e., right to notice of charge in advance, right to a hearing, right to examine evidence, right to prepare defense, right to appeal, and right to presence of counsel, but not representation by counsel).
- 3.2** Students have the right to know in advance the range of penalties for violations of campus regulations. Upon request students have the right to obtain copies of all specific policies of the University (e.g., routine administrative policies, *Faculty and Professional Personnel Handbook*, etc.).
- 3.3** Charges of minor infractions of regulations, for which a student is penalized by fines or reprimands, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal to the next higher level of administration or to an established appeals committee.
- 3.4** In cases involving charges of infractions of regulations that may result in suspension or expulsion from the University, students have a right to formal procedures which include right of appeal. Any person penalized for a serious infraction of established University regulations or policies has the right to appeal, either to the next higher administrator or to an established appeals committee.
- 3.5** Students charged with or convicted of a violation of federal, state or local law may be subject to the University sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process. **At the discretion of University officials, disciplinary action under this Code of Student Rights and Responsibilities may proceed in advance of or during the pendency of criminal proceedings.**¹⁵

¹² Moved to new 2.6.

¹³ Adapted from Stoner & Lowery (2004), Model Code, p. 63.

¹⁴ Section maintains wording from old 2.3 and adds a regular biennial review requirement.

¹⁵ This is text adapted from the previous 2.3 but makes specific reference to criminal proceedings. This is essentially repeated to provide an easier reference for users.

Determinations made or sanctions imposed under this *Code of Student Rights and Responsibilities* shall not be subject to change because criminal charges arising out of the same set of facts giving rise to University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.¹⁶

IV. DEFINITIONS

The following definitions will be used in this code:

- 4.1 University** means Ball State University.
- 4.2 University official** means any employee of the University performing administrative, professional or staff responsibilities.
- 4.3 Student** is defined as any person admitted to the University, registered or enrolled in classes either full-time or part-time, or otherwise associated with the University. Persons who withdraw after allegedly violating the *Code of Student Rights and Responsibilities*, or ¹⁷who are not officially enrolled for a given term but in a “continuing relationship” with the University, shall be considered “students”. Continuing relationship may include, but is not limited to students enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment; also a student accepted for admission who has indicated intent to attend in a future period of enrollment.
- 4.4 School day** means Monday, Tuesday, Wednesday, Thursday, and Friday. It does not include Saturday or Sunday, nor does it include any day on which there are no scheduled University classes.
- 4.5 Business day** refers to any day, Monday through Friday, in which University offices are open.
- 4.6 University activity** includes any teaching, research, service, administrative function, proceeding, ceremony, or activity conducted or authorized by students, faculty, staff, or administrators that is held by the authority of the University.
- 4.7 University property** means property owned, controlled, used, or occupied by the university.
- 4.8 Written notice** is deemed to begin running on the first business day after the date such notice is mailed by the University, or immediately when the notice is hand delivered, ~~or~~ delivered to a residence hall mailbox, or delivered to a student’s University email in-box or forwarded to an alternative email address as directed by the student.¹⁸
- 4.9 Members of the University community** include anyone who belongs to any of the following groups: students, faculty, professional personnel, staff personnel, service personnel.

¹⁶ This is added for clarity and is adapted from Stoner and Lowery’s (2004) Model Code, p. 35.

¹⁷ This makes clear that the University may take disciplinary action in a case where a student withdraws prior to a hearing or other disciplinary proceedings. Language from Stoner and Lowery (2004) Model Code, pp. 18-19.

¹⁸ Acknowledges “email as official means of communication” policy and that some students forward email to Hotmail, Gmail, etc.

- 4.10 Organization** means any group granted official recognition by the University after meeting established criteria for such recognition.
- 4.11 Judicial body** means any person or group of persons authorized by this Code to determine whether a student has violated any provision of the Code, to administer sanctions, or to grant appeals.

V. CODE OF CONDUCT

Any student found to have committed or to have attempted to commit the following offenses is subject to the disciplinary sanctions outlined in sections VI.1-VI.4 and Section VII (*Student Academic Ethics Policy*).¹⁹

5.1 Offenses Against Persons:

- 5.1.1 Harassment** – Conduct towards another person or identifiable group of persons that has the purpose or effect of (a) creating an intimidating or hostile educational environment, work environment, or environment for participation in a University activity; (b) unreasonably interfering with a person’s educational environment, living environment, work environment, or environment for participation in a University activity; or unreasonably affecting a person’s educational or work opportunities or participation in a University activity. This offense also includes behaviors prohibited in *Sexual Harassment Policy, Appendix J and Anti-harassment Policy, Appendix C*.²⁰

Actions, whether physical, oral or written, that are sufficiently severe, pervasive, or persistent that it interferes significantly with an individual’s employment, education, or living conditions, and that have the purpose of creating a hostile or intimidating environment and which are directed at a specific individual(s). See also *Sexual Harassment Policy, Appendix J and Anti-harassment Policy, Appendix C*.

- 5.1.2 Hazing** - Any mental or physical action, requirement, or request of, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member) which is could be harmful to the health, welfare or academic progress of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws or University policy. Individual acceptance of or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity.²¹ (*See also University Anti-hazing Policy, Appendix D*)

¹⁹ Purpose is to apply “to have attempted to commit” to any offense not already specifying attempt.

²⁰ This new language is adapted from similar language found at Purdue University and is intended to recognize harassment as generally understood without requiring discriminatory harassment (e.g., sexual harassment). New language also uses term “unreasonably interfering” which is an appropriate standard for determination in higher education environment and incorporates by reference but does not modify appendices C and J.

²¹ Current statement in Code is not as comprehensive as statement in Appendix D. Proposed text now matches Appendix D but does not include following text from beginning and end of Appendix D.A: “Hazing by students, student organizations, groups or teams of Ball State University is prohibited. Hazing is defined as follows:...Student groups may be required to certify in writing that they are in compliance with this policy.”

- 5.1.3 Physical Abuse** - Physical harm of any person or persons or threat of physical harm of any person or persons which causes that person to be reasonably apprehensive of physical harm.
- 5.1.4 Privacy Violation--** Use of audio, video or photographic devices to make an image or recording of an individual without that person's prior knowledge, or without that person's effective consent when such image or recording is likely to cause injury or distress as determined by a to the reasonable person. This includes but is not limited to surreptitiously taking pictures of another person in a private area such as and when the image or recording occurs in a private area such as a residence, including a residence hall room, a public or private restroom, or a dressing/locker room. These examples of private areas are by way of illustration and not limitation.²²
- 5.1.5 Sexual Misconduct** –Sexual intercourse or sexual touching, however slight, by one person upon another without effective consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim’s ability to give consent or otherwise taking advantage of any impairment which might render a person incapable of making a reasonable or rational decision about sexual activity. As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age. *See also Sexual Misconduct Policy, Appendix K.*
- 5.1.6 Stalking** – intentional, repetitive or continuous actions that are intended to would cause a reasonable person to be feel frightened, harassed, annoyed, threatened, or alarmed another person and that cause the person who is the object of the stalking to feel frightened, harassed, annoyed, threatened, or alarmed Such actions could be either implicit or explicit threats against a specific person, an acquaintance, friend, family member, or pet of that person, or that person’s property.²³

5.2 Offenses Related To The Operation Of The University

- 5.2.1 Academic Dishonesty.** See also Student Academic Ethics Policy, section VII.
- 5.2.2 Aiding and Abetting** - Knowingly, recklessly or willfully encouraging or assisting others to commit acts prohibited by this code.
- 5.2.3 Computer Misuse** - Any behavior violating policies governing the use of the University’s computer system and related equipment/technology. *See also Information Technology Users’ Privileges and Responsibilities Policy, Appendix E.*
- 5.2.4 Disorderly Conduct** - Conduct that is disruptive of campus life or University activities, or that is a matter of public indecency, or a breach of the peace.
- 5.2.5 Failure to Comply** - Failing to comply with verbal or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, or failing to identify oneself upon request of a University official.

²² Current language unclear and too conditional. Proposed language adapted from Stoner and Lowery (2004) Model Code, p. 31.

²³ Deletion of comma and of “are intended to” places emphasis of intentionality on the repetitive or continuous conduct and removes requirement of intentionality from how victim is expected to react. Indiana Code consulted in this revision.

- 5.2.6 False Information** – **Intentionally** submitting false information, ~~or records~~ **verbally or in writing,**²⁴ to a University official or office.
- 5.2.7 Fraudulent Use** - Forgery, alteration, taking possession of or the unauthorized use of University documents, records, keys or identification without the consent or authorization of appropriate University officials.
- 5.2.8 Interference with a Reprimand** - Obstructing or interfering with the reprimand, discipline or apprehension of another person who is involved in a violation of this Code or any other University rule or regulation.
- 5.2.9 Obstruction or Disruption** - Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person’s freedom of movement, or inciting, aiding, or encouraging other persons to do so. *See also Regulations for Use of Property for Expressive Activity, Appendix N.*
- 5.2.10 Residence Hall Policies** - Violating residence hall rules and regulations, or the housing contract. *See also Residence Life Policies.*
- 5.2.11 Solicitation** - Engaging in solicitation of any type on University property without appropriate authorization. *See also Regulations for Use of Property for Expressive Activity, Appendix N.*
- 5.2.12 Violation of the Law** - Committing or attempting to commit any act that would be a violation of local, state or federal law on or off University property, when such behavior is judged by the Office of Student Rights and Community Standards to be detrimental to the University’s educational process or objectives.
- 5.2.13 Other Policy Violations** - Violating any other published University policies not specifically a part of this Code.
- 5.3 Violations That Compromise The Health/Safety/Welfare Of Others**
- 5.3.1 Alcohol** -Using, possessing or distributing **of** alcoholic beverages except as expressly permitted by law and University policies. *See also Alcohol Policy, Appendix A.*
- 5.3.2 Arson** - Attempting to set fires, or acting in a manner that disregards fire safety rules and results in a fire.
- 5.3.3 Drugs** - Using, abusing, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs as defined by federal, state, or local laws, or any controller substance, (including marijuana, inhalants, and abuse of over-the-counter drugs and prescription drugs), except as expressly permitted by law. Possession of drug paraphernalia which can be demonstrated to be linked to illegal drug activity is also a violation of this policy. *See also Drug Policy, Appendix B.*

²⁴ Previous notes suggested adding word “documents” to current “records.” This proposal covers verbal statements in addition to written documents, records, etc. and adds “Intentionally…” to focus on dishonest acts instead of errors due to negligence, inattention, lack of understanding, or miscommunication.

- 5.3.4 False Reporting** - Falsely reporting an emergency.
- 5.3.5 Gambling** - Engaging in gambling, wagering or other games of chance in violation of the law.
- 5.3.6 Smoking** - Smoking in areas on campus other than those designated for smoking. *See also Smoking Policy, Appendix L.*
- 5.3.7 Tampering with Fire Equipment** - Unauthorized use, activation or alteration of fire-fighting equipment, fire safety or other emergency equipment.
- 5.3.8 Weapons** - Transferring, using, possessing or manufacturing explosives, fireworks, firearms, dangerous chemicals, or any other weapons (deemed capable of causing bodily injury or property damage), on University property. *See also Weapons Policy, Appendix O.*
- 5.4 Offenses Against Property**
- 5.4.1 Misuse of Property** – Trespass, occupancy of, unauthorized entry into, possession of, receipt of or use of the property of another person, of the University or of University services, facilities or resources including, but not limited to, the University’s name, seal or insignia.
- 5.4.2 Theft, Vandalism** – **Attempted or actual** theft, vandalism, unauthorized use, possession, damage to, or destruction of public property, University property or **the personal** property of another person.²⁵
- 5.5 Offenses Involving The Judicial Process**
- 5.5.1 Improper Influence** - Attempting to influence the decision of a member of a judicial body or a designated judicial officer, or attempting to discourage that person’s participation in a judicial proceeding.
- 5.5.2 Intimidation of Participants** - Attempting to intimidate, coerce or influence a witness, complainant or other persons participating in the judicial process.
- 5.5.3 Providing False Testimony** - Providing false testimony or false information in the judicial process or knowingly making unfounded accusations against another individual.
- 5.5.4 Sanction Non-compliance** - Failing to complete or to comply with a disciplinary sanction.

VI. DISCIPLINARY PROCEDURES

6.1 General Procedures²⁶

- 6.1.1 Reporting an incident/Filing a complaint** - Any individual (student, employee of the University

²⁵ Change at end is meant to expand “personal property” to include one’s own property meant for circumstances to include (e.g.) smashing one’s own television set in the middle of the Quad or destroying property claimed to be one’s own but in fact belonging to another person. Enforcement still requires a complaint which would most likely in this circumstance come from another person.

²⁶ This section remains intact unless otherwise noted but has been given a numbering scheme for easier reference. All remaining subsections in section VI/6 are renumbered to accommodate this change.

or other person) who believes that a student or student organization may have committed a violation of the Code of Conduct published above, may file an incident report or complaint report with one of the following offices:

- University Police Department
- Office of Housing and Residence Life or with the Hall Director where a student lives or where the violation occurred
- Office of Recreation Services
- Office of Student Organizations and Activities
- Office of Student Rights and Community Standards

Employees of the University shall make reports to the Office of Student Rights and Community Standards of violations of the Code of Conduct in cases where the offense must be reported to state and federal constituencies. That office shall inform University employees of what violations are included.

6.1.2 Types of hearings - The hearing process for students may vary according to the level at which the case is adjudicated. Adjudication may occur in the administrative area where the violation occurred. Where the offense is of a more serious nature and may warrant consideration of suspension or expulsion from the University, the case will be referred to the Office of Student Rights and Community Standards. **NOTE: Decisions in all hearings shall be based on a preponderance of the evidence.**²⁷

6.1.3 Good Samaritan Neighbor²⁸ Exception - Students are always encouraged to call for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. When another person is in need of critical care or when a situation otherwise warrants emergency response, call 911 immediately. The Good Samaritan Neighbor Exception provides students the opportunity of a grace from for University disciplinary action to be waived if he/she risked revealing one's own violation of the *Code of Student Rights and Responsibilities* in order to get seek medical or other emergency assistance to another person in distress. ~~However, please note~~ The decision to provide the exception shall be the judgment of the designated hearing officer. **NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense.**

6.1.4 Decision-making

- a. Decisions in all hearings shall be based on a preponderance of the evidence.
- b. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in *Code of Student Rights and Responsibilities proceedings*.²⁹

6.12 HOUSING AND RESIDENCE LIFE DISCIPLINARY PROCEDURES (See also *Housing and Residence Life Handbook* for a detailed description.)

When a violation occurs within or adjacent to facilities of Housing and Residence Life or in the context of programs sponsored by that office, the following disciplinary procedures apply.

²⁷ See new section 6.1.4

²⁸ This is more inclusive language that retains the meaning of the exception. Non-Christian students may not understand the cultural reference.

²⁹ 1st sentence moved from new Section 6.1.2. "Formal rules..." suggested by Stoner and Lowery (2004) Model Code, p. 44.

After reviewing an incident report and related documentation the Housing and Residence Life or HRL staff member (Residence Hall Director or RHD, Assistant Residence Hall Director or ARHD, or Assistant Director of Housing and Residence Life) shall have two options: (1) to provide the option of a preliminary meeting with the accused student or (2) to send a case directly to a disciplinary hearing.

- 6.12.1 Preliminary Meeting** - Student meets with the designated HRL staff member to discuss the documentation. The following options are available:
- Student can plead “responsible” for the policy violation(s) and have the sanction determined at that time by the designated HRL staff member.
 - Student can plead “not responsible” for the policy violation(s) and request a hearing with the appropriate hearing body. For most situations, the appropriate hearing will be a Hall Director Hearing. In situations where cancellation of the student’s housing contract is a possibility or if the student documented is already on disciplinary probation, the student may be offered the choice of having an Administrative Hearing or a Conduct Board Hearing. (Note: When the Conduct Board is not operating, the student is automatically assigned to an Administrative Hearing.)
 - If the student does not attend the Preliminary Meeting, the designated HRL staff member will arrange a hearing.

- 6.12.2 Housing and Residence Life Disciplinary Hearings**
- Hall director hearings are conducted by an RHD or ARHD. Usually this will be the RHD or ARHD of the building in which the accused student resides.
 - Administrative Hearings are conducted by an Assistant Director of Housing and Residence Life.
 - Conduct Board Hearings are conducted by a board composed of a group of qualified students selected by each residence hall.

6.12.3 Sanctions

- Official Reprimand:** A written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
- Educational Requirements:** A student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
- Fines:** A fine may be assessed not to exceed \$24 and will be billed to the student’s account. Failure to pay a fine will result in a financial hold.
- Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
- Referral:** The student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social, or emotional growth.
- Alcohol Education Program:** A student in violation of published alcohol policies or who exhibits inappropriate behavior as a result of alcohol consumption may be required to complete an alcohol education program.
- Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
- Trespass:** A student may be prohibited from entering or being on the premises of specific residence hall buildings or all residence facilities.
- Relocation:** A student may be relocated to another residence hall and subsequently restricted from the facility of a previous housing assignment.

~~j. **Termination of Housing Contract:** A student may have his/her housing contract terminated and be required to vacate the residence hall system. The student will be given at least 48 hours to vacate the residence halls. Any additional violation occurring prior to vacating the residence halls will be referred to the Office of Student Rights and Community Standards. Students, who are under the age of 21, have not lived two semesters in the residence halls and are freshmen may be subject to additional disciplinary sanctions.³⁰~~

6.12.4 Appeal Process

- a. A student may appeal the result of a Hall Director Hearing decision to the appropriate Assistant Director of Housing and Residence Life.
- b. Decisions by a Conduct Board Hearing or Administrative Hearing may be appealed to the Associate Director of Housing and Residence Life.
- c. A student has two business days from the delivery of the original decision to the student's mailbox in which to submit an appeal in writing.
- d. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction against the accused student.
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case.
- e. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.
 - 4) All allegations may be dismissed.
- f. The appellate decision shall be final and will not be subject to any further appeal.

6.12.5 Automatic Review

The Associate Director of Housing and Residence Life will automatically review any case resulting in termination of the housing contract. This review does not constitute an automatic appeal on behalf of the student. The student is solely responsible for submitting an appeal.³¹

6.12.6 Referrals to the Office of Student Rights and Community Standards

Any case may be referred to the Office of Student Rights and Community Standards for adjudication or for consideration of additional sanctions when:

- a. Violations are of a more serious nature and may warrant consideration of suspension or expulsion from the University.
- b. Violations involve off-campus students.

6.23 RECREATION SERVICES DISCIPLINARY PROCEDURES

When a violation occurs within or adjacent to facilities of the Office of Recreation Services or in the context of programs sponsored by that Office, the following disciplinary procedures apply.

6.23.1 Preliminary Meeting

- a. Pending results of an investigative review of an incident, the student's I.D. or Recreation Privilege Card will be "turned off" and the student will not have the privilege of utilizing facilities or

³⁰ ³⁰ Sanctions from sections 6.1, 6.2, 6.3, and 6.4 have been consolidated in new section 6.6. If approved, renumbering will take place as needed.

³¹ Inserted for clarity—to distinguish "review" from "appeal." This will be repeated in upcoming sections.

programs within Recreation Services.

- b. A preliminary meeting will be convened in a timely manner with the student(s) in question and a designated Recreation Services staff person (Graduate Assistant or Assistant Director for Recreation Services) to discuss the incident.
- c. The student may plead “responsible” for the behavior and the staff member may assign sanctions.
- d. If a student pleads “not responsible” for the behavior, the case will be referred to an Administrative Hearing.
- e. A student who fails to appear for a Preliminary Meeting will have their case referred to an Administrative Hearing.

6.23.2 Recreation Services Administrative Hearing

- a. Administrative Hearings are conducted by a designated Recreation Services staff person (Assistant Director or Associate Director for Recreation Services). The student(s) will be given the opportunity to present witnesses or other evidence to support their claims. The staff person conducting the hearing will determine responsibility and, if necessary, assign sanctions.
- b. A written notice indicating the findings of the hearing and sanctions will be mailed to the student’s known address.
- c. When a violation is believed to be a team violation, that team may be represented at the Administrative Hearing by the team captain or another designated team member. Sanctions may be administered collectively to the team or individually against team members.

6.23.3 Sanctions

Final disciplinary decisions may result in any combination of the following:

- a. **Official Reprimand**—Statement of warning provided verbally or in writing stating that the continuation of or repetition of unacceptable behavior may lead to further disciplinary action.
- b. **Suspension**—Suspension from Recreation Services facilities or programs for a pre-determined period of time.
- c. **Forfeit**—Forfeiture of any outcomes of previous activities.
- d. **Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
- e. **Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.³²

6.23.4 Appeal Process

- a. Students have an opportunity to appeal any decision of discipline from any member of Recreation Services staff.
- b. All appeals of disciplinary decisions MUST be made in writing within three business days of the receipt of the original decision directly to the Associate Director of Recreation Services
- c. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction against the accused student.
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case.

³² ³² Sanctions from sections 6.1, 6.2, 6.3, and 6.4 have been consolidated in new section 6.6. If approved, renumbering will take place as needed.

- d. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.
 - 4) All allegations may be dismissed.
- e. Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the patron.
- f. The appellate decision shall be final and will not be subject to any further appeal.

6.23.5 Referrals to the Office of Student Rights and Community Standards

Any case may be referred to the Office of Student Rights and Community Standards for adjudication or for consideration of additional sanctions when:

- a. Violations are of a more serious nature and may warrant consideration of probation, suspension or expulsion from the University.
- b. The complexity and nature of the violation warrants referral.

6.34.2 Sanctions

If the student organization is found to be responsible for the violation of University policy, the Hearing Board may recommend one or more of the following sanctions:

- a. **Official Reprimand**—A letter of notification placed in the organization’s file and sent to its national organization (if applicable) warning of more severe sanctions in the event of a repeat of the offending behavior
- b. **Probation**—A specific period of probation with or without selected restrictions; the Hearing Board shall determine the length and terms of the probationary period
- c. **Restitution**—An organization, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries. Each member of the organization may be held financially responsible through group billing
- d. **Service Requirement**—Participation in University or community service activities
- e. **Educational Requirement**—Educational programming hosted and/or attended by a percentage of organization membership
- f. **Suspension of Recognition**—suspension of recognition as a student organization and the privileges inherent in that recognition indefinitely or for a specific period of time
- g. **Withdrawal of Recognition**—Withdrawal of University recognition as a student organization³³

6.34.3 Decisions

The decision of the Hearing Board shall be submitted as a recommendation to the Assistant Vice President for Student Affairs/Director of Student Life who may do one of the following:

- a. Accept the recommendation and direct that the sanctions be implemented;
- b. Lessen or otherwise modify the sanctions imposed by the Hearing Board;
- c. Refer the case back to the Hearing Board for further consideration of sanctions.

6.34.4 Appeal Process

- a. *Appellate Review*. The appellate review will be based on the information and materials in the case file; a summary of the evidence submitted; findings and recommendations; the student organization’s written request for an appellate review; and the record of the hearing.

³³ Sanctions from sections 6.1, 6.2, 6.3, and 6.4 have been consolidated in new section 6.6. If approved, renumbering will take place as needed.

NOTE: Where the sanction imposed is withdrawal of recognition for the organization, the decision shall automatically be reviewed by the Vice President for Student Affairs & Dean of Students or his/her designee. This review does not constitute an automatic appeal on behalf of the organization. The organization is solely responsible for submitting an appeal.³⁴

- b. A student organization may appeal the result of an administrative hearing decision to the next level administrator.
- c. Decisions by the Hearing Board may be appealed to the Vice President for Student Affairs & Dean of Students or his/her designee.
- d. In both cases, the student organization has five (5) business days from receipt of the original decision in which to submit an appeal in writing.
- e. The organization may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student organization or the hearing body.
 - 2) An unduly harsh sanction against the accused student organization.
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case.
- f. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.
 - 4) All allegations may be dismissed.
- g. Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the organization.
- h. The appellate decision shall be final and will not be subject to any further appeal.

6.45 OFFICE OF STUDENT RIGHTS AND COMMUNITY STANDARDS DISCIPLINARY PROCEDURES

6.45.1 Preliminary Meeting

An initial meeting with a designated Student Rights and Community Standards staff person (Director or a Graduate Assistant) at which time the accused student is made aware of the nature of the charges against him/her and the range of sanctions possible for that type of offense. The student is also informed of his/her options in adjudicating the case, including one of the following:

- a. To plead “responsible” for the violation and have the sanctions determined at that time by the staff person. The designated staff person conducting³⁵ the preliminary meeting may choose to refer the determination of sanctions to a hearing board if the level of offense warrants more serious sanctions than that staff person is authorized to impose.
- b. To plead “not responsible” for the violation and request a hearing. have the case heard in an Administrative Hearing by a designated hearing officer. In the case of minor offenses, the designated staff person may choose to hear the case administratively.³⁶ In cases that are complicated in nature and scope, or where the violations may result in more serious sanctions, the case may be referred to the Screening Committee of the University Review Board.
- c. To plead “not responsible” to the violation and have the case heard by the University Review

³⁴ Inserted for clarity—to distinguish appellate review from automatic review by VPSA/DOS and an “appellate review.”

³⁵ There is a large amount of bolded text throughout section 6.4. The bolding has been removed as the need for emphasizing these sections and not others is unclear.

³⁶ This modification combines b. and c. to simplify the process but maintains fundamental fairness and flexibility. The student still has the opportunity to request a hearing. The hearing office may choose to hear the case administratively (as in former c.) or refer the case to the Screening Committee for a decision.

Board. In the case of minor offenses, the designated staff person may choose to hear the case administratively.

6.45.2 Screening Committee

After the Preliminary Meeting, the Director or his/her designee shall convene the Screening Committee made up of the Director or his designee, and the Vice President of Student Government Association, and a faculty or professional staff member from the University Review Board³⁷. The Screening Committee shall review all information available concerning the incident and make a decision on how to proceed, exercising one of the following options:

- a. Refer the case on to the University Review Board.
- b. Refer the case back to the Office of Student Rights and Community Standards for an Administrative Hearing.
- c. Dismiss any or all charges. Any charges not dismissed will be referred as described in a. or b. above.³⁸

6.45.3 Administrative Hearing

The case is heard before a designated hearing officer who will determine if a student is in violation based on information provided and will determine sanctions rising to the level of disciplinary probation. The student will receive notification of the hearing at least three (3) business days in advance, shall have an opportunity at the hearing to call witnesses on his/her behalf, and shall be able to ask questions of witnesses.

6.45.4 Interim Suspension

Under certain circumstances, a student accused of a violation of the Code of Student Rights and Responsibilities may be subject to interim suspension from the University prior to a University Review Board hearing. During the interim suspension, the student is subject to, and trespass from University property and facilities and is denied access to all classes, activities and privileges for which the student might be eligible³⁹. Interim suspension shall be imposed only when:

- a. A student is deemed to be a threat to the safety and well-being of the University community or property, or⁴⁰
- b. It is determined that such action would be beneficial to the student's own safety and well being, or
- c. A student's presence is deemed to pose a substantial threat of disruption to the University's educational process.

The decision to suspend on an interim basis shall be made by the Vice President for Student Affairs & Dean of Students or his/her designee after the student has been afforded an opportunity to challenge such action and provide argument and evidence to the contrary. The student will be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent hearing within three business days at which the student may show cause why his or her continued presence on the campus does not constitute a threat [and at which they may contest whether a violation of the Code of Student Rights and Responsibilities took place].⁴¹ The interim suspension may

³⁷ Adding a third person makes this process similar to the screening committee for grade appeals, allows for additional perspective and allows for resolving disagreements.

³⁸ This allows for possibility Screening Committee may dismiss some but not all charges and provides direction for handling in that case.

³⁹ Makes explicit that this is an action that may be followed by URB hearing and provides operational definition of interim suspension.

⁴⁰ Current wording implies that all three conditions must exist. Proposed change makes clear that only one condition need be determined. Bolding removed from a-c.

⁴¹ This change (combined deletion/addition) addresses the earlier concern and mirrors current practice. Recommend

continue until completion of the entire disciplinary process including appeal. Every effort will be made to complete the disciplinary process in a timely manner so as to limit the interim suspension to the shortest time possible.

6.45.5 University Review Board

The University Review Board hears disciplinary cases ~~and grade appeals~~⁴² referred to it by the Screening Committee. It is composed of twenty (20) members; ten (10) shall be students and ten (10) shall be University faculty members and/or professional staff members.

- a. ***Student Membership.*** The student membership will include the Vice President of the Student Government Association, five (5) members of the Judicial Court of Student Government Association and four (4) additional students appointed by the Student Government Association President. The Judicial Court members shall be elected by students in the spring, assume their committee responsibilities on the first day of fall semester and shall hold office for one calendar year. Other appointed students also assume responsibility at the start of the fall semester and serve for one calendar year. A student member may serve an unlimited number of terms.
- b. ***Faculty and Professional Staff Membership.*** The faculty and professional staff members shall be selected by the University Senate's Governance Committee to assume their committee responsibility on the first day of fall semester and serve for one calendar year. A faculty or professional staff member may serve an unlimited number of terms.
- c. ***Quorum.*** To conduct a hearing for a student disciplinary case or grade appeal, a Hearing Board composed of a minimum of four (4) members of the University Review Board, of whom at least two (2) must be students and two (2) must be faculty, will be designated by the Director of Student Rights and Community Standards or his/her designee. A hearing may proceed with a minimum of 3 members present.
- d. ***Hearing Board Moderator.*** The hearing shall be moderated by one member of the Hearing Board designated in advance by the Office of Student Rights and Community Standards. The moderator shall be a voting member of the Board. The Director of Student Rights and Community Standards or his/her designee will be present at all hearings as a non-voting consultant to the Hearing Board.
- e. ***Hearings During Summer Session and Breaks.*** To insure the functioning of the Hearing Board during Summer Session and at other times when regular classes are not in session, the Director of Student Rights and Community Standards or his/her designee may convene a hearing with a minimum of three persons chosen from the pool of the University Review Board membership who are available. Should a minimum of three be unavailable from the University Review Board pool, the Director may select additional faculty, staff or student members to participate in the hearing process.

6.45.6 Procedures for Disciplinary Hearings.

Procedures for disciplinary cases of the Hearing Board shall be as follows:

- a. ***Notice of Hearing.*** The accused student shall be notified by the Office of Student Rights and Community Standards in writing of the date, time, and place of the hearing at least three (3) school days before the hearing. This notice shall also include a statement of the allegations of policy violations, information about the hearing process and the range of sanctions available.
- b. ***Absence of the Accused Student.*** The accused student may choose not to attend the hearing and may instead submit a written presentation of his/her case. The hearing may proceed in the absence of the accused and by such absence; the accused forfeits his/her right to question witnesses.

designating time, place and location of "show cause" hearing to ensure availability of designated administrator. Text suggested by Stoner and Lowery (2004) Model Code, p. 60.

⁴² There is a separate grade appeals committee.

- c. **Witnesses.** The accused student, the complainant and the Director of Student Rights and Community Standards or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Office of Student Rights and Community Standards a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing ~~or delivery of and shall be prohibited from submitting~~ a written or recorded statement in lieu of personal testimony ~~unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances~~⁴³. Witnesses invited by either party shall be present only while they are testifying.
- d. **Student Assistance.** The accused student and the complainant may be accompanied and assisted at the hearing by an advisor of their choice, provided the advisor is an employee or student of the University, or a relative. In the event the accused student faces pending criminal charges based on the incident that has given rise to the University disciplinary proceedings, his/her attorney may accompany the student. The student must provide the name of his/her advisor to the Office of Student Rights and Community Standards at least twenty-four (24) hours before the hearing. At no time may the advisor or the attorney participate directly in the hearing proceedings. He/she may only consult with the student.
- e. **Disqualification, Challenges.** Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student, with the complainant or when the Board member feels a personal bias makes it impossible to render a fair decision. The accused student or complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Hearing Board.
- f. **Conduct of the Hearing.** The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. ~~The Office of Student Rights and Community Standards shall make a record of the hearing that may be reviewed in the office by the accused student upon request. This record remains the property of Ball State University.~~ Decisions of the Hearing Board shall be made by majority vote.
- g. **Record of the Hearing.** There shall be a single verbatim record, such as an audio recording, of all University Review Board hearings (not including deliberations). Deliberations shall not be recorded. No other recording shall be made. The accused student may review the recording in the Office of Student Rights and Community Standards upon request. The recording shall be the property of Ball State University and shall be maintained by The Office of Student Rights and Community Standards until the conclusion of all appeal proceedings, or until the appellate term

⁴³ The need to limit testimony only to witnesses who may be present is unclear. This creates an unnecessary standard. The credibility and viability of every witness, document, report, or item of information are weighed differently by the hearing board—and that includes whether a witness is present or not, or whether questions can be answered by a witness, a written document, a video, or an emptied fire extinguisher. In addition, the Board may permit exceptions—the Board would have to meet to determine this permission. This effectively denies the exception.

has surpassed. There are no audio recordings of preliminary meetings or administrative hearings, unless otherwise deemed necessary by the hearing officer.⁴⁴

- gh. **Continuances:** The Hearing Board, by majority vote, may continue the hearing to a later time.
- hi. **Additional Rules:** Procedural rules not inconsistent with this process may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.45.7 Sanctions⁴⁵

If the student is found responsible for a violation of policy, sanctions may include one or more of the following:

- a. **Official Reprimand:** a written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
- b. **Educational Requirements:** student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
- c. **Restitution:** a student whose actions cause damage to, defacing of or destruction of public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property for medical bills related to injuries.
- d. **Referral:** the student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social or emotional growth.
- e. **Disciplinary Probation:** for a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
- f. **Trespass:** a student may be prohibited from entering or being on the premises of specific locations, facilities or buildings or the entire campus.
- g. **Restriction and Loss of Privileges:** Denial or restriction of specified privileges (including contact with a specific person or persons) for a designated period of time.
- gh. **Suspension:** termination of enrollment indefinitely or for a specific period of time. During the period of suspension, the student is issued a trespass notice and may not be present on University property at any time or attend any University sponsored event or activity without prior authorization by the Office of Student Rights and Community Standards. Conditions of re-enrollment following period of suspension may be determined by the University Review Board and/or the Office of Students Rights and Community Standards.
- hi. **Expulsion:** permanent termination of enrollment. Upon expulsion, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Office of Student Rights and Community Standards.
- j. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from Ball State University may be revoked for fraud, misrepresentation, or other violation of Ball State standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.⁴⁶

⁴⁴ In addition to maintaining access for accused student and ownership by Ball State, proposed language provides direction on how long the audio recording will be maintained.

⁴⁵ Consider this entire section green highlighted. There are other, yellow highlights as well that will be transferred (if approved) to new section 6.6.

⁴⁶ Proposed revocation of admissions/degree language taken from Stoner & Lowery (2004) Model Code, p. 55. See also new "k" authorizing office/bodies to impose revocation. These sanctions should be rarely if ever imposed but should be available for use if ever needed.

i. ~~NOTE: Only the Hearing Board may recommend a sanction of suspension or expulsion.~~^{47, 48}

6.45.8 The Decision

The decision of the Hearing Board shall be submitted as a recommendation to the Director of Student Rights and Community Standards who may do one of the following:

- a. Accept the recommendation and direct that the sanctions be implemented.
- b. Lessen or otherwise modify the sanctions imposed by the Hearing Board.
- c. Refer the case back to the Review Board for further consideration of sanctions.

6.45.9 Appeal Process

- a. ~~Students~~⁴⁹ may appeal the result of an Administrative Hearing decision to the next level administrator.
- b. Decisions by the Hearing Board may be appealed to the Vice President for Student Affairs & Dean of Students or his/her designee.
- c. In both levels of cases, the student has three (3) business days from receipt of the original decision in which to submit an appeal in writing.
- d. ~~Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the University Review Board hearing and supporting documents.~~⁵⁰
- e. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction against the accused student.
 - 3) New information of a substantive nature ~~sufficient to alter a decision, because such information and/or facts were not known to the person appealing at the time of~~⁵¹ ~~not available~~ at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case
- f. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded to ~~a new disciplinary body~~ ~~the Hearing Board reconstituted with new members~~⁵² ~~to allow reconsideration of the original determination and/or sanctions.~~⁵³
 - 4) ~~All allegations may be dismissed.~~
- g. The appellate decision shall be final and not subject to any further appeal.
- h. NOTE: Any case resulting in suspension or expulsion from the University is automatically reviewed by the Vice President for Student Affairs & Dean of Students or his/her designee. ~~This~~

⁴⁷ This is not accurate. Suspension can be recommended by University Review Board, Academic Ethics Committee, an on interim basis administratively. See newly renumbered 6.5.3 (top of p. 23) already limits administrative hearing authority to disciplinary probation.

⁴⁸ Section deleted as sanctions from sections 6.1, 6.2, 6.3, and 6.4 are consolidated in new section 6.6. Renumbering will take place as needed if restructuring is approved.

⁴⁹ This section is highlighted to bring to awareness in current review that the current language of Code allows both accused students and complainants to appeal decisions and sanctions. I support this as does Stoner & Lowery (p. 60, 2004) and other model code authors such as Pavela and Sokolow. Additionally, Title IX is implicated in sexual assault cases and allows for a complainant to appeal.

⁵⁰ This clarifies how the appeal review shall proceed and limits “re-hearing” case by appeal review.

⁵¹ This clarifies that “new” information must not have been known to appellant rather than having been withheld or otherwise not made available to hearing panel.

⁵² Proposed language maintains meaning of old language but clarifies that the Hearing Board is as described in this document.

⁵³ This proposal is combined with proposed deletion of 4) below. Proposal clarifies purpose of remand and negates need to dismiss findings. If 4) is kept, “allegations” should be replaced with “decision” as there has been an finding and determination/recommendation from the University Review Board.

review does not constitute an automatic appeal on behalf of the student. The student is solely responsible for submitting an appeal.⁵⁴

6.6 Sanctions⁵⁵

6.6.1 **Housing and Residence Life** administrators may impose one or more the following sanctions when a student found responsible for violations of the *Ball State Code of Student Rights and Responsibilities* or the *Housing and Residence Life Handbook*:

- a. **Official Reprimand:** A written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
- b. **Educational Requirements:** A student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
- c. **Fines:** A fine may be assessed not to exceed \$24 and will be billed to the student's account. Failure to pay a fine will result in a financial hold.
- d. **Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
- e. **Referral:** The student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social, or emotional growth.
- f. **Alcohol Education Program:** A student in violation of published alcohol policies or who exhibits inappropriate behavior as a result of alcohol consumption may be required to complete an alcohol education program.
- g. **Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
- h. **Trespass:** A student may be prohibited from entering or being on the premises of specific residence hall buildings or all residence facilities.
- i. **Relocation:** A student may be relocated to another residence hall and subsequently restricted from the facility of a previous housing assignment.
- j. **Termination of Housing Contract:** A student may have his/her housing contract terminated and be required to vacate the residence hall system. The student will be given at least 48 hours to vacate the residence halls. Any additional violation occurring prior to vacating the residence halls will be referred to the Office of Student Rights and Community Standards. Students, who are under the age of 21, have not lived two semesters in the residence halls and are freshmen may be subject to additional disciplinary sanctions.

6.6.2 **Recreational Services** administrators may impose one or more of the following sanctions when a student is found responsible for violations of the *Ball State Code of Student Rights and Responsibilities* or *Ball State Recreation Guidelines* found at <http://www.bsu.edu/recreation>:

- a. **Official Reprimand** - Statement of warning provided verbally or in writing stating that the

⁵⁴ Inserted for clarity. Bolding and italicization removed.

⁵⁵ This new sanction section consolidates all sanctions contained previously in old sections 6.1-4. The purpose is to make it easier for students and other University community members to find. All sanctions have been retained verbatim unless otherwise noted.

continuation of or repetition of unacceptable behavior may lead to further disciplinary action.

- b. **Suspension** - Suspension from Recreation Services facilities or programs for a pre-determined period of time.
- c. **Forfeit** - Forfeiture of any outcomes of previous activities.
- d. **Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
- e. **Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.

6.6.3 Office of Student Life Hearing Boards may recommend one or more of the following sanctions when a recognized student organization is found responsible for violations of the Ball State Code of Student Rights and Responsibilities or the Handbook for Student Organizations:

- a. **Official Reprimand** - A letter of notification placed in the organization's file and sent to its national organization (if applicable) warning of more severe sanctions in the event of a repeat of the offending behavior
- b. **Probation** - A specific period of probation with or without selected restrictions; the Hearing Board shall determine the length and terms of the probationary period
- c. **Restitution** - An organization, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries. Each member of the organization may be held financially responsible through group billing
- d. **Service Requirement** - Participation in University or community service activities
- e. **Educational Requirement** - Educational programming hosted and/or attended by a percentage of organization membership
- f. **Suspension of Recognition** - suspension of recognition as a student organization and the privileges inherent in that recognition indefinitely or for a specific period of time
- g. **Withdrawal of Recognition** - Withdrawal of University recognition as a student organization

6.6.4 Student Rights and Community Standards administrators may impose one or more of the following sanctions when a student is found responsible for violations of the Ball State Code of Student Rights and Responsibilities or the Handbook for Student Organizations:

- a. **Official Reprimand:** a written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
- b. **Educational Requirements:** student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
- c. **Restitution:** a student whose actions cause damage to, defacing of or destruction of public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property for medical bills related to injuries.
- d. **Referral:** the student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social or emotional growth.
- e. **Disciplinary Probation:** for a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with

the possibility of suspension or expulsion from the University.

- f. **Trespass:** a student may be prohibited from entering or being on the premises of specific locations, facilities or buildings or the entire campus.
- g. **Restriction and Loss of Privileges:** Denial or restriction of specified privileges (including contact with a specific person or persons) for a designated period of time.⁵⁶
- gh. **Suspension:** termination of enrollment indefinitely or for a specific period of time. During the period of suspension, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Office of Student Rights and Community Standards. Conditions of re-enrollment following period of suspension may be determined by the University Review Board and/or the Office of Students Rights and Community Standards.
- hj. **Expulsion:** permanent termination of enrollment. Upon expulsion, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Office of Student Rights and Community Standards.
- j. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from Ball State University may be revoked for fraud, misrepresentation, or other violation of Ball State standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.⁵⁷
- i. **NOTE:** Only the Hearing Board may recommend a sanction of suspension or expulsion.⁵⁸

6.56 GRADE APPEALS⁵⁹

Introduction

This process includes any appeal of a final grade (pass-fail or letter grade) for a classroom course, field experience, clinical, student teaching, practicum, internship or externship. *Appeal of removal from a course in the middle of a term (involuntary withdrawal) would be subject to departmental procedures, not the grade appeal process, unless a failing grade was issued.* Students considering an appeal of a final grade are encouraged to meet informally with their instructor before submitting a written appeal.

NOTE: Time deadlines in the following procedures are intended to provide a framework for the grade appeal process and may be extended, as circumstances warrant, by the Director of Student Rights and Community Standards or by the Associate Provost.

⁵⁶ This new, general restriction allows for restricting contact (as noted) and for restricting participation in programs/activities relevant to violation. Similar to suspension from program participation in Recreation Services.

⁵⁷ Proposed revocation of admissions/degree language taken from Stoner & Lowery (2004) Model Code, p. 55. See also new “k” authorizing office/bodies to impose revocation. These sanctions should be rarely if ever imposed but should be available for use if ever needed.

⁵⁸ This is not accurate. Suspension can be recommended by University Review Board, Academic Ethics Committee, an on interim basis administratively. See newly renumbered 6.5.3 (top of p. 23) already limits administrative hearing authority to disciplinary probation.

⁵⁹ If the new sections 6.1 and 6.6 are approved, the Grade Appeals section will be become 6.7 and all subsections will be renumbered accordingly.

APPENDIX A - Alcohol Policy

When students choose to consume alcoholic beverages, Ball State University encourages responsible practices and behavior in accordance with campus policies, the laws of the State of Indiana and the City of Muncie. Violation of University policy and local and state laws related to alcohol on or off campus will result in disciplinary action.

A. General Guidelines

1. *University Sponsored Events* - Illegal purchase, service, consumption, or possession of alcoholic beverages at any University-sponsored event on or off campus is prohibited. Upholding applicable local, state, and federal laws in connection with this policy is the joint responsibility of the persons in attendance at the activity, the sponsoring organization, and the management of the establishment in which the activity is held.
2. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
3. Providing alcoholic beverages at any time to an individual who is under 21 years of age is strictly prohibited.
4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the Student Code.
5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
6. Students found responsible for providing alcohol to minors and selling or distributing alcohol in violation of state law shall be in violation of the student code.
7. **Students hosting parties where alcohol is provided to minors, provided in excess to others, or otherwise distributed in violation of the law are subject to sanctions outlined in the *Code of Student Rights and Responsibilities* up to and including suspension or expulsion from the University.⁶⁰**

- ~~Students hosting parties where alcohol is provided to minors, provided in excess to others, or otherwise distributed in violation of the law shall be subject to possible suspension or expulsion from the University.~~

B. On Campus: With respect to the service, possession or consumption of alcoholic beverages on the Ball State University campus, state statutes and city ordinances will be enforced in addition to the following regulations:

1. Residents who are of legal age to possess or consume alcoholic beverages and who reside in University-operated employee **housing⁶¹** or University Apartment units may possess and consume such alcoholic beverages in the privacy of their residences.
2. Consumption and possession of alcohol may be permitted on some residence hall floors where all residents are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the student rooms.

C. Parental Notice: **The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:**

- **the student demonstrates a reckless disregard for his or her personal safety or the safety of others;**

⁶⁰ Proposed addition replaces deleted language below.

⁶¹ Added for clarification.

- medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.⁶²

APPENDIX B - Drug Policy

The use, abuse, possession, sale, distribution, manufacture or transfer of narcotics, illegal drugs as defined by state or federal law, or any controlled substance is prohibited at all times, except as expressly permitted by law. Any controlled substance includes, without limitation, marijuana, hash oil, hashish, inhalants, and abuse of over-the-counter drugs and prescription drugs, and/or the use of over-the-counter drugs or prescription drugs, or any other immediate precursor to be **used to** manufacture any other illegal drug, including without limitation, methamphetamine, except as expressly permitted by law.

Possession or manufacture of drug paraphernalia which is to be used for any one of the following purposes (a) to introduce into a person's body a drug, marijuana or any controlled substance, (b) to test the strength, effectiveness or purity of a drug, marijuana or any controlled substance, or (c) enhances, or is perceived to enhance, the physiological effect of a drug, marijuana or any controlled substance, is also a violation of this policy.

Violation of this policy, on or off campus, will result in disciplinary action by the University. Those found responsible may face sanctions up to and including consideration of suspension or expulsion, depending on prior disciplinary record and severity of the violation.

Students who reside in University housing facilities, will be subject to immediate contract cancellation if found responsible for any violation of this policy.

Student need to be aware that any student convicted of a state or federal drug violation that occurred while enrolled and while receiving federal financial aid may be declared ineligible for future federal student aid for up to a year. Individuals convicted of both possession and selling may face a longer period of ineligibility.

The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;

⁶² This incorporate current practice and policy outlined at <http://cms.bsu.edu/About/AdministrativeOffices/StudentRights/PoliciesandProcedures/Parental.aspx> and makes it available here for transparency and ease of reference

- the student's alcohol-related behavior negatively impacts the learning environment.⁶³

APPENDIX E - Information Technology Users' Privileges and Responsibilities⁶⁴

1. INTRODUCTION

Information technology plays a crucial role in the delivery of Ball State University's educational mission. In making use of these shared resources, members of the university community have a responsibility to help create an intellectual environment in which students, faculty and staff may feel free to create and collaborate with colleagues both on and off campus without fear that the products of these efforts will be violated by misrepresentation, tampering, illegal access, destruction, or theft. This policy outlines the ethical and acceptable use of information systems and resources at Ball State University as well as the duties and responsibilities incumbent upon everyone who makes use of these resources.

Pages removed....

APPENDIX G – Pet Policy

1. **General⁶⁵** - The pet is any domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership.
2. **University Buildings** - (Except Residence Halls and **Student Family Housing University Apartments⁶⁶**) Written authorization is to be obtained from the appropriate Department Chairperson, Dean or Administrative Head involved before a pet may be brought into University buildings. Such authorization is to state the purpose and duration of the activity involving the pet. The authorization is to be in the possession of the owner or person in control of the pet during the time the pet is in a University building.
3. **Residence Halls** - Pets are not permitted in the residence halls except for marine life in fresh water aquariums.
4. **University Grounds** - Pets are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their owners or others designated by their owners as having responsibility for the control and care of the pet.
5. **Student Family Housing University Apartments** - Pets are not permitted in **Student Family Housing University Apartments** with the exception of marine life in fresh water aquariums and small caged birds.
6. **Enforcement** - Violations of the University Pet Policy will be dealt with in accordance with University rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and **Student Family Housing University Apartments**, will have action taken in accordance with "Conditions of Occupancy" for **Student Family Housing University Apartments**, and "Policies of University Residence Halls" for the Residence Halls.
7. **Limitations** - Provisions of this policy do not apply to **service seeing eye or guide⁶⁷** dogs or to police or K9 dogs while such animals are performing their duties under supervision.

⁶³ This incorporate current practice and policy outlined at <http://cms.bsu.edu/About/AdministrativeOffices/StudentRights/PoliciesandProcedures/Parental.aspx> and makes it available here for transparency and ease of reference.

⁶⁴ Underlining for headings removed in this appendix. Bolded all-caps are sufficient.

⁶⁵ Underlining for headings removed. Bold is sufficient.

⁶⁶ Changed to reflect current name/usage.

⁶⁷ Changed to reflect current/broader term, e.g., some service animals assist with persons with seizures.

8. Additional Laws - This Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

APPENDIX K - Sexual Misconduct Policy

Ball State University defines sexual misconduct as sexual intercourse (anal, oral, or vaginal) or sexual touching (including disrobing or exposure), however slight, with any object, by a man or woman upon a man or a woman, without effective consent.

Effective consent is informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from the use of force, threats, intimidation, or coercion. (Note: this language is adapted from work by Brett Sokolow, JD of the National Council on Higher Education Risk Management.)⁶⁸

In addition, to have sex with someone who you know to be, or should know to be incapable of making a rational, reasonable decision about a sexual situation is a violation of this policy (e.g. an intoxicated person or someone with a mental or emotional impairment).

Ball State University respects and fully endorses the *Sexual Assault Victims Bill of Rights* (www.bsu.edu/studentrights/sexualassaultbillofrights) which provides protection, guidance, and options for complainants of sexual misconduct. This includes such principles as:

- Every complainant will be treated with dignity and respect.
- Every complaint will be taken seriously and thoroughly investigated regardless of the complainant's gender or the gender of the accused.
- The University will assist the complainant in obtaining necessary medical attention and counseling.

The prior sexual histories of any party in a sexual misconduct complaint are inadmissible in University judicial proceedings. The only exception to this rule will be when a party can demonstrate the relevance of past sexual relations between the parties and the issue of consent and/or when the accused wishes to demonstrate physical evidence in the complaint which can be attributed to another party. The University Review Board retains the right to consider these exceptions and their admissibility in closed session.

(Citation: from Brett Sokolow, JD, NCHERM)

⁶⁸ This replaces the deleted language below. Current construction made it unclear what was cited.

APPENDIX N - Use of Property for Expressive Activities Policy

Distribution, Demonstrations, Fund Raising, Marches, Sales, Solicitation, Structures (*Abbreviated Version. For complete, document go to <http://bsu.edu/studentlife/policies>*)

V. Activities Inside BSU Buildings.

A. Distribution/Solicitation/Fund Raising/Sales/Commercial Activity

1. Door to Door Distribution/Solicitation/Fund Raising/Sales/Commercial Activity

- a) This activity is prohibited within BSU offices or residence halls, but is permitted within BSU family housing University Apartments. Activity related to voter registration is not prohibited by this Policy.
- b) Occupants of offices and/or residence hall rooms may invite an individual or organization to the occupant's office or residence hall room for distribution, solicitation, fund raising, sales or other commercial activity within the privacy of the occupant's office or residence hall room.

APPENDIX O- Weapons Policy

Ball State University recognizes the importance of providing a climate which is conducive to the safety of all members of the University community. To aid in the accomplishment of this objective:

- A. Faculty, Professional Personnel, and Staff employees of Ball State University, students, visitors, guests, and all other individuals are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, tool boxes, personal vehicles or other personal property or effects.
- B. The only exceptions to this policy are: (a) firearms in the possession of University police officers and other individuals who have written authorization from the University's Director of Public Safety to carry such weapons; (b) firearms in the possession of sheriffs, police officers, law enforcement officers, and correctional officers, who are duly authorized by law to carry such firearms; (c) equipment, tools devices and materials which are prescribed for use by authorized University employees as a condition of employment or class enrollment; and (d) legal chemicals dispensing devices, such as pepper sprays, that are sold commercially for personal protection.
- C. University property includes all University owned, leased, or otherwise controlled building and lands. University vehicles are covered by this policy at all times whether or not they are on University property.
- D. University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.
- E. For the purposes of this policy, "weapons" include **but are not limited to**⁶⁹ (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tazers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material, and devices that, in the manner they are used could ordinarily be used, or are readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three (3) inches long.), tear gas, chemical substances, brass knuckles, clubs or chains.

⁶⁹ This is intended to capture categories of weapons not yet named or created or inadvertently left from this list but understood by reasonable persons as weapons. Note the "but are not limited to in (c) below.