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## PREFACE

The University of Southern Indiana's vision statement is: USI will be a recognized leader in higher education boldly shaping the future and transforming the lives of our students through exceptional learning and intentional innovation.

Its mission statement is: USI is an engaged learning community committed to exceptional education. We exist to provide an educated citizenry that can engage in a civil manner within a community with divergent ideas and cultural differences. We prepare our students to lead and make positive contributions to our state, their communities, and to be lifetime learners in a diverse and global society.

**University of Southern Indiana students are responsible for knowing the information, policies and procedures outlined in this document. The University of Southern Indiana reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online <https://www.usi.edu/deanofstudents/> for the updated versions of all policies and procedures.**

## University of Southern Indiana – Student Rights and Responsibilities

### SECTION 1: PURPOSE AND APPLICATION

Higher education plays a vital role in developing future leaders by providing students with educational opportunities both in and outside the classroom. As an institution of higher education, the University of Southern Indiana is a learning community dedicated to excellence. All USI students are presented with rights, privileges, and opportunities by choosing to become a part of the USI community.

For USI community members to live and learn in harmony, they must assume responsibility for their actions and respect the rights of others. Students, faculty, staff, and alumni make a commitment to furthering the mission of the University of Southern Indiana.

The University of Southern Indiana expects and requires all its students upon admission to the University to develop, adhere to, and maintain high standards of scholarship and conduct. The *Student Rights and Responsibilities* is the guiding document for USI community standards, and outlines all rights and responsibilities afforded to USI students.

The student conduct process at the University of Southern Indiana is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University/College policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

### SECTION 2: JURISDICTION

Students at the University/College are provided a copy of the *Student Rights and Responsibilities* annually in the form of a link on the University/College website. Hard copies are available in the USI Student Planner. Students are responsible for having read and abiding by the provisions of the *Student Rights and Responsibilities*.

The *Student Rights and Responsibilities* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all USI-affiliated student organizations. For the purposes of student conduct, the USI considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University of Southern Indiana.

The University of Southern Indiana retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University of Southern Indiana may invoke these procedures and should the former student be found responsible, the University of Southern Indiana may revoke that student's degree.

The *Student Rights and Responsibilities* applies to behaviors that take place on the campus, at USI-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation where it appears that the student’s conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University of Southern Indiana;

The *Student Rights and Responsibilities* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. USI does not regularly search for this information but may take action if and when such information is brought to the attention of USI officials. However, most online speech by students not involving USI networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about the University of Southern Indiana or its community members that causes a significant on-campus disruption.

The *Student Rights and Responsibilities* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The *Student Rights and Responsibilities* may also be applied to resident non-students, campers, and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of University of Southern Indiana may seek resolution of violations of the *Student Rights and Responsibilities* committed against them by members of University/College community.

There is no time limit on reporting violations of the *Student Rights and Responsibilities*; however, the longer someone waits to report an offense, the harder it becomes for USI officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University of Southern Indiana’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Dean of Students office, Public Safety or Housing & Residence Life.

University of Southern Indiana email is the USI’s primary means of communication with students. Students are responsible for all communication delivered to their USI email address.

### **SECTION 3: STUDENT RIGHTS AND RESPONSIBILITIES**

The following statement of students’ rights and responsibilities is intended to reflect the base upon which the *Student Rights and Responsibilities* document is built.

### 3.1. Student's Rights

- A student has the right to participate in a free exchange of ideas, and there shall be no University policy that in any way abridges the rights of freedom of speech, expression, petition, and peaceful assembly in accordance with applicable federal, state, and local laws.
- Each student has the right to be free from discrimination, including harassment, on the basis of race, sex, religion, disability, age, national origin, sexual orientation or veteran status.
- A student has the right to personal privacy except as otherwise provided by law and University policy and this will be observed by students and University authorities alike.
- Each student subject to disciplinary action arising from alleged violations of the *Student Rights and Responsibilities* will be assured procedural due process. In conduct proceedings, the student will be guaranteed due process.

### 3.2 Student's Responsibilities

- A student has the responsibility to be fully acquainted with the published *Student Rights and Responsibilities* in its entirety and to comply with the policies as well as all federal, state, and local laws.
- A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.
- A student has the responsibility to recognize the University's obligation to provide an environment conducive to learning.

### 3.3 Student's Relation to University Community

The University of Southern Indiana, 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:

- To provide opportunities for students of the University to present and debate public issues.
- To require persons on University-owned or controlled property to present appropriate identification.
- 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.
- To restrict students of the University from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving registered student and faculty groups as provided for in policies governing use of the campus facilities and fund-raising activities.
- To provide, for registered student groups of the University, the use of campus facilities under the policies of the campus.

### 3.4 Student's Relation to External Community

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, conflicts between students and other community members may result. Such conflicts are destructive to relationships in the community and detrimental to the image of the University, as well as to the reputation of the student body.

### 3.5 Student Employee Responsibilities

When students commit acts that potentially violate this Code while in their capacities as student employees, the University reserves the right to review those potential conflicts with these standards. When viewed as appropriate, the University may pursue resolution of those conflicts under this Code in addition to any other personnel actions that may be taken against the students as employees.

\*The Dean of Students or his/her designee reserves the right to notify University employers of a student employee's disciplinary record. Further action may be warranted at the discretion of the employer.

## SECTION 4: VIOLATIONS OF THE LAW

Alleged violations of federal, state, and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the University of Southern Indiana has jurisdiction, the USI conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The University of Southern Indiana reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined below, on p.30). Interim suspensions are imposed until a hearing can be held, typically within two weeks. **Within that time, the suspended student may request an immediate hearing from the Dean of Students to show cause why the interim suspension should be lifted.** This hearing may resolve the allegation or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the University of Southern Indiana may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, USI will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed.

## SECTION 5: ACADEMIC INTEGRITY

### 5.1 Academic Integrity

The University of Southern Indiana is an engaged learning community advancing education and knowledge, enhancing civic and cultural awareness, and fostering partnerships through comprehensive outreach programs. The campus is dedicated to a culture of civility among students, faculty, and staff. Academic integrity is vital to the campus mission and culture. The academic integrity statement serves as an educational tool, defining academic integrity, violations of academic integrity, outlining sanctions for violations and administration of academic integrity policy.

Academic Integrity:

- Demonstrates respect for all students' right to a safe, quality learning environment
- Does not interfere with others' educational goals
- Promotes professional and ethical behaviors of all majors
- Appropriately cites others ideas, writings and/or work
- Prohibits unapproved assistance with all academic endeavors which includes but is not limited to tests, writing, research, analysis, interpretation

Academic Integrity ensures:

- Fairness to students
- All students have the same opportunities
- Everyone receives appropriate credit for their work
- Academic honor
- A culture of civility

Failure to uphold academic integrity:

- Diminishes degree value
- Threatens the credibility of the institution and students

The benchmarks of any great university are high academic standards and academic integrity. Academic integrity is the hallmark of truth and honesty in an engaged university community. Students have the right and responsibility to pursue their educational goals with academic integrity. All members of the University are accountable for their actions in maintaining high standards of academic integrity. Students are responsible for completing academic requirements without action and/or material that violate academic integrity.

## **5.1 Violations of Academic Integrity**

### **5.1.A Cheating**

Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise.

Examples of cheating include, but are not limited to:

- Using external assistance during any examination unless the instructor has specifically authorized such assistance. Examples of external assistance include but are not limited to: books, calculators, notes, formula lists, cues on a computer, photographs, cell phones, symbolic representation, and electronic devices.
- Copying from another student's work. Examples include, but are not limited to: a test, paper, project, product, performance or electronic document of file.
- Completing assignments for someone or having someone complete an assignment for them
- Taking a test for someone
- Having someone take a test for them
- Submitting the same academic work more than once without permission from all instructors who may be involved.
- Obtaining a copy of an examination from an unauthorized source
- Submitting another's works as their own, using commercial term-paper companies, and/ or past papers

### **5.1.B. Interference**

Interference is behavior that detracts from a safe, quality learning environment of others educational goals.

Examples of interference include, but are not limited to:

- Disruptive classroom behavior
- Disrespectful classroom behavior
- Failure to comply with instructor instructions

### **5.1.C. Fabrication**

Fabrication is creating something for the purpose of deception.

Examples of fabrication include, but are not limited to:

- Creating false citations
- Falsifying research, lab, clinical activities, data, or source material

### **5.1.D. Plagiarism**

Plagiarism is using the work and/or ideas of another person as if it is your own.

Examples of plagiarism include, but are not limited to:

- Quoting another person's actual work without appropriate citation
- Using another person's ideas, opinion, or theory without appropriate acknowledgment
- Using facts, statistics, or other illustrative material without appropriate citation

### **5.1.E. Academic Sabotage**

Academic sabotage is intentional impediment of others academic progress.

Examples of academic sabotage include, but are not limited to:

- Destroying another's work
- Impeding another from completing their work
- Removing books, papers, journals and/or electronic devices from a student or the University
- Changing other students data, papers, results and/or assignments
- Defacing resources

#### **5.1.F. Facilitating Academic Dishonesty**

Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another commit an act of academic dishonesty.

Examples of facilitating academic dishonesty include, but are not limited to:

- Allowing another to copy assignments, papers, examination answers, lab results
- Providing copies of unauthorized examinations
- Providing copies of papers, examinations, lab results
- Developing methods for exchanging information during an examination

#### **5.1.G. Violation of research or professional ethics**

Violations in this category include professional ethical codes, University code of conduct, ethical research protocol and/or any professional standard communication by a professor or program.

Examples of violations of research or professional ethics and/ or standards include, but are not limited to:

- Violation of professional ethical codes of behavior or professional standards
- Conducting research without completing University procedures
- Violation of HIPAA
- Misuse of funding
- Misuse of positions, such as teaching assistant, graduate assistant, or student worker

#### **5.1.H Violations Involving Potentially Criminal Activity**

Violations in this category include actions such as theft, fraud, forgery and/or distribution of unauthorized materials.

Examples of violations include, but are not limited to:

- Stealing material, including electronic files
- Forging any University documents such as grade change forms
- Falsifying transcripts or grades
- Selling stolen materials
- Violating state and federal regulations governing a profession

#### **5.1.I. Repeated Academic Integrity Violations**

Students found responsible of multiple Academic Integrity related violations may be referred to the appropriate College dean's office for further action. Being found responsible of multiple Academic Integrity violations may result in disciplinary probation, removal from the academic program, removal from the college and/or expulsion from the University.

### **5.2 Student Rights and Due Process in the Academic Integrity Process**

#### **5.2.A. Violation of Policy**

A student is considered to have violated the *Academic Integrity Policy* when the student:

- Admits to his/her responsibility for a violation; or
- Is found responsible for one or more provisions of the



### **5.2.B. Informal Resolution**

The first step of any resolution should be at the lowest unit level between the student and the faculty member involved or the appropriate administrator. The faculty member involved or appropriate administrator should meet with the student to discuss the alleged violation. In the event an informal resolution is reached, the faculty will notify the appropriate college administrator (typically an associate or assistant dean) of the violation and the outcome and provide documentation. The college administrator will create an academic integrity conduct case file and send an official informal resolution letter to the student recapping the charge and the outcome. The student will have five (5) University business days after receipt of the letter to request a formal resolution if they do not agree with outcome of the informal resolution.

### **5.2.C. Formal Resolution**

If the student and faculty member or administrator are not able to reach an informal resolution or if the student requests a formal resolution within five (5) University business days of the receipt of the letter, the faculty member or administrator should notify the appropriate college administrator (typically an associate or assistant dean) who will send a formal charge letter to the student.

### **5.2.D. Presentation of Information Relevant to the Complaint Resolution Process**

Charged students and complainants will be given every reasonable opportunity to present their information, including questions and presentation of additional testimony, during the complaint resolution proceedings. Students have the right against self-incrimination.

### **5.2.E. Standard of Proof**

The standard of proof will be “more likely than not” University policy has been violated. That proof need only show that the facts are more likely to be so than not so. Evidence, when considered and compared with that opposed to it, has more convincing force and produces in the hearing body’s mind the belief that what is sought is more likely true than not true (Journal of College and University Law).

### **5.2.F. University Advisor**

The student and the complainant each have the right to an advisor. The student’s advisor must be a member of the University community—student, faculty, administrator, staff, coach, recognized University affiliate, etc. The role of the advisor is to provide support and to assist in preparing for the hearing. Since the complaint resolution process is not a civil or criminal court hearing, the advisor’s role is not that of an attorney representing you. This person may not address the hearing officer or hearing board or ask questions of any witnesses. For assistance in securing an advisor, contact the provost’s office.

### **5.2.G Witnesses**

Witnesses, including the student accused of violating policy, are permitted in all complaint resolution proceedings. Witnesses may present information on behalf of the student or the complainant. It is the responsibility of the student or the complainant to secure their witnesses or witness statements. Witnesses may be questioned by the hearing administrator or hearing board members, by the complainant and by the student. Witness(es) will be asked to provide information concerning only the violation(s) being adjudicated. Since the complaint resolution process does not have the authority to subpoena, witness statements may be submitted in place of having witness(es) present during the hearing.

#### **3.3.8 Academic Integrity Process Environment**

All hearings are closed to the public. Only individuals involved in the situation may be present. Involved individuals may include:

- Hearing officer and/or hearing board members
- Student accused of violating University policy
- Advisor
- Complainant
- Witnesses\*

\*Witnesses will remain only for the duration of their own testimony.

#### **5.2.H. Notification**

Generally, within ten (10) working days of receipt of the complaint, the associate or assistant dean will notify the charged student. This notification will include:

- The nature of the alleged inappropriate behavior.
- The date, time, and place of the alleged inappropriate behavior.
- The source of the complaint.
- A summary of information to be presented.
- The date, time, and place of the hearing.
- A description of the preservation and the release of information from the conduct record; and
- A notice that a decision will be made in the student's absence if the student chooses not to appear at the hearing, and failure to appear will be considered in reaching a decision whether the behavior code has been violated.

### **5.3 Academic Integrity Resolution Procedures**

#### **5.3.A. Academic Integrity Authority**

The provost's office is charged with the development and administration of the University of Southern Indiana academic integrity process. Under the supervision of the provost's office, the following individuals will be charged with the execution of academic integrity proceedings:

- Associate Provost for Academic Affairs
- Director of Graduate Studies
- Academic Deans
- Associate and Assistant Academic Deans
- Department Chairs

#### **5.3.B. University Hearing Board**

These individuals are appointed and trained by the dean of students to hear cases involving student conduct or academic integrity. When the University hearing board is convened, the dean of students/ associate provost of academic affairs or his/her designee will comprise the board by members of the University hearing board pool:

- Students residing in University housing
- Students who live off campus
- Undergraduate students
- Graduate students
- Undergraduate faculty members
- Graduate faculty members
- Administrative staff members

#### **5.3.C. Academic Integrity Process**

In cases involving potential dismissal from an academic program or suspension or expulsion from the University, the student may request a hearing before the University Hearing Board (see 3.5.2).

Most complaints are resolved via the administrative hearing process. An administrative hearing involves the student, the hearing officer (typically the department chair), and any other individuals necessary to determine whether the student is responsible for a violation of University policy. Advantages of an administrative hearing include a more timely resolution of the conflict and the involvement of fewer individuals.

An administrative hearing also may become necessary for those times when the full University hearing board is unable to meet. In such instances where the University hearing board would normally be convened, the associate provost for academic affairs or his/her designee will conduct the administrative hearing.

### **5.3.D. Administrative Hearing Process**

- Students will meet with a department chair. Members of the University hearing board will not conduct administrative hearings.
- Student rights will be reviewed by the hearing officer with the student.
- Charges will be reviewed with the student. At this time, students can indicate whether they believe they are responsible for the policy violation(s) or not responsible for the policy violation(s).
- A student will be given the opportunity to present his/her version of events to the hearing officer and respond to any of the materials associated with the violation.
- The hearing officer may ask questions of the student and any witnesses.
- The hearing officer will deliberate over the information and will make every attempt to reach a decision within five (5) business days from the date of the meeting as to whether or not the student is responsible or not responsible for the violation(s).
- The student will be notified of the outcome in writing. Any sanctions associated with the outcome will be included in the written notification.
- The appeals process will be outlined and included in the notification of outcome.

### **5.2.F. University Hearing Board Procedures**

- A student will meet with the University hearing board.
- Student rights will be reviewed by the hearing officer with the student.
- Charges will be reviewed with the student. At this time, the student can confirm whether he/she pleads responsible for the policy violation(s) or not responsible for the policy violation(s).
- The University representative bringing charges against the student will present his/her testimony to the University hearing board.
- The student will be given the opportunity to respond to the charges and to present materials associated with the violation.
- The University representative and accused student shall have the opportunity to present witnesses/witness statements to the University hearing board.
- The University representative and accused student may ask questions of the witnesses through the chair of the University hearing board.
- The University hearing board members may ask questions of the witnesses, the student, and the University representative.
- The University representative and accused student may summarize evidence and testimony through closing statements.
- The University hearing board will deliberate over the information and reach a decision generally within five (5) business days as to whether or not the student is responsible or not responsible for the violation(s). Decisions will be made by a majority vote of the University hearing board.
- Students will be notified of the outcome in writing by the chairperson of the board. Any sanctions associated with the outcome will be included in the written notification. Additionally, the appeals process will be outlined and included in this notification.

### **5.3.I. Conflict of Interest**

No member of the hearing board or no hearing officer who has a conflicting interest in a particular case may conduct an academic integrity hearing for said situation. Hearing board members and hearing officers with conflicting interests must recuse themselves from the proceedings. Either the student or the complainant may challenge a member of the hearing board or a hearing officer in writing with the provost's office.

### **5.3.J. Findings**

A hearing officer or the University hearing board will reach one of the following findings at the conclusion of the hearing:

- **Charges Dropped:** If the alleged conflicts prove to be unfounded, no action will be taken against the student. All written materials will be retained for a minimum of seven years and then destroyed.

- Not Responsible: The finding of the facts of the case found that it was NOT “more likely than not” that the student was responsible for the violation(s). No action will be taken against the student. All written materials pertaining to that charge will be retained for one year and then destroyed.
- Responsible: The finding of the facts of the case found that it was “more likely than not” that the student was responsible for the violation(s). Sanctions, restrictions, and/or stipulations can be imposed (see 3.7). All written materials will be retained for a minimum of seven years and then destroyed, except in the case of suspension or expulsion and/or at the discretion of the dean of students, which becomes a matter of permanent record.

### 5.3.K. Levels of Violations and Sanctions

A violation of academic integrity is a serious offense subject to sanction. The University of Southern Indiana classifies violations into three levels. Classification of violations depends upon several factors, such as premeditation/ planning, dishonest or malicious intent, first- time violation/ multiple violations, the academic experience, and the assignment. The classification of violations examines offenses in the context of the situation, facts, and evidence. Therefore, academic integrity violations committed by

Severity of offense	Examples	Possible Sanctions
Level I	<ul style="list-style-type: none"> <li>• Small portion of work not cited</li> <li>• Unauthorized assistance/collaboration on assignments</li> <li>• Disruptive classroom behaviors</li> <li>• First violation</li> </ul>	<ul style="list-style-type: none"> <li>• Failing the assignment</li> <li>• Educational activity</li> <li>• Rewriting the assignment for partial credit</li> <li>• Removal from the class</li> </ul>
Level II	<ul style="list-style-type: none"> <li>• Plagiarism</li> <li>• Using unauthorized devices or material on exams</li> <li>• Facilitating dishonesty</li> </ul>	<ul style="list-style-type: none"> <li>• Failing the assignment</li> <li>• Failing the class</li> <li>• Dismissal from the program</li> </ul>
Level III	<ul style="list-style-type: none"> <li>• Falsifying data</li> <li>• Violating research and/or professional ethics or standards</li> <li>• Criminal activities</li> <li>• Destroying or obstructing another student’s</li> </ul>	<ul style="list-style-type: none"> <li>• Dismissal from the program</li> <li>• Academic probation</li> <li>• Expulsion from the institution</li> </ul>

Graduate students often are more severely penalized than the same violation committed by an inexperienced undergraduate student. Violation of academic integrity, even a first offense, places the student in jeopardy of the most severe form of sanction—expulsion from the University.

### 5.3.L. Appeals

Students found responsible for a violation of the Academic Integrity Policy may appeal. An appeal from any decision, either administrative hearing or University hearing board, must be made in writing within two (2) business days following the date the hearing record notification is assigned and notice is received by the student. The University Disciplinary Appeal Form can be found at [USI.edu/deanofstudents/code](http://USI.edu/deanofstudents/code).

### 5.3.M. Format of Appeal

An appeal shall be written and contain the student’s name, the date of the decision or action, and the reason(s) for the appeal. The appeal letter must specify in detail one or more of the following bases for appeal:

- Student’s rights were violated as a result of failure of due process (specify right believed to have been violated),
- Decision is arbitrary (no basis in University policy for decision) or capricious manner
- (the finding is against the substantial weight of the evidence),
- Significant new evidence is available that could change the outcome, and/or
- The appropriateness of the sanction is inconsistent with University community standards.

### **5.3.N. Appellate**

The dean of the College in which the alleged violation occurred will review appeals.

### **5.3.O. Appeal Process**

The appellate officer will review the written letter of appeal from the student and determine if one of the basis for appeal is present. If it is, a consideration of the appeal will be granted. The appellate officer shall review:

- The response from the hearing officer/body.
- Materials presented at the original hearing, and if available the recorded transcript of the hearing.

Appeals shall be decided upon the record of the original proceedings and upon the written briefs submitted by the parties. Decisions of the hearing bodies will be given great deference by the appellate decision maker. After reviewing these materials, the appellate officer may decide to do one of the following:

- Affirm the finding and the sanction imposed.
- If specified errors occurred, remand to the original decision makers to reverse the error, change the procedures, consider new evidence that could not have been discovered by a properly diligent accused before or during the original hearing, substitute new adjudicators, or otherwise repair the grounds that gave rise to the appeal.
- Affirm the finding and reduce, but not eliminate or increase the sanction if found to be grossly disproportionate to the offense
- Cases may only be dismissed if the finding is held to be arbitrary and capricious.

A crucial point in the appeals process is the shifting of the burden of proof. At the initial hearing, the burden of proof lies with the complainant. Once there is a finding of responsibility, the burden shifts to the petitioner. The decision on the appeal will generally be made within ten (10) business days of receipt of the appeal but may take longer during University recesses or in the event of complex cases.

### **5.3.P. Provost Review**

If the dean upholds the original decision, the appellant may request that the dean's decision be reviewed by the provost or his/her designee if the outcome is dismissal from an academic program or suspension or expulsion from the University. Persons wishing to pursue this review must submit a request in writing to the provost's office within ten (10) business days after the date of receiving written notice of the dean's appeal decision. Upon receipt of this written request from the appellant, the provost's office will request the complete file of the complaint and the dean's appeal evaluation.

The provost or his/her designee will review all documentation and evidence that was used in support of both the original complaint outcome and the appeal decision. The provost or his/her designee will have the option to uphold the prior decision all or in part, to overturn and reverse the decision all or in part, or to refer all or part back to the department chair with recommendations for further action. Within ten (10) business days after receiving the request for review, the provost or his/her designee will notify the student of the outcome.

## **SECTION 6: THE RULES**

### **Behavioral Expectations**

The University of Southern Indiana considers the behavior described in the following sub-sections as inappropriate for the University of Southern Indiana community. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, or professional. The University of Southern Indiana encourages community members to report to USI officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

## **6.1. Alcoholic Beverages and/or Drug/Controlled Substance Use**

### **6.1.A. Alcoholic Beverages on USI Property**

The manufacture, sale, transfer, purchase, transportation, possession, or consumption of an alcoholic beverage anywhere on University-owned or -controlled property (including University-owned or -leased vehicles, regardless of location), or as a part of any "University Activity" as that term is defined by the University; for alcoholic beverages, is prohibited by the University; exceptions are granted by the president or his/her designee.

### **6.1.B. Alcoholic Beverages at Student Organization Events**

Recognized USI student organizations planning events where alcoholic beverages may be served must adhere to the guidelines established by the University.

### **6.1.C. Behavior While Under the Influence of Alcoholic Beverages and/or Other Drugs/Controlled Substances**

Being under the influence of alcoholic beverages is a violation of this code when a person is on University-owned or controlled property (including University-owned or leased vehicles, regardless of location), or as a part of any "University Activity" as that term is defined by the University, and the person: 1) endangers, or may endanger, the safety of others, property, or themselves; or 2) causes a disturbance.

### **6.1.D. Contributing to the Delinquency of a Minor**

Contributing to the delinquency of a minor is prohibited. This includes, but is not limited to, purchasing alcoholic beverages for a minor, giving alcoholic beverages to a minor, encouraging a minor to drink alcoholic beverages, etc.

### **6.1.E. Alcohol or alcohol-like games**

No activity shall encourage excessive or rapid consumption of alcoholic beverages, nor should any activity mock these. This includes but is not limited to: drinking contests and drinking games (such as beer pong, beer bong, or any games associated with high-risk behavior).

### **6.1.F. Parties**

Using an on-campus apartment/suite (or allowing others to use it) for alcohol parties is prohibited.

### **6.1.G. Alcohol advertising**

Public advertisements of alcohol products are prohibited as decoration in campus housing.

### **6.1.H. Alcohol containers and alcohol paraphernalia**

Alcohol containers are prohibited. This includes but is not limited to containers kept as decoration, any paraphernalia and any bottles, cans, or boxes in the apartment/suite.

### **6.1.I. Driving Under the Influence of Alcohol and/or Other Drugs/Controlled Substances**

Driving while under the influence of alcoholic beverages or illicit drugs/controlled substances on University-owned or controlled property (including University-owned or leased vehicles, regardless of location), or as a part of any "University Activity" as that term is defined by the University is prohibited.

### **6.1.J. Drug/Controlled Substance Related Violations**

Being under the influence, possessing, manufacturing, exchanging, distributing, purchasing, using, selling or emanating the scent of illegal drugs or any controlled substance, including marijuana, synthetic cannabinoids, designer drugs, abuse of over-the-counter drugs, inhalants, prescription drugs, etc., except pursuant to a physician's/ dentist's prescription, or possessing paraphernalia for drug use on University-owned or controlled property (including University owned or leased vehicles, regardless of location), or as a part of any "University Activity" as that term is defined by the University is prohibited.

6.1.J.a Being in the presence of drugs/controlled substance(s)

6.1.J.b Possession of drugs/controlled substance(s)

- 6.1.J.c Possession of drug/controlled substance paraphernalia
- 6.1.J.d Use of drugs/controlled substance(s)
- 6.1.J.e Purchase of drugs/controlled substance(s)
- 6.1.J.h Possession and or use of prescription drugs without document prescription
- 6.1.J.i Manufacturing of drugs/controlled substance(s)
- 6.1.J.j Distribution and/or sale and/or delivery of drugs/controlled substance(s)
- 6.1.J.k Emanating the scent of marijuana

**6.1.K. Drug advertising**

Public advertisements of drugs are prohibited as decoration in campus housing.

**6.2 Aggressive or Abusive Behavior/Physical or Verbal**

**6.2. A. Physical Violence/Abuse**

Physical violence/abuse is prohibited and includes but is not limited to unauthorized touching, use of physical force, violence or intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person.

**6.2.B. Threatening or Intimidating Behavior**

Behavior that involves an expressed or implied threat, which includes, but is not limited to the use of words verbal, written or electronic (Facebook, Instagram, Twitter, etc.) inherently likely to provide an immediate violent reaction when directed toward a specific individual, or any behavior that has the purpose or reasonably foreseeable effect of creating a hostile environment by, but not limited to, interfering with another individual's personal safety, safety of property, academic efforts, employment or participation in University-sponsored activities and causes that person to have a reasonable apprehension that such harm is about to occur, is prohibited.

**6.2.C. Hazing**

Hazing is a broad term encompassing any action or activity that inflicts or intends to cause physical or mental harm or anxieties; that may demean, degrade, or disgrace any person, regardless of location, intent, or consent of participants. Hazing also can be defined as any action or situation, on or off campus premises, that intentionally or unintentionally endangers a student for admission into or affiliation with a student organization, team, or group.

Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games, or stunts; and harassment, ridicule or other activities prohibited by law or University policy.

Hazing in any form is prohibited by the University and state law. It is the responsibility of the organization, team, and its leadership in conjunction with the advisor, coach and, where appropriate, (inter)national organization, to protect its new members, associate members, members, or other persons associated with the organization from any hazing ceremony, activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni, or other associates. The University or prospective group members may file a complaint of hazing against all parties as individuals and/or against the group or organization. In addition, individuals and/or groups also may be subject to criminal and/or civil liability outside the jurisdiction of the University.

**6.3 Animals**

6.3.A. Animals, defined as domesticated pets, may be brought on campus under the following conditions:

- The animal is part of a classroom demonstration that has been approved by faculty. In such cases, the animal should be brought on campus immediately before the class and removed from campus immediately after class. The animal must be on a leash or in a carrying case when in transit.

- The animal is a “service animal” as defined by current Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and State of Indiana regulations. Under these laws, a “service animal” is defined as an animal that is specifically trained to do work or perform tasks for the benefit of an individual with a physical, sensory, psychiatric/mental, or intellectual disability; and the work or tasks performed by the animal must be directly related to the individual’s disability.

Animals that only provide crime deterrent effects, emotional support, wellbeing, comfort, or companionship do not fall under the legal definition of “service animal.” The University reserves the right at any time to ask if the animal is required because of a disability and what specific work or task the animal has been trained to perform. The University also reserves the right to request that the animal be removed from the property if it does not meet the legal definition of service animal if the handler fails to keep it under appropriate control or if it is not housebroken. An animal meeting the complete and proper definition of “service animal” will otherwise be permitted anywhere on campus that is typically open to students and visitors.

- With permission of the president or his/her designee.
- Animals other than “service animals” may be exercised on exterior areas of campus as long as they are on a leash and are not taken to any areas where an active program or event is occurring.
- In all cases it is the responsibility of the individual(s) bringing any animal to any University owned or controlled property to be aware of state and local immunization and licensing requirements, to fully comply with those requirements and to assume any and all liability associated with failure to do so. Such individuals are responsible for cleaning up after their animal, for maintaining humane control of the animal at all times and are financially responsible for any damage that the animal may cause to University property or injuries caused to other individuals.

Student’s residing in University residence halls or apartments may keep animals in their residences only under the following conditions:

- Non-predatory tropical fish are allowed as long as they are well maintained and kept in aquariums holding no more than 20 gallons of water.
- The animal meets the current definition of a “service/ assistance animal” as defined by state and federal law and best practices that specifically apply to University housing and residential services for individuals with disabilities. A student may keep a service/assistance animal in his or her dwelling unit on campus as a reasonable accommodation only if the student fully complies with all procedures and responsibilities as described below.

### **6.3.B. Service/Assistance Animals for Residents with Disabilities**

As part of the University’s commitment to comply with state and federal law and best practices that specifically apply to University housing and residential services for individuals with disabilities, Housing and Residence Life permits the use of service/assistance animals in University residence halls or apartments on a case-by-case basis, on the conditions described under this section.

### **6.3.C. Request to House Service/Assistance Animal**

- A resident student who wishes to use a service/assistance animal in campus housing must notify Disability Resources no later than sixty (60) days prior to the date prospective housing will be needed. Exceptions to this deadline can be made on a case-by-case basis for those students who are experiencing an unexpected change in their disability status and/or treatment needs.
- A student with a disability who requests to live with a service/assistance animal in University housing will first be evaluated by Disability Resources as to whether their animal meets the definition for a “service animal” under the American with Disabilities Act (ADA) as described in the animal policy above. If the animal does meet that



definition, no further documentation will be required for the animal to be approved to accompany the student in University housing. If the animal does not meet the ADA definition of a service animal, students will then be asked to provide Disability Resources with documentation from the student's healthcare or mental health provider that clearly documents the following through criteria as established by the Fair Housing Act (FHA): must first provide Disability Resources with documentation from the students healthcare or mental health provider that clearly documents the following three (3) criteria:

1. That the student has a disability
2. That the animal is necessary to afford the student an equal opportunity to use and enjoy his/her University residence hall or apartment; and
3. That there is an identifiable relationship or nexus between the disability and the assistance the animal provides.  
*\*The documentation should be on the health care or mental health provider's letterhead and signed by the provider in her or his own hand.*

- Upon reviewing the student's documentation, Disability Resources will advise Housing and Residence Life of the student's request and a conclusion as to whether the documentation warrants approval of a service/assistance animal in campus housing and whether the animal is approved under ADA or FHA regulations. The University recognizes that a wide variety of domesticated animals may be appropriate for use as an emotional support animal and has no standing prohibition against any specific breed or type or animal. However, the University does reserve the right to conduct an individualized assessment before allowing the use of any specific individual animal in campus housing that it believes may present a danger to the health and safety of the University community or to the animal itself. In cases where an individual animal is determined to be inappropriate for campus housing for health and safety reasons, that student will have an opportunity to select a different animal for use as an emotional support animal.

#### **6.3.D. Animal Behavior**

If the animal has a history of dangerous behavior it will not be permitted to reside in campus housing. Once approved by the University, a service/assistance animal may continue to reside in a University residence hall or apartment provided that its behavior, noise, odor, and waste do not create unreasonable disruptions for residents. The University reserves the right to temporarily or permanently exclude a service/assistance animal from University residence halls or apartments if effective action is not taken to control the animal at all times, if the animal's presence would result in substantial physical damage to the property of others (unless it can be eliminated or reduced by a reasonable accommodation), if the animal's behavior poses a direct threat to the health or safety of others or if the animal's behavior otherwise creates a significant disruption to the environment or operations of the University. Should the animal be permanently removed from the premises, the owner may request permission from Housing and Residence Life to move out of University housing by following the contract release process. Damage to University property caused by a service/assistance animal will be charged to the student's account. No deposit is required to house an approved service/assistance animal in university housing.

#### **6.3.E. Notifications**

The University is committed to respecting and protecting the confidentiality of all students with disabilities. However, given the number of staff persons who are responsible for operating and maintain campus housing, Housing and Residence Life does share limited information about the presence of a service/assistance animal with University staff on a need-to-know basis. Students with an approved service/assistance animal in University housing will be asked to sign an "Authorization to Release Information" form and will in turn be provided with a description of the staff/departments that received notification about the presence of an approved service/assistance animal. Notifications may be sent to staff by email or by written memorandum, and will follow the general format of the sample notification below:

"This message serves as notification that in compliance with state and federal law and best practices concerning individuals with disabilities (student's name) who lives in (address) is permitted to possess a service/assistance animal in campus housing for (semester and year). As such, the student has a (animal type) in the unit. This information is confidential and is being shared with you because you have a need-to-know based on your

potential interaction with this student and your responsibility for their living unit in the normal course of your duties or because you supervise an area that includes this student's living unit. This information must not be shared with others without first consulting with the sender of this message." It will be the responsibility of students with approved service/assistance animals in campus housing to notify actual or potential roommates that an animal will be residing in that living unit. Such notifications should occur as soon as possible to ensure that the other students will have a reasonable opportunity to make other arrangements and/or to express their concerns to Housing and Residence Life as described below.

#### **6.3.F. Conflicting Disability or Other Concerns of Those Sharing a Housing Unit**

Some people may have conditions such as animal-related allergic reactions or phobias that are substantial enough to qualify as disabilities that qualify for accommodations, or there may be other concerns related to the presence of an animal in campus housing. In these circumstances, Housing and Residence Life will consider the needs of both persons and will make a good faith effort to reasonably accommodate all disabilities and student concerns to the extent that circumstances permit. Such accommodations may include, but not be limited to, relocation to another unit (depending on availability), exchanging living units with another student (depending on the availability of other students willing to make such an exchange) or being released from a campus housing contract with no financial penalty. Students who become aware of the presence of a service/assistance animal in University housing and who believe that they will require such accommodations are encouraged to contact Housing and Residence Life as soon as possible. Depending on the circumstances, the student may be referred to Disability Resources for a determination of the existence of a disability that requires an accommodation.

#### **Student's Responsibilities**

##### **6.3.G. Control of the Animal**

- The service/assistance animal must be under the control and supervision of the student at all times within the student's residence hall or apartment. Service/assistance animals may be "exercised" on the exterior grounds as long as they are under the control of the student at all times. Service/assistance animals may not remain in the residence hall or apartment without the student unless the animal is appropriately secured in the bedroom (caged or crated) during the student's absence. Students who are leaving campus for a period exceeding twelve (12) consecutive hours must make prior arrangements to take the animal with them or to board it off-campus for the duration of their absence.
- While not required, students with service/assistance animals in campus housing are strongly encouraged to identify a back-up handler who will care for the animal in case of an emergency, and to provide that person's name and contact information to Housing and Residence Life. If an emergency situation will result in the animal being under the care of the back-up handler for longer than twelve (12) consecutive hours, Housing and Residence Life must be contacted as soon as possible. Emergency situations involving students who have service/assistance animals in campus housing will be dealt with on a case-by-case basis.
- Animals may be "exercised" on exterior areas of campus as long as they are under the control and supervision of the student at all times. However, only animals that also meet the complete and proper federal and state definitions of "service animal" as described below may be taken to the University residence hall or apartment of other students, or to other areas of campus where programs or services are provided (e.g., food service areas, convenience store, classrooms, outside programs/activities, etc.) outside of the student's own residence.
- The animal is a "service animal" as defined by current Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and State of Indiana regulations if that animal is specifically trained to do work or perform tasks for the benefit of an individual with a physical, sensory, psychiatric/mental, or intellectual disability; and the work or tasks performed by the animal must be directly related to the individual's disability. Animals that only provide crime deterrent effects, emotional support, wellbeing, comfort, or companionship do not fall under the legal definition of "service animal." Per ADA regulations, the University reserves the right at any time to ask if the animal is required because of a disability and what specific work or task the animal has been trained to perform. The University also reserves the right to request that the animal be removed from the

property if it does not meet the legal definition of “service animal,” if the handler fails to keep it under appropriate control, or if it is not housebroken.

#### **6.3.I. Care and Cleaning of the Animal**

- The student is responsible for making sure that reasonable sanitary standards are maintained everywhere the animal is present.
- The student is responsible for promptly picking up and properly disposing of all animal waste by immediately disposing of the waste in outdoor dumpsters. Animal waste is not to be disposed of in indoor trash receptacles.
- The student is responsible for feeding and watering the animal within all living areas. If the service/assistance animal vomits or becomes incontinent, it is the responsibility of the student to clean waste immediately. Service/assistance animals should be kept clean and free from odor at all times.
- The student is responsible for providing the service/assistance animal with appropriate veterinary medical care on both an ongoing and an emergency basis.
- The student is responsible for being knowledgeable of state and local immunization and licensing requirements for their service/assistance animal and for fully complying with those requirements.

#### **6.3.J. Community Living**

The student is responsible for assuring that the service/assistance animal does not interfere with the routine activities of University residence halls or apartments. Sensitivity to residents and staff with allergies or to those who fear animals is an important consideration for the student in order to ensure a community environment that supports the individual needs of all who reside and work at the University of Southern Indiana. It also is important for students with approved service/assistance animals in campus housing to notify actual or potential roommates as soon as possible that an animal will be residing in that living unit so that affected students will have a reasonable opportunity to make other arrangements and/or to express their concerns to Housing and Residence Life.

### **6.4 Attempts to Commit and/or Complicity in Prohibited Acts**

Attempts to commit acts prohibited by the standards of this Code of Student Behavior may be sanctioned to the same extent as if one had committed the prohibited acts.

### **6.5 Bad Debts/Financial Responsibility**

#### **6.5.A. Payment**

All students must pay in full any debts to USI, including but not limited to tuition/fees, room and board charges, long distance telephone bills and any fines or tickets. Any failure to meet these obligations may result in a denial of registration or graduation privileges, denial of occupancy and/or continued occupancy of any University housing accommodation or a refusal to forward an official transcript.

#### **6.5.B. Financial Aid Misuse/Abuse**

Misusing financial aid through fraud or abuse is prohibited.

#### **6.5.C. Student Organization/Individual Debt**

USI bears no responsibility for the financial obligations of individual students or student organizations. Any debts incurred, either on or off campus by students or student groups, will be the responsibility of the student or the organization and its leadership. In the event an organization dissolves and is no longer in existence, the individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

## **6.6 Community Standards**

### **6.6. A. Responsibility to Others**

A student has a responsibility to ensure the wellbeing of their guests and fellow students. If an individual needs emergency medical attention, the student is required to call an ambulance or other appropriate emergency response personnel (University public safety, ambulance, police, fire, etc.) to gain that assistance. If a student fails to carry out this responsibility, the student may be subject to severe University sanctions and may potentially be subject to additional civil and/or criminal liability.

Students are expected to do one or more of the following when in the presence of a potential code violation:

- a) personally, confront the violation;
- b) bring the violation to the awareness of a staff member;
- c) leave the scene of the violation, if not responsible for the space in which the violation is occurring.

Students commit to abide by the USI Creed.

I will practice personal and academic integrity; I will reject and confront all manifestations of discrimination while striving to learn from differences in people, ideas, and opinions; I will demonstrate concern for others, their feelings, their property, and their need for conditions which support their work and development; Allegiance to these ideals requires that I refrain from and discourage behaviors which threaten the freedom and respect every individual deserves.

### **6.6.B. Medical Amnesty**

The University recognizes the Senate Enrolled Act. No. 274 amendment to the Indiana Code, effective July 1, 2012, which outlines when a person who meets the criteria of the act, is immune from criminal prosecution. When a student is intoxicated or under the influence of drugs/controlled substances and seeks medical assistance, s/he may be granted amnesty from formal disciplinary action by the University for violating alcoholic beverage or drug/controlled substance policies. Upon receiving a report that a student needs medical assistance, University personnel will respond and officials will use standard procedures for documenting and collecting information for all parties involved. Conduct charges will be deferred and will be dismissed upon successful completion of an approved alcoholic beverage or drug/controlled substance intervention program, leaving the student with no reportable disciplinary record. Failure to successfully complete an approved alcoholic beverage or drug/controlled substance intervention program, as required, will result in the processing of charges and may result in more severe sanctions. For more information on the Medical Amnesty policy and University procedures, visit [USI.edu/rfw/aod](http://USI.edu/rfw/aod).

### **6.6.C. Parental/Guardian Drug and Alcohol Notification Policy**

#### **Background**

This policy action was made possible as a result of an amendment to the Federal Educational Rights and Privacy Act (FERPA) in 1998. Prior to this amendment, universities were prohibited by law from releasing disciplinary records of students 18 years of age or older without their written consent. The amendment provides the opportunity, should a university choose, to notify the parents of students under the age of 21.

#### **Goal**

It is the goal of the University of Southern Indiana to expand the partnership between parents/guardians and the University in encouraging students to make healthy, responsible decisions about alcohol and other drugs.

#### **Details of Notification**

If a student under the age of 21 is found responsible for a violation of the University code of conduct drug/controlled substance and/or alcoholic beverage policy, Housing and Residence Life or the Dean of Students will notify the student's parents/guardians in writing. This notification will detail the fact that the student has been found responsible for an alcoholic beverage or drug/controlled substance violation. The notification is

designed to inform parents/guardians that the violation has occurred and to encourage discussion between parents/guardians and their student regarding acceptable behavior in the USI community setting. Written notice will not include specific details of the incident(s), circumstances surrounding the violation(s), or the specific disposition of the case. Parents/guardians interested in specific information are encouraged to discuss the case with their student. If questions remain, parents/guardians are encouraged to contact the notifying office.

#### **Direct Contact**

When there is reason to believe that a student's health and wellbeing are in jeopardy or that they have placed other members of the University community at risk, the dean of students or his/her designee may contact the parents/guardians directly.

#### **Consideration**

An integral part of the conduct adjudication process will be the discussion concerning notification of the parents/guardians. Consideration will be given to situations where notification may be detrimental to the student or family.

### **6.7 Computer-Related Inappropriate Behavior**

- Unauthorized use, sharing, lending, or borrowing of an account is prohibited.
- Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing is prohibited. Violation may subject a student to civil and criminal liabilities in addition to University sanctions.
- Using the computer facilities for purposes other than those for which the account was issued is prohibited.
- Storing game programs on allocated disk space or private tape, except when authorized in writing by the Information Technology director or the director's designee is prohibited.
- Using the University's computer systems for commercial purposes without written authorization of the Information Technology director or the director's designee is prohibited.
- Copying, altering or destroying the files or output of another individual without the express permission of that individual is prohibited.

Contact Information Technology for additional Data Communications and Computer Use policies and procedural guidelines. The entire policy can be viewed at [USI.edu/it/policies/datacommunication-computer-use](http://USI.edu/it/policies/datacommunication-computer-use).

### **6.8 Disorderly Conduct/Indecent Behavior**

Disorderly, lewd, indecent, bullying, cyber-bullying or obscene conduct is prohibited, including the expression of such on University-owned or controlled property or at University sponsored or -supervised events, on or off campus.

The essential element to disorderly conduct is intentionally causing or recklessly creating a risk of public inconvenience, annoyance, or alarm without proper authority such as by fighting or engaging in violent behavior, making loud and boisterous activity, unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, streaking, etc.

### **6.9. Endangerment of Individuals or the Safety of Individuals**

#### **6.9.A. False Reporting**

Initiating or circulating a report or warning concerning an impending bombing, fire or other emergency or catastrophe knowing that the report is false; making a false report concerning a fire or that a bomb or other

explosive has been placed in any University building or elsewhere on University-owned or controlled property; or knowingly transmitting such a false report to an official or an official agency is prohibited.

#### **6.9.B. Failure to Comply**

Willful failure to comply with orders issued by any University personnel under emergency procedures or directives during a tornado, fire, fire drill, bomb threat, earthquake or other natural disaster is prohibited.

#### **6.9.C. Tampering with fire safety devices/sign**

Tampering with any fire protection sign or device or any other emergency equipment including but not limited to fire extinguishers, fire hoses, smoke/heat detectors and other alarm systems, for reasons other than an actual emergency, except when done with the reasonable belief that such an emergency exists, is prohibited.

#### **6.9.D. Damaging or attempting to damage property or structures**

Damaging or attempting to damage property or structures on University-owned or controlled property by fire or any other incendiary device is prohibited.

#### **6.9.E. Acts on or off campus related to safety and security**

Acts on or off University property related to the safety and security of the University community and its members, the integrity of the educational process or the interests of the University.

### **6.10. Misuse of Proprietary Information**

Unauthorized use of information or misuse of information, in whatever form, proprietary to the University or a University official, employee or student is prohibited. "Proprietary" means property in which the University or its employee(s) and/or student(s) have a legal interest. This includes but is not limited to copyrightable materials, patents, trademarks, and service marks.

#### **6.10.A Copyright Policy**

All students who use the University of Southern Indiana ("USI" or the "University") computer network are prohibited from downloading or enabling sharing of music, movies, images and other digital, copyright protected files without proper licensing. Downloading or enabling the sharing of music, movies and other digital, copyright protected files without proper licensing constitutes the theft of copyright protected material and is subject to both civil and criminal penalties. Companies and agencies that monitor computer networks and internet Protocol ("IP") addresses inform USI when someone on USI's network is downloading or sharing copyright protected songs, movies, and other material. USI is considered an Online Service Provider ("OSP") for the users of its computer network. A student's continued use of the University's OSP computer network implies the student's acknowledgment and acceptance of this policy.

If it comes to the attention of USI that an individual is using USI's computer equipment and/or network access to illegally download copyrighted material, the University will take action to stop such activities. If the University detects peer-to-peer file sharing of encrypted content, this will be treated as if it is copyrighted material, and the University will take action to stop this activity as well. The University takes such action in order to comply with provisions within the Digital Millennium Copyright Act ("DMCA") which limits the liability of the University, as an OSP, for certain copyright infringement liability if the University follows applicable procedures. Additional information on the DMCA can be found at [www.copyright.gov/legislation/dmca.pdf](http://www.copyright.gov/legislation/dmca.pdf). Immediate action by the University will include the immediate disabling of USI network access to all wireless and wired networks and referral to the Dean of Students for disciplinary follow-up. Once the conduct process is completed, whether by the student accepting responsibility or a formal hearing, the Dean of Students will inform the appropriate University offices of the outcome and request that access be reinstated, as may be appropriate.

For the complete University Student Copyright Infringement Policy and a detailed outline of the procedures the University will use to respond to report of potential copyright infringements, refer to the Policies and Procedures Section of the Student Handbook.

## **6.11. Deception/Falsification/Misrepresentation**

### **6.11.A. Dishonest behavior**

Dishonest behavior is prohibited. Dishonest behavior includes but is not limited to falsely accusing another individual of inappropriate behavior; possessing, manufacturing, using, or furnishing false identification; and forgery, alteration, misuse, or unauthorized destruction of any University document, record, or identification. Such documents include but are not limited to student identification cards, parking permits, transcripts, charge slips, meal cards, receipts, grade reports, etc.

### **6.11.B Unauthorized Use**

Representing a University entity falsely and/or committing or using the resources of any University entity without proper authorization is prohibited.

### **6.11.C False Accusations**

Making false accusations of inappropriate behavior under this code against another individual; providing false information or falsified evidence with the intent of harming another individual; attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution pending with the University is prohibited.

### **6.11.D. Notification Failure**

Failing to keep the Registrar (Orr Center) notified of current local, permanent and email addresses, or providing a false or fictitious address(es) for the purpose of evading University responsibilities, is prohibited. Contact Information can be updated through the myUSI portal.

## **6.12 Disruption**

### **6.12.A. Disruption of University Business**

Disruption or obstruction of teaching, research, administration, public service functions, meetings of University committees or boards or of any other authorized University activity or organization on or off University premises (including but not limited to ingress or egress; classes; studying; social, cultural and athletic events; computing services; registration; governance meetings; Housing and Residence Life and Dining Services), such that the function or service is materially or repeatedly or substantially disrupted or obstructed is prohibited.

### **6.12.B. Classroom Disruption**

Behavior a reasonable person would view as substantially or repeatedly interfering with the instructor's ability to teach the class or the ability of other students to benefit from the instructional program is prohibited. The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. For longer periods of removal from a class see section III: Faculty and Academic Policies of the University Handbook.

## **6.13. Emergency Protection Equipment**

### **6.13.A. Tampering**

Tampering with emergency protection equipment, including but not limited to University fire protection equipment, evacuation route postings, emergency signs, weather radios, exit lights, fire extinguishers, smoke detectors and alarm systems, is prohibited.

### **6.13.B. Evacuation**

When a fire alarm sounds, or when instructed to evacuate by staff, all residents are expected to leave the building immediately.

### **6.13.C. Gambling**

Gambling for money or other things of value on University owned or controlled property on or at University-sponsored activities is prohibited, except as permitted by federal, state and local law.

## **6.14. Guests, Overnight Guests and Cohabitation**

Visitation in USI housing is a privilege and must be respected in order to maintain an environment conducive to student learning, growth, and safety. Housing and Residence Life may revoke visitation privileges if necessary, to ensure the safety and privacy of the community. Permission must be given by the roommate(s) for a guest (housing resident or non-resident) to be present in an apartment or residence hall suite.

### **6.14.A. Guests**

- Residents are responsible for the behavior of their guests. Residents will be charged for any and all violations caused by their guests. If the guest is a USI student, the guest is also responsible for following all policies and procedures.
- Guests are prohibited from staying in the apartments or residence halls without the resident. These individuals will be asked to leave by Public Safety officers or Housing and Residence Life staff if found unescorted or unaccompanied in or around University housing property.
- Number of Guests - The maximum capacity of any two-bedroom apartment or residence hall suite is eight (8) persons, including both residents and guests. A one-bedroom apartment or residence hall suite has a maximum capacity of four (4) persons, including both residents and guests

### **6.14.B. Overnight Guests**

- Any guest staying in University housing must be of the must have registered with Housing and Residence Life. Housing residents also must be registered as guests if staying overnight in another on-campus apartment or residence hall suite. To register a guest, log into myUSI, click on the Housing icon on the left and scroll to find the form. Unregistered guests will be asked to leave University housing. Guests must be at least 16 years of age.
- Overnight guests can stay up to two consecutive nights (no more than once per month).
- No more than two guests per resident are allowed to stay overnight in a room and total number of occupants in a room cannot exceed the capacity listed above.
- Permission must be given by roommate(s) prior to any guest staying overnight.
- Overnight guests must register their vehicle with Parking, display a temporary parking permit and park only in designated non-resident visitor parking.

### **6.14.C. Cohabitation**

Living or staying for any pattern of time in an apartment or suite without an official current USI housing contract for that particular space will be considered cohabitation. Cohabitation is defined as a person (housing resident or non-resident) staying in an apartment or suite for more than three (3) consecutive nights, or other patterned behavior that is intended to allow an individual to stay beyond visitation hours. Non-registered guests can be considered as an instance of cohabitation. The resident who allows cohabitation to occur can be held accountable. Students found responsible for a violation of the cohabitation policy may be charged a conduct fine of \$50, charged for use of the facility or charged for each night the non-contracted person spent in residence.

## **6.15. Harassment**

Harassment is any conduct based on the victim's actual or perceived identification with a particular protected class or classes that creates an intimidating, offensive or hostile working or learning environment that interferes



with the victim's work or education, or that adversely affects their living conditions. Such harassment can be physical, verbal, or visual, and can be committed by employers, coworkers, faculty, and students. Statements and/or conduct legitimately and reasonably related to the University's mission of education will generally not constitute harassment under this policy.

#### **6.15.A. Stalking**

For the purposes of this policy, stalking and assault are considered to be distinct forms of harassment. Stalking is generally defined as a course of conduct directed at a specific person or persons that would cause a reasonable person to feel fear for their safety; fear for the safety of others or suffer substantial emotional distress.

*Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person or interferes with a person's property.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. Such behaviors and activities may include, but are not limited to:

- Initiating non-consensual communication such as face-to-face communication, telephone calls, voice messages, e-mails, texts, letters, notes, gifts, or any other communications that are undesired and place another person in fear
- Using online, electronic, or digital technologies to make unauthorized postings of pictures, messages and/or information about the victim on social networking sites or other internet sites such as bulletin boards, chat rooms, etc.
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Conducting surveillance or other types of observation, including staring or "peeping", or using Global Positioning Systems (GPS) to monitor a victim
- Making verbal or physical threats

#### **6.15.B Assault**

Assault is generally defined as any intentional act involving physical contact or the threat of such contact that places another person in fear of imminent bodily harm, or actually causes physical injury to another person and/or harm to their property.

Examples may include but are not limited to:

- Engaging in choking, pushing, hitting, slapping, punching, kicking, etc.
- Initiating any non-consensual physical contact, regardless of whether it causes an injury

### **6.16. Identification/Failure to Comply with University Personnel or University Policies**

#### **6.16.A. Failure to Produce ID**

Failure to produce either a University identification card or a driver's license upon request by any University official including but not limited to USI Public Safety officers, Housing and Residence Life area coordinators and resident assistants, and program sponsors in the performance of their duties, is prohibited.

#### **6.16.B. Failure to Comply with Instructions/Directions**

Disrespectful behavior or failure to comply with the instructions or directions of University officials in the performance of their duties is prohibited. Such acts may include but are not limited to intentionally, knowingly, or recklessly obstructing or delaying any University proceedings, failing to cooperate with an investigation, fleeing a University official and/or failing to comply with assigned University behavior sanctions.

**6.16.C. Bribery**

The offering, giving, receiving, or soliciting of anything of value to influence the official decision or action of a University employee or official or a person in a position of trust or influence, is prohibited.

**6.16.D. Failure to Comply with University Policies**

Failure to comply with any published University policies is prohibited.

**6.16.E. Failure to Comply with Housing Policies or Terms and Conditions of the Housing Contract**

Failure to follow housing policies or the Terms and Conditions of the housing contract is prohibited.

**6.17 Interference with University Conduct Process****6.17.A. Interfering with the discipline procedures or outcomes**

Interfering with the discipline procedures or outcomes including but not limited to falsification, distortion, or misrepresentation of information before a hearing officer or hearing panel; knowingly initiating a complaint without cause; harassment and/or intimidation of any member of a hearing panel, witness(es), or University personnel before, during or after a proceeding; failure to comply with the sanction(s) imposed by either a hearing officer or hearing board, are prohibited.

**6.17.B. Intimidation or retaliation**

Intimidation or retaliation in response to an individual's participation in, or use of, the University conduct process.

**6.18. Property Violations**

Property Violations are exerting unauthorized control over another person's or the university's property and include but are not limited to burglary, robbery, theft, trespassing or vandalism.

**6.19. Sales/Solicitation**

Unauthorized sales, canvassing, peddling, soliciting, distribution or posting of any written or printed material by non-University individuals or organizations is not permitted on University-owned or controlled property without the written permission of the president of the University or his/ her designee. This includes the use of electronic mail and web page solicitations. Students and/or student groups seeking authorization should contact Scheduling Services.

**6.20. Title IX Policy for Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence and Stalking**

The University of Southern Indiana embraces and celebrates the many differences that exist among the members of a dynamic, intellectual, and inclusive community, and strives to maintain an environment that respects differences and provides a sense of belonging and inclusion for everyone. In accordance with Title IX of the Educational Amendments Act of 1972 and its implementing regulations, the University prohibits discrimination on the basis of sex, including Sexual Harassment (as defined in the policy linked here – <https://www.usi.edu/media/5628227/sexual-harassment-policy.pdf>), in its education programs or activities. This prohibition on sex discrimination includes, but is not limited to, admission and employment.

For discrimination or harassment that is not on the basis of sex, does not meet the definitions of Prohibited Conduct in this Title IX Policy, or does not meet the jurisdictional requirements for Title IX, the University will utilize the University Handbook, specifically the Equal Opportunity and Non-discrimination Policy or the Student Rights and Responsibilities or other appropriate University policies.

### **Interim Title IX Coordinator**

Beth Devonshire, J.D.

[Email](#)

### **Deputy Title IX Coordinator**

Dameion Doss

Deputy Civil Rights & Title IX Coordinator

Wright Administration Building

Forum Wing, Suite 171

812-464-1835

[Email](#)

## **6.21. Social Media Policy**

USI will not regularly monitor the language and/or actions of students on social media platforms, including Facebook, LinkedIn, Twitter, etc. However, while the University will defer to the user policies of the individual social medium, USI will hold students accountable for reported related Code of Student Behavior violations by USI students.

Students may not:

- Post messages that: incite imminent lawless action or violation of University policy, are a serious expression of intent to inflict bodily harm upon a person, are unlawful harassment, are defamatory or otherwise unlawful.
- Claim or imply that they are speaking on behalf of the University.

## **6.22 Student Organizations**

Behavior that conflicts with regulations established by the University for student organizations is prohibited, including but not limited to misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, abuse of student election regulations or failure to abide by University policies, procedures, and regulations.

## **6.23 Telephone and Related Equipment Abuse**

- Intentionally making telephone call(s) to or from the University for the purpose of abusing, threatening, annoying, or harassing another person is prohibited.
- Charging, or causing to be charged, any long distance or other toll telephone calls to University telephone accounts without proper authorization is prohibited.
- Damage or destruction to the University's telephone system and any of its telephone instruments or equipment is prohibited.
- Using or abusing telephone equipment, lines or accounts belonging to the University or to University employees, students and/or faculty without authorization, or for purposes other than those originally granted authorization, is prohibited.

## **6.24. Tobacco-Free Policy**

It is the policy of the University of Southern Indiana to promote and maintain a clean and healthy working and learning environment for students, faculty, staff, and visitors.

The University expects the cooperation and commitment of all students, faculty, staff, and visitors in maintaining an environment free of cigarette smoke, smokeless tobacco waste and toxic vapors.

The University of Southern Indiana prohibits the use of all tobacco products including cigarettes; pipes; cigars; smokeless tobacco including snuff, chewing tobacco, smokeless pouches, loose-leaf tobacco; and all electronic vaping devices on University-owned, operated, or leased property and vehicles (see student housing exception below). The use of all above mentioned products is permitted only inside personal vehicles.

The use of all previously mentioned tobacco products and electronic vaping devices is prohibited inside all student housing facilities. This includes residence halls, apartments, common areas, balconies, building entries, student rooms and the Community Center. The use of all tobacco products and electronic vaping devices is only permitted outdoors within student housing areas, per Vanderburgh County ordinance, at least 10 feet outside any enclosed area where smoking is prohibited to ensure that tobacco smoke does not enter any such enclosed area through entrances, windows, ventilation systems, or any other means.

Enforcement of this policy will depend upon all members of the campus community complying with and encouraging others to comply with this policy in order to ensure a healthy environment to work, study and live. Primary enforcement of this policy will be the responsibility of those persons who head individual units, departments, buildings, student housing units, those who supervise faculty and staff, Public Safety personnel and others designated by the University.

Violations of this policy will be handled through existing processes already in place for students, faculty, and staff. Student violations will be processed under the Student Rights and Responsibilities.

Complaints regarding violations of this policy should be referred to the appropriate dean, director of Human Resources manager for faculty and staff and to the Dean of Students Office for students.

#### **6.25. Traffic and Parking Regulations**

Students are expected to uphold and abide by all USI traffic and parking regulations. The complete regulations are published in a brochure entitled "University of Southern Indiana Traffic and Parking Regulations," located at the Parking Division of the Public Safety or online at [USI.edu/security/parking](http://USI.edu/security/parking).

#### **6.26. Violations of Law**

The University reserves the right to take disciplinary action when a student violates federal, state, or local laws that have a direct impact on the institution or community.

#### **6.27. Weapons/Explosives/Hazardous Materials**

The transfer, sale, use of, possession of weapons, including but not limited to: firearms, ammunition, bombs, explosives, clubs, dirks, martial arts weapons, sling shots, bows and arrows, sabers, swords, knives with blades in excess of three (3) inches except kitchen knives used in the preparation and/or serving of food, war souvenirs, incendiary devices, fireworks, paintball guns, pellet guns, BB guns, stun weapons, Tasers, or look-alikes, dangerous chemicals or fuels or other destructive devices or substances, are not allowed on University-owned or controlled property unless permission for possession and/or use has been authorized by an appropriate University official. Duly licensed officers of the law are exempt from this policy. For authorization, contact USI Public Safety, phone number 812-464-1845.

Personal safety device (chemical spray) – persons are permitted to carry chemical spray that is sold for personal protection; however, persons choosing to carry pepper spray are responsible for ensuring that they are properly secured, maintained, only used for defensive purposes and according to manufacture instructions.

#### **6.28. Unauthorized Surveillance**

Making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, including, but not limited to, shower/ locker rooms, residence hall rooms and men's or women's restrooms, is prohibited. Also prohibited is the storing, sharing and/or other distribution of such unauthorized images by any means.

### **6.29. Unauthorized Use or Entry**

Unauthorized entry into or use of any University building, facility, vehicle, equipment room or area is prohibited. This includes, but is not limited to, unauthorized possession or use of University keys, computers, lock combinations or pass codes. Unauthorized entry upon the performance area or the spectator areas of any University event, including but not limited to athletic contests, exhibitions and musical or theatrical events.

### **6.30. University Housing Safety and Security Efforts**

Due to the nature of the University housing environment, safety and security standards have been established. All students will be held accountable for their behavior in University housing. All students and their guests need to cooperate with efforts to establish a secure campus by complying with policies and cooperating with residence hall staff. The complete University housing policies can be obtained at the Housing and Residence Life Department, or via the web at [USI.edu/housing](http://USI.edu/housing). See Housing and Residence Life Policies.

## **SECTION 7: OVERVIEW OF THE CONDUCT PROCESS**

This overview gives a general idea of how the University/College's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.

### **7.1 Purpose**

This document establishes complaint resolution procedures in order to better serve students, faculty, and staff. The purposes of the complaint resolution procedures include:

- To provide for the education and personal growth of the student;
- To provide for fair inquiries concerning alleged violations of the *Student Rights and Responsibilities*;
- To determine through fair procedures whether or not any individual student has actually violated a regulation in the *Student Rights and Responsibilities: A Code of Student Behavior*;
- To allow for consideration of extenuating or mitigating factors where a violation has been found to exist; and
- To determine a conflict resolution that will be appropriate and also will help the student involved make a positive contribution to the University community.

The focus of the complaint resolution procedures shall be to determine whether a student is responsible or not responsible for the violations of which the student is accused.

### **7.2 Student Rights and Due Process in the Conduct Process**

#### **7.2.A. Violation of Policy**

A student is considered to have violated the *Student Rights and Responsibilities* when the student:

- Admits to his/her responsibility for a violation; or
- Is found responsible for one or more provisions of the *Student Rights and Responsibilities*.

#### **7.2.B. Conduct Process**

Students alleged to have violated any University policy, including student organization and Housing and Residence Life policies, will be subject to the University Conduct Process.

In situations where an outcome is likely to yield sanctions of suspension or expulsion from the University, a pre-hearing will be scheduled to review the conduct process and review the applied charges.

## **Title IX Policy for Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence and Stalking**

The University of Southern Indiana embraces and celebrates the many differences that exist among the members of a dynamic, intellectual, and inclusive community, and strives to maintain an environment that respects differences and provides a sense of belonging and inclusion for everyone. In accordance with Title IX of the Educational Amendments Act of 1972 and its implementing regulations, the University prohibits discrimination on the basis of sex, including Sexual Harassment (as defined in the policy linked here – <https://www.usi.edu/media/5628227/sexual-harassment-policy.pdf>), in its education programs or activities. This prohibition on sex discrimination includes, but is not limited to, admission and employment.

For discrimination or harassment that is not on the basis of sex, does not meet the definitions of Prohibited Conduct in this Title IX Policy, or does not meet the jurisdictional requirements for Title IX, the University will utilize the University Handbook, specifically the Equal Opportunity and Non-discrimination Policy or the Student Rights and Responsibilities or other appropriate University policies.

### **7.2.C. Presentation of Information Relevant to the Complaint Resolution Process**

Charged students and complainants will be given every reasonable opportunity to present their information, including questions and presentation of additional testimony, during the complaint resolution proceedings. Students have the right against self-incrimination.

### **7.2.D. Standard of Proof**

The standard of proof will be “more likely than not” University policy has been violated. That proof need only show that the facts are more likely to be so than not so. Evidence, when considered and compared with that opposed to it, has more convincing force and produces in the hearing body’s mind the belief that what is sought is more likely true than not true (Journal of College and University Law).

### **7.2.E. University Advisor**

The student and the complainant each have the right to an advisor. The student’s advisor must be a member of the University community—student, faculty, administrator, staff, coach, recognized University affiliate, etc. The role of the advisor is to provide support and to assist in preparing for the hearing. Since the complaint resolution process is not a civil or criminal court hearing, the advisor’s role is not that of an attorney representing you. This person may not address the hearing officer or hearing board or ask questions of any witnesses. For assistance in securing an advisor, contact the Office of the Dean of Students.

### **7.2.F. Witnesses**

Witnesses, including the student accused of violating policy, are permitted in all complaint resolution proceedings. Witnesses may present information on behalf of the student or the complainant. It is the responsibility of the student or the complainant to secure their witnesses or witness statements. Witnesses may be questioned by the conduct officer or hearing board members, by the complainant and by the student. Witness(es) will be asked to provide information concerning only the violation(s) being adjudicated. Since the complaint resolution process does not have the authority to subpoena, witness statements may be submitted in place of having witness(es) present during the hearing.

### **7.2.G. Conduct Process Environment**

All hearings are closed to the public. Only individuals involved in the situation may be present. Involved individuals may include:

- Conduct officers and/or hearing board members
- Student accused of violating University policy
- Advisor
- Witnesses\*

\*Witnesses will remain only for the duration of their own testimony.

#### **7.2.H. Initiation, Investigation, and Disposition of Complaints**

##### Documentation/Reporting Alleged Violations of University Policy

Any alleged violation should be reported as soon as possible following the discovery of the suspected inappropriate behavior. Any potential violations of University policy may be reported in the following manner:

- A report may be filed with USI Public Safety
- A report may be filed with the USI Housing and Residence Life
- A report may be filed with the USI Dean of Students

Any student, faculty, staff member, or guest of the University of Southern Indiana may officially report an alleged violation of University policy as outlined in the *Student Rights and Responsibilities*.

#### **7.2.I. Notification**

Generally, within ten (10) working days of receipt of the complaint, the dean of students or his/her designee will notify charged student. This notification will include:

- The nature of the alleged inappropriate behavior;
- The date, time, and place of the alleged inappropriate behavior;
- The source of the complaint;
- A summary of information to be presented;
- The date, time, and place of the hearing;
- The sanction(s) applicable if found responsible for a violation of the *Student Rights and Responsibilities*;
- A description of the preservation and the release of information from the conduct record; and
- A notice that a decision will be made in the student's absence if the student chooses not to appear at the hearing, and failure to appear will be considered in reaching a decision whether or not the behavior code has been violated.

#### **7.2.K. Student Behavior Resolution Procedures**

##### Administrative Hearing Officers

The Dean of Students determines who will serve as conduct hearing officers. Typically, these include the Assistant Dean of Students, Assistant Director of Student Conduct and Outreach, Director of Housing and Residence Life (HRL), Associate Director of HRL, Assistant Director of Residence Education, and Area Coordinators.

#### **7.2.L. University Hearing Board**

This board is comprised of a pool of students, faculty and administrators who can fill the following positions when a hearing board is convened. Generally, there will be two students in good standing with USI, and a combination of one University faculty member, one University administrator. The dean of students or his/her designee to serve as the hearing board chair. These individuals are appointed and trained by the dean of students office staff.

#### **7.2.M. University Conduct Process**

In cases involving potential suspension or expulsion from the University, the student may request a hearing before the University Hearing Board if the Board is available. The Dean of Students also may refer disciplinary cases to the Hearing Board at his/her discretion. Most complaints are resolved via the administrative hearing process. An administrative hearing involves the student, the administrative hearing officer, and any other individuals necessary to determine whether the student is responsible for a violation of University policy.

Advantages of an administrative hearing include a more timely resolution of the conflict and the involvement of fewer individuals. An administrative hearing also may become necessary for those times when the full University hearing board is unable to meet. In such instances where the University hearing board would normally be convened, the dean of students or his/her designee will conduct the administrative hearing.

#### **7.2.N. Administrative Hearing Process**

- Students will meet with one of the individual professional staff members designated to conduct University student complaint resolution proceedings. Members of the University hearing board will not conduct administrative hearings.
- Student rights will be reviewed by the hearing officer with the student.
- Charges will be reviewed with the student. At this time, students can indicate whether they believe they are responsible for the policy violation(s) or not responsible for the policy violation(s).
- A student will be given the opportunity to present his/her version of events to the administrative hearing officer and respond to any of the materials associated with the violation.
- The administrative hearing officer may ask questions of the student and any witnesses. The administrative hearing officer will deliberate over the information and will make every attempt to reach a decision within five (5) business days from the date of the meeting as to whether or not the student is responsible or not responsible for the violation(s).
- The student will be notified of the outcome in writing. Any sanctions associated with the outcome will be included in the written notification.
- The appeals process will be outlined and included in the notification of outcome.

#### **7.2.O. University Hearing Board Procedures**

- A student will meet with the University hearing board.
- Charges will be reviewed with the student. At this time, the student can confirm whether he/she pleads responsible for the policy violation(s) or not responsible for the policy violation(s).
- The University representative bringing charges against the student will present his/her testimony to the University hearing board.
- The student will be given the opportunity to respond to the charges and to present materials associated with the violation.
- The University representative and accused shall have the opportunity to present witnesses/witness statements to the University hearing board.
- The University representative and accused may ask questions of the witnesses through the chair of the University hearing board.
- The University hearing board members may ask questions of the witnesses, the student, and the University representative.
- The University representative and accused may summarize evidence and testimony through closing statements.
- The University hearing board will deliberate over the information and reach a decision generally within five (5) business days as to whether or not the student is responsible or not responsible for the violation(s).
  - Students will be notified of the outcome in writing by the chairperson of the board. Any sanctions associated with the outcome will be included in the written notification. Additionally, the appeals process will be outlined and included in this notification.

#### **7.2.P. Conflict of Interest**

No member of the hearing board or no conduct officer who has a conflicting interest in a particular case may conduct a conduct hearing for said situation. Hearing board members and conduct officers with conflicting interests must recuse themselves from the proceedings. Either the student or the complainant may challenge a member of the hearing board or a conduct officer in writing with the dean of students. In cases where the Dean of Students' involvement is questioned, the challenge would be forwarded to the Vice President of Student Affairs.



### **7.2.Q. Findings**

An administrative hearing officer or the University hearing board will reach one of the following findings at the conclusion of the hearing:

- *Charges Dropped:* If the alleged conflicts prove to be unfounded, no action will be taken against the student. All written materials will be retained for a minimum of seven years and then destroyed.
- *Not Responsible:* The finding of the facts of the case found that it was NOT “more likely than not” that the student was responsible for the violation(s). No action will be taken against the student. All written materials pertaining to that charge will be retained for one year and then destroyed.
- *Responsible:* The finding of the facts of the case found that it was “more likely than not” that the student was responsible for the violation(s). Sanctions, restrictions, and/or stipulations can be imposed (see 4.6). All written materials will be retained for a minimum of seven years and then destroyed, except in the case of suspension or expulsion and/or at the discretion of the Dean of Students, which becomes a matter of permanent record.

### **7.3. Sanctions, Restrictions, and Stipulations**

#### **7.3.A. Sanctions**

Sanction(s) is/are a consequence(s) placed upon a student when responsibility for a violation(s) of specified University policy(ies) has been determined. In assigning a sanction(s) for inappropriate student behavior, the presiding entity will consider:

- Facts of the case as presented by the accuser(s) and the accused,
- Type and severity of offense,
- Degree of involvement by accused, extenuating circumstance, and
- Previous incidents of inappropriate behavior committed by the individual(s) accused.

The following is a list of possible sanctions:

- **Warning (Written):** A student may be given a written warning. A written warning is a letter that makes a matter of record any incident in violation of the code. Subsequent code violations will normally result in more severe sanctions.
- **Probation:** Probation is a specified period of review and observation during which the student must demonstrate the ability to comply with University policies, and any other sanctions as outlined above and/or conditions which have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Notification may be given to other University officials as necessary. Probation may be supervised or unsupervised. Further inappropriate behavior may result in additional sanctions to be assigned, including suspension or expulsion.
- **Deferred Suspension:** Deferred suspension is a designated period of time during which a student, while continuing to be enrolled, is given the opportunity to demonstrate the ability to abide by the Student Rights and Responsibilities. A student may be placed on deferred suspension for serious misconduct or repeated misconduct. Students who are placed on deferred suspension can also be given educational sanctions. While under deferred suspension, a student may not serve as an officer of a campus organization or member of a committee or council. Other stipulations can also be a part of the deferred suspension and can include limitations on activities or access to University facilities. If the student is found responsible for additional violation(s) of the Student Rights and Responsibilities while the student is on deferred suspension the minimum sanction that will be imposed through the conduct process for a in-violation finding is suspension.

- **Emergency Suspension:** A student may be temporarily and immediately suspended, pending a hearing, when the student's actions or threats of action poses a threat to themselves or to others, or to the University's educational mission or property or to the health or safety of University community members. No hearing will be required before the emergency suspension is imposed; however, a review of the emergency suspension will be held within five (5) working days following the notification. The adjudication process will proceed in a timely manner.

- **Suspension:** A written notification of the termination of student status and exclusion from further enrollment for a specific period of time not less than one academic semester and not to exceed two academic years.

- A student who has been suspended must vacate campus within the time frame established.

- The notice will include the conditions for readmission which must be met prior to application for readmission. An interview with the Dean of Students or his/her designee will be required prior to acceptance of the student's application for readmission.

- The student's eligibility for any refund of tuition/fees will be subject to the University's normal withdrawal policy.

- The student must leave University residences and may not be on University-owned or -controlled property or attend University events.

Suspension is a matter of permanent record. A permanent record indicates that student behavior files may be retained indefinitely.

- **Expulsion:** A written notification that the student is permanently ineligible to return to the University. The student must leave University residences and may not be on University owned or -controlled property or attend University events. Petitions for re-enrollment will not be accepted. The expulsion will be recorded on the student's transcript as "May Not Register" and is a matter of permanent record.

### University Conduct Range of Sanctions

Offense (Hearing Count)	Possible Sanctions (non-AOD)	Possible Sanctions (Alcohol)	Possible Sanctions (Other Drugs)
<b>First</b>	Warning Educational Sanction Other	Warning Parental Notification CHOICES (\$75) Other	Warning or University Probation Parental Notification Directions (\$75) Drug Policy Review Housing Contract Termination Loss of privileges Other
<b>Second</b>	Warning or University Probation Educational Sanction Loss of privileges Other	Warning or University Probation Parental Notification Alcohol Assessment (\$100) Other	University Probation Parental Notification Drug Assessment (\$100) Housing Contract Termination Loss of privileges Other
<b>Third</b>	University Probation or University Suspension Housing Contract Termination Loss of privileges Other	University Probation or University Suspension Parental Notification Housing Contract Termination Loss of privileges Other	University Suspension Parental Notification Housing Contract Termination Loss of privileges Other

**Notes:**

- This chart is applicable to all USI students, regardless of housing status.
- The severity of the offense(s) will have an effect on what sanctions will be applied. For example, a student who is found in violation for using marijuana will most likely receive sanctions less severe than if the same student was found in violation for dealing marijuana.
- Educational sanctions can include the following: reflective paper, participation in an educational program, film/article reviews and follow up meetings.
- Loss of privileges can include the following: visitation in housing, recreation facilities use and participation in University events/organizations.
- "Other" sanctions can include: disciplinary fines, apology letters, housing assignment relocation, etc.
- A student may be asked to revise or add additional information if the expectations for the sanction are not met.
- Failure to complete a sanction(s) may result in a hold being placed on the student's account until the sanction is completed.

### Title IX Policy for Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence and Stalking

The University of Southern Indiana embraces and celebrates the many differences that exist among the members of a dynamic, intellectual, and inclusive community, and strives to maintain an environment that respects differences and provides a sense of belonging and inclusion for everyone. In accordance with Title IX of the Educational Amendments Act of 1972 and its implementing regulations, the University prohibits discrimination on the basis of sex, including Sexual Harassment (as defined in the policy linked here – <https://www.usi.edu/media/5628227/sexual-harassment-policy.pdf>), in its education programs or activities. This prohibition on sex discrimination includes, but is not limited to, admission and employment.

For discrimination or harassment that is not on the basis of sex, does not meet the definitions of Prohibited Conduct in this Title IX Policy, or does not meet the jurisdictional requirements for Title IX, the University will utilize the University Handbook, specifically the Equal Opportunity and Non-discrimination Policy or the Student Rights and Responsibilities or other appropriate University policies.

#### 7.3.B. Interim Actions

The Dean of Students/designee may impose interim actions prior to adjudication. Interim actions may be imposed in the following circumstances:

- To ensure the safety and well-being of members of the University community, or preservation of University property,
- To ensure the student's own physical or emotional safety or well-being; or
- If a student poses a threat of disruption or interference with the normal operations of the University.

Interim actions can include but are not limited to any sanctions, restrictions or stipulations listed in this document.

### **7.3.C. Restrictions and Stipulations**

Restrictions and stipulations are concurrent actions which may be imposed by the administrative hearing officer or the University hearing board in addition to a sanction.

- **Educational Requirements:** A provision to complete a specific educational requirement designed to promote the education and development of the student while maintaining the integrity of the academic environment. The provision will be clearly defined. Such educational requirements may include but are not limited to meeting with University staff, completion of an alcohol education program, reflection paper, reports, behavioral agreements, etc.
- **Community/University Service:** A student may be assigned to complete a specified number of hours of community/University service.
- **Restitution:** A student may be required to repair or pay the cost for the repair or replacement of any property damaged by the student. This sanction can be imposed by itself or in addition to other sanctions.
- **Confiscation:** Goods used or possessed in conflict with USI policies, including but not limited to falsified information or identification, will be confiscated
- **Restriction of Access/Removal from University Housing:** A student or other person(s) may be removed from and/ or have access restricted to specified campus facilities, or portions of specified campus facilities, including relocation in, or removal from Housing and Residence Life facilities, for a specific period of time.
- **Loss of privileges:** A student may be denied certain privileges. Examples include, but are not limited to:
  - Be an active participant in and/or to be in attendance at any or all public events sponsored by USI or by student,
  - and/or
  - Represent USI in specified matters, and/or
  - Hold office in any or all USI registered organizations, and/or
  - Visit with guests during regular Housing and Residence Life visitation periods, and/or
  - Receive institutional financial aid, and/or
  - Participation in extra or co-curricular activities, and/or
  - Employment at the University.
- **Participation in a Specific Program:** A student may be required to participate in a specific program(s), such as counseling, public service, and alcohol and/or other drug education program, an educational class, or other program participation as assigned. Failure to participate as directed may result in the imposition of additional sanctions, including suspension or expulsion.

### **7.4. Offenses Motivated by Bias**

Any offense that is motivated by bias may result in stronger penalties. An offense motivated by bias is any offense wherein the accused intentionally selects the alleged victim because of the alleged victim's race, creed, color, religion, national origin, gender, age, marital status, sexual orientation, public assistance status or inclusion in any group protected by federal, state, and local law.

### **7.5. Appeals**

Students found responsible for a violation of the *Student Rights and Responsibilities* may appeal. An appeal from any decision, either administrative hearing or University hearing board, must be made in writing within two

business days following the date the hearing record notification is assigned and notice is received by the student. The *University Disciplinary Appeal Form* can be found at [USI.edu/deanofstudents/code](http://USI.edu/deanofstudents/code). Under Title IX of the Education Amendments of 1972 and the Violence Against Women's Act the complainant may appeal in cases of sexual violence (Sexual Misconduct).

### **Title IX Policy for Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence and Stalking**

The University of Southern Indiana embraces and celebrates the many differences that exist among the members of a dynamic, intellectual, and inclusive community, and strives to maintain an environment that respects differences and provides a sense of belonging and inclusion for everyone. In accordance with Title IX of the Educational Amendments Act of 1972 and its implementing regulations, the University prohibits discrimination on the basis of sex, including Sexual Harassment (as defined in the policy linked here – <https://www.usi.edu/media/5628227/sexual-harassment-policy.pdf>), in its education programs or activities. This prohibition on sex discrimination includes, but is not limited to, admission and employment.

For discrimination or harassment that is not on the basis of sex, does not meet the definitions of Prohibited Conduct in this Title IX Policy, or does not meet the jurisdictional requirements for Title IX, the University will utilize the University Handbook, specifically the Equal Opportunity and Non-discrimination Policy or the Student Rights and Responsibilities or other appropriate University policies.

#### **7.5.A. Format of Appeal**

An appeal shall be written and contain the student's name, the date of the decision or action, and the reason(s) for the appeal. The appeal form must specify in detail one or more of the following bases for appeal:

- Student's/student organization's rights were violated as a result of failure of due process (specify right believed to have been violated),
- Decision is arbitrary (no basis in University policy for decision) or capricious manner (the finding is against the substantial weight of the evidence),
- Significant new evidence is available that could change the outcome, and/or
- The appropriateness of the sanction is inconsistent with University community standards.

#### **7.5.B. Suspension of Original Sanction Pending Appeal Review**

A properly-filed notice of appeal suspends the imposition of sanctions until the appeal is decided, unless, in the discretion of the dean of students, the continued presence of the student on the campus poses a serious threat to themselves or to others, property or to the normal operation of the University.

#### **7.5.C. Individuals Reviewing Appeals**

The appeal will be reviewed by the Dean of Students or designee.

#### **7.5.D. Appeal Review Process**

The appellate officer will review the written letter of appeal from the student and determine if one of the basis for appeal is present. If it is, a review of the appeal will be granted. The appellate officer shall review:

- The response from the hearing officer/body.
- Materials presented at the original hearing, and if available the recorded transcript of the hearing.

Appeals shall be decided upon the record of the original proceedings and upon the written briefs submitted by the parties. Decisions of the conduct bodies will be given great deference by the appellate decision maker. After reviewing these materials, the appellate officer may decide to do one of the following:

- Affirm the finding and the sanction imposed.

- If specified errors occurred, remand to the original decision makers to reverse the error, change the procedures, consider new evidence that could not have been discovered by a properly diligent accused before or during the original hearing, substitute new adjudicators or otherwise repair the grounds that gave rise to the appeal.
- Affirm the finding and reduce, but not eliminate or increase the sanction if found to be grossly disproportionate to the offense.
- Cases may only be dismissed if the finding is held to be arbitrary and capricious.

A crucial point in the appeals process is the shifting of the burden of proof. At the initial hearing, the burden of proof lies with the complainant. Once there is a finding of responsibility, the burden shifts to the petitioner. The decision on the appeal will generally be made within ten (10) business days of receipt of the appeal, but may take longer during University recesses or in the event of complex cases.

#### **7.6. Student Behavior Records**

In accordance with the Family Educational Rights and Privacy Act (Public Law 93-380), conduct records are considered to be “educational record” and all student behavior records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student. This disciplinary record will be separate from the student’s academic record, but will be considered a part of the student’s educational record and will be retained in the Dean of Students and/or other offices as authorized by the dean of students. Students have the right to inspect and review the materials contained in their conduct record subject to office procedures.

When a student is expelled from the University, the Dean of Students shall request of the Registrar the placement on the student’s permanent academic record the words “May Not Register.”

#### **7.7 Student Behavior Record Retention and Destruction**

##### **7.7.A. Sanctions Less than Suspension or Expulsion**

In cases in which students are found responsible for a violation and receive a sanction of less than suspension or expulsion, records related to the hearing will be retained for a minimum period of seven (7) years from the date of the incident. Student disciplinary files may be retained indefinitely at the discretion of the dean of students or his/her designee. Release of information may be restricted by the dean of students for good cause, upon written petition.

Factors considered in review of such petition shall include:

- The present demeanor of the student;
- The conduct of the student subsequent to the violation;
- The nature of the violation and the severity of the damage, injury or harm resulting from it.

##### **7.7.B. Suspension or Expulsion**

In cases where students are found responsible for a violation and receive a sanction of suspension or expulsion, students’ disciplinary files will be considered permanent records. A permanent record indicates that student disciplinary files may be retained indefinitely.

##### **7.7.C. Student Organization Records**

Student organizations are considered to have a continuing relationship with the University of Southern Indiana so long as the organization maintains its official recognition status with USI. Records of behavioral conflicts involving student organizations will be retained for a minimum of seven (7) years following the date of the incident with the Dean of Students, or his/her designee.

## SECTION 8: STUDENT CONDUCT AUTHORITY

### 8.1. Authority

The Dean of Students is vested with the authority over student conduct by the Board of Trustees and President. The Dean of Students works closely with the Assistant Dean of Students to oversee and manage the student conduct process. The Dean of Students and the Assistant Dean of Students may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Assistant Dean of Students and the Assistant Director of Student Conduct and Outreach in consultation with the Dean of Students (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

### 8.2 Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

### 8.3 Interpretation and Revision

The Dean of Student will develop procedural rules for the administration of hearings that are consistent with provisions of the *Student Rights and Responsibilities*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Dean of Students may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Student Rights and Responsibilities*. The Dean of Students may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Student Rights and Responsibilities* will be referred to the Dean of Students, whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the Dean of Students with a comprehensive revision process being conducted every 5 years.

*Students Rights and Responsibilities* is published in the student planner and on the USI website.

Any changes to the *Student Rights and Responsibilities* between publication dates will be disseminated to students in the following manner:

- An official announcement will be posted to the following locations:
- University of Southern Indiana website (*USI.edu*)
- USI Dean of Student's website (*USI.edu/deanofstudents*)
- myUSI (*my.usi.edu*)
- *The Shield*, the student newspaper of USI
- All currently-admitted students will be emailed an update notice to their official University email address directing them to the website for changes or deletions to the *Student Rights and Responsibilities* at the beginning of each academic year.

### 8.5. Approval and Implementation

This *Student Rights and Responsibilities* was approved on 8/15/21 by, and implemented on 8/24/21.