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Student Conduct Code

About SIUC Policies and Procedures

[The following was approved on May 1991, with amendments on May 22, 2001, and August 15, 2003 in accordance with provisions of the Board of Trustees 3 *Policies C*.

Policy Approval / Revision Process

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I. INTRODUCTION

Purpose: Southern Illinois University Carbondale (SIUC) is dedicated to the pursuit of learning, research, and the advancement of knowledge, but also to the development of ethical and responsible persons. The university achieves these goals through sound educational programs and policies that encourage independence and maturity. By accepting membership at this university, an individual joins a community characterized by free inquiry, honesty, respect for others, and participation in constitutional rights and responsibilities exercised within this academic environment compatible with these principles.

Students' Rights and Responsibilities: Students shall be free to ask questions of interest to them and to express opinions. They shall retain their constitutional rights including free inquiry, expression, assembly, and due process. All regulations shall seek the best possible reconciliation of the principles of maximum academic freedom and necessary order. It is the obligation to keep the office of Records and Registration apprised of any address. Any behavior, which has been influenced by a student's use of alcohol, will not limit the student's responsibility for that behavior.

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It is each student's responsibility to know and comply with the Conduct Code and any policies referenced therein. In addition to the Conduct Code, students are also subject to other policies and but not limited to, Student Behavior: Policy and Procedures for Review, Residence Halls Guidebook, departmental policies.

Title/Authority/Enforcement: These regulations shall be known as the Conduct Code for Southern Illinois University Carbondale. The regulations contained herein are established under the authority granted to the Board of Trustees to establish rules and regulations for Southern Illinois University Carbondale pursuant to 3.C *Policies* of the Board of Trustees authorizing the Board to develop regulations dealing with student rights and conduct. A campus community have the responsibility to comply with the regulations. The responsibility for the enforcement of this code rests with the Campus Community at Southern Illinois University Carbondale.; When a student has been found guilty for violation of a local, state, or federal law, the university will cooperate with the consideration of the law enforcement agency for the student based on the individual's status as a student. The university will cooperate with law enforcement and other agencies administering a corrective or disciplinary program for the student.

Jurisdiction

The campus community has a responsibility to provide its members with the privileges, opportunities, and protections that encourage and support an environment conducive to educational development.

This policy applies to:

Conduct occurring on any property owned, operated or controlled by the university.

Conduct occurring while using university-owned, leased or rented vehicles or vehicles leased with student-appropriated funds.

Conduct occurring off-campus:

- . events and meetings sponsored by university-recognized student organizations
- . meetings or events when students represent the university or university-recognized organizations.
- . off-campus housing zoned by the City of Carbondale as a fraternity or sorority house and displaying Greek letters or the name of the fraternal organization
- . practicum, internship, student field trip, student teaching, clinical experience, extension centers, residence centers, and independent study
- . other off-campus conduct that substantially interferes with the educational process of the university including but not limited to, interference with the

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pursuits of its students, faculty or staff.

3. The university reserves the right to initiate disciplinary proceedings for violations of the Student Conduct Code where the university has authority under paragraph D, even if criminal charges are brought by the appropriate authorities.
4. Disciplinary actions by the university are independent of any criminal proceedings.
5. Academic dishonesty violations in the School of Law will be adjudicated under that unit's Professional Ethics Policy. Academic dishonesty violations in the School of Medicine will be adjudicated through that unit's Student Progress Standards. For law students and medical students on the Carbondale campus charged with violations of this code will be treated as any undergraduate or graduate student. In addition, law students charged with violations of social misconduct under the School of Law's Professional Ethics Policy and medical students on the Carbondale campus charged with violations of social misconduct will be charged under the School of Medicine's Student Progress Standards.

Burden and Standard of Proof: The standard of proof used shall be the preponderance of the evidence.

Definitions.

"Academic Officer" means any instructor, department Chair, Director, or Coordinator within Academic Affairs or the Center for Career and Skills.

"Address" means the local address on record with Record Management and Registration.

"Adjudication" means the formal resolution of disciplinary proceedings including the appeal process.

"Admission" means admission, readmission, re-entry, re-registration as a student in any educational program at Illinois University Carbondale.

"Advisor" means any person selected by the student, whether faculty, staff, student or non-university individual (including a law enforcement officer) who assists the student in the preparation to address a charge(s). A parent or witness may not be an advisor.

"Advisory Review Board" means a panel of faculty, staff and students who hears appeals involving suspensions and expulsions and reports to the Chancellor.

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"Appeal" means a process for reviewing an earlier decision.

"Board" means the Board of Trustees of Southern Illinois University Carbondale.

"Chancellor" means that individual appointed by the Board of Trustees as the chief operating, administrative, and academic officer of Southern Illinois University Carbondale. Whenever the term Chancellor is used in this policy, the term shall apply not only to the person holding the position but also to designees.

"Charge" means an accusation of a violation of the Student Conduct Code of Southern Illinois University Carbondale.

"Code" means the Student Conduct Code for Southern Illinois University Carbondale.

"Days" means all days when university offices are open for business.

"Formal" disciplinary procedures are disciplinary procedures in which the question of guilt is contested or when the student accused of a disciplinary charge prefers to have the sanction.

"Informal" disciplinary procedures are disciplinary procedures in which the question of responsibility is not contested and the student has an immediate decision on the sanction.

"Instructor" means any teaching assistant or member of the faculty.

"Judicial Board" means a panel of trained students convened to hear and adjudicate cases of social misconduct.

"Members of the campus community" means the members of the campus community, including Trustees, employees, volunteers and registered students of Southern Illinois University Carbondale.

"Notification" means a method of contacting a student including telephone, mail service, hand delivery, and e-mail.

"Sanction" means a measure imposed as a result of a violation of the Student Conduct Code.

"Standard of proof" means a preponderance of the evidence.

"Student" means any person registered for, enrolled in, or taking more classes at the time of the alleged offense.

"University" means Southern Illinois University Carbondale.

"University official" means any individual authorized or designated by the Chancellor to perform any delegated function.

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"Vice Chancellor" means the chief officer of the division of Academic Affairs (also called the Provost) or Student Affairs. When the term Vice Chancellor is used, the term not only applies to the person holding the position but also to designees.

"Violation" means a breach of conduct governed by this code.

II. VIOLATIONS

A. Acts of Academic Dishonesty

1. Plagiarism, representing the work of another as one's own;
2. Preparing work for another that is to be used as that person's own work;
3. Cheating by any method or means;
4. Knowingly and willfully falsifying or manufacturing scientific or educational data and representing the same to be true in a scientific or scholarly experiment or research;
5. Knowingly furnishing false information to a university relative to academic matters;
6. Soliciting, aiding, abetting, concealing, or attempting to commit academic dishonesty.

B. Acts of Social Misconduct

1. Violence

- a. Sexual Misconduct (includes any form of coerced or unwanted sexual activity including but not limited to, rape or unwanted fondling or unwanted touching).
- b. Physical abuse
- c. Direct threat of violence and/or intimidation
- d. Participation in any activity to disrupt any function of the university by force or violence
- e. Violent behavior representing a danger to person(s)

2. Property Damage

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- a. Arson
 - b. Willful or malicious damage or destruction of property
3. Reckless Behavior
- a. Reckless behavior representing a danger person(s) or property
4. Unauthorized Possession and/or Use of Weapons (Unauthorized possession on campus means possession without authorization from Director of Department of Public Safety or his/her designee.) Weapons include but are not limited to:
- a. Firearms
 - b. Explosives and explosive devices
 - c. Pellet guns, BB guns, air guns, and any other object a reasonable person may believe to be a gun
 - d. Switchblade knife, butterfly knife, taser or stun gun, or any other dangerous or deadly weapon.
 - e. Any object intended for use as a weapon.
5. Disobedience
- a. Failure to comply with directions of university or public officials acting in the performance of their duty.
 - b. Trespassing
 - c. Unauthorized entry
6. Deception
- a. Furnishing false information to the university with intent to deceive
 - b. Forgery, alteration or misuse of university documents, records and identification cards
 - c. Forgery or issuing a bad check with intent to defraud

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7. Theft

a. Stealing

b. Attempted or actual misappropriation or theft of university funds, supplies, equipment, labor, material, space or facilities

c. Possession of stolen property.

8. Improper Computer Usage: Actual or attempted abuse of computer time, including but not limited to:

a. Unauthorized entry into a file to use, read, change, or transfer the contents or for any other purpose

b. Unauthorized use of another's identification and/or password

c. Use of computing facilities to interfere with the work of another student, faculty member or university official

d. Use of computing facilities to interfere with normal operation of the university computing system.

e. Knowingly causing a computer virus to become installed in a computer system or file

9. Threats to Safety

a. Intentionally entering false fire alarms

b. Bomb threats

c. Tampering with fire extinguishers, alarms, safety equipment

d. Engaging in any behavior which constitutes a significant fire hazard

e. Tampering with elevator controls or equipment

f. Failure to evacuate during a fire, fire drill, false alarm

g. Possession and/or use of fireworks

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10. Controlled substances (including but not limited to: cannabis, cocaine, heroin, acid, LSD, methamphetamine)

- a. Manufacture
- b. Sale or distribution
- c. Unauthorized possession and/or use

11. Hazing: Any action required of or imposed on current or potential members of a group which produces or is reasonably likely to produce bodily harm, humiliation or ridicule, substantial interference with academic efforts, or significant impairment or endangerment of physical well-being, regardless of the consent of the participants.

12. Harassment: Any invasion of personal privacy which produces or is reasonably likely to result in humiliation or ridicule of the target or which interferes with the academic efforts of the target. Information obtained with the consent of the target individual is subsequently disclosed without consent of the target shall constitute harassment in violation of this code if such disclosure results in the humiliation or ridicule of the target. Intentional obstruction or substantial interference with any person's right to attend or participate in any university function also constitutes harassment.

13. Stalking

a. A person commits stalking when he or she intentionally or recklessly follows another person or places the person under surveillance, knowingly and without lawful justification; and

1) at any time transmits a threat to that person of immediate or future bodily harm, sexual assault, confinement, or restraint; or

2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint.

b. For the purpose of this section, a person "places a person under surveillance" by

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remaining present outside the person's place of residence, classroom, or other building or campus.

c. For the person of this section, "follows another person" means

1) to move in relative proximity to a person as that person moves from place to place, or

2) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area.

d. Exemption: This section does not apply to any exercise of the right of free speech or assembly that is otherwise lawful.

14. Disorderly Conduct: A person commits the act of disorderly conduct when he/she knowingly does act in such unreasonable manner as to alarm or annoy another and to provoke a breach of the peace.

15. Violations of University Housing regulations compiled in the Residence Hall Contract and Guidebook: A student present but not actively involved in an incident arising out of a residence hall may be subject to disciplinary action.

16. Violations of other duly promulgated university policies or regulations, including, but not limited to, alcohol, demonstrations, pets, smoking, solicitation, and computer use guidelines for access to data and programs stored on the computer.

17. Acts against the administration of this code:

a. initiation of a complaint or charge with knowledge that the charge was false or with reckless disregard of its truth;

b. interfering with or attempting to interfere with the hearing process including, but not limited to, intimidation or bribery or attempted bribery of hearing officer, hearing participant, board members or prospective witnesses, acceptance of bribes, dishonesty or disruption of proceedings and hearing held under this code;

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c. failure to comply with terms or any disciplinary sanction or attached conditions imposed in accordance with this code.

III. SANCTIONS AND CONDITIONS

The following are sanctions which may be imposed for a violation. Conditions may accompany a sanction. Conditions include, but are not limited to, restitution of damages, work projects, required counseling or tutoring, and academic performance, etc. A condition may include loss of certain privileges. If a condition accompanies a sanction, the condition must be met for the violation.

A. Failure of an assignment, quiz, test, examination or a course: A failing grade (F) may be assigned for the work in connection with which the violation occurred.

B. Failure in a course: A failing grade (F) may be assigned for the course in which the violation occurred.

C. Revocation of a Degree: An academic degree previously awarded by the university may be revoked on proof that the degree was obtained by fraud or that a significant part of the work required for fulfillment and indispensable to the requirements of the degree was obtained via academic dishonesty.

Educational Sanction: At the discretion of the Coordinator of Student Judicial Affairs or designee, an educational sanction may be given in lieu of a formal sanction. In the case of academic dishonesty, an educational sanction may be given at the discretion of the college.

E. Disciplinary Reprimand: In cases of minor violations where the violation is acknowledged by the student, a written reprimand may be issued by the Coordinator of Student Judicial Affairs or designee. The purpose of the reprimand shall be to call the student's attention to the responsibility of meeting certain community standards. Since a reprimand is given on the basis of a violation is acknowledged, the sanction may not be appealed.

F. Disciplinary Censure: Disciplinary censure is a written statement to the student that the cited behavior is not acceptable to the campus community and that further misconduct may result in more severe disciplinary action. The student may appeal the finding of a violation but may not appeal the severity of the sanction.

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G. Disciplinary Probation: Disciplinary probation removes a student from good disciplinary standing. The probation is for a stated period of time and until conditions imposed have been met. Any misconduct during or after the probationary period will bring further disciplinary action and may result in suspension. Probationary status prevents the student from representing the university in some extracurricular activities and may result in the loss of financial assistance.

H. Disciplinary Suspension: Disciplinary suspension is an involuntary separation of the student from the university for a stated period of time not to exceed three (3) years and until an imposed condition is met. A notation is entered on the student's transcript and will remain there for the duration of the suspension. When the suspension is concluded, the student may be removed.

I. Expulsion: A permanent involuntary separation of the student from the university.

J. Additional Sanctions Associated with Suspension or Expulsion

1. Students shall not be awarded degrees if, at the time of commencement, they are subject to disciplinary action or to charges under this code that could lead to suspension or expulsion.

2. A student separated from the university for disciplinary reasons is subject to the normal guidelines for the refund of tuition and fees, the issuance of grades, and the imposition of financial penalties terminating a housing contract.

3. If the conduct which led to disciplinary separation constitutes an ongoing threat to the safety of the university, its employees, or its students, the sanction may be accompanied by a condition which bars the disciplined student from university property.

The Vice Chancellor for Student Affairs, with the approval of the Board of Trustees, shall establish a system of cost recovery measures to be assessed for students found in violation of the Student Conduct Code. The purpose of these measures is to offset the costs specific to a sanction or a condition. The cost recovery measures shall not be used as a sanction itself.

IV. INTERIM SUSPENSION

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If the Chancellor or Vice Chancellor for Student Affairs has reason to believe that a serious and direct threat to the safety and well-being and/or property of the campus community will be present if an individual is permitted to remain an active member of the community, an interim suspension may be imposed. An interim suspension meeting shall be afforded if it is impossible or unreasonably difficult to conduct such a meeting. The interim suspension, in which case the individual shall be afforded the opportunity to attend an interim suspension meeting at the earliest practical time. The purpose of the interim suspension meeting shall be to determine if any condition described in paragraph 1 is present and an interim suspension is warranted. During the interim suspension meeting, the student will be provided a statement of the reasons for the interim suspension and will be afforded an opportunity to rebut the charges. The interim suspension is temporary and shall be enforced only until the completion of a hearing. Following are the procedures for imposing and adjudicating an interim suspension.

A. At any time following the submission of a written referral to the Coordinator of Judicial Affairs or the Department of Public Safety, the Chancellor or Vice Chancellor for Student Affairs may alter the rights of a student to be present on campus or to attend classes during an interim period prior to resolution of a disciplinary proceeding. The Chancellor or Vice Chancellor for Student Affairs will base the decision on available information and whether the continued presence of the student on campus reasonably poses a threat to the physical or emotional condition and welfare of any member of the campus community, to the safety and welfare of university property or any of its functions.

B. The decision to suspend the rights of a student for an interim suspension shall be communicated in writing to the student and will become effective upon notification. Notification will be hand-delivered or sent by registered mail to the last address provided to Records and Registration. Failure to accept receipt of notification will not negate or postpone the effectiveness of the interim suspension.

C. Interim suspension will remain in effect until a final decision is made on the pending charges or until the Chancellor or Vice Chancellor for Student Affairs determines that the reason for imposing the interim suspension no longer exists.

The Chancellor or Vice Chancellor for Student Affairs shall provide a suspended student with an opportunity to respond to the charges. If the student were alleged to have warranted the interim suspension, the student shall have 10 days following the effective date of the interim suspension to request an advisor and to present any argument and supporting documentation disputing the appropriateness of the interim suspension.

E. The decision of the Chancellor or Vice Chancellor for Student Affairs regarding an interim suspension shall be final.

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be rendered orally but shall be confirmed in writing within hearing with written notice provided to the student either personally or by regular mail at his/her current address as Records and Registration.

F. If the Chancellor or Vice Chancellor for Student Affairs (conditions specified above are not present or that an inter not warranted, the case shall proceed as a formal adjudica in section VI.C.

G. When an interim suspension is imposed, a hearing on allegations of misconduct shall be held within 10 days of t the interim suspension unless the student agrees to a late

H. The decision of the Chancellor or Vice Chancellor for S impose an interim suspension in accordance with this sect pending resolution of the disciplinary charge.

V. PROCEDURES APPLICABLE TO ACADEMIC DISHONESTY

A. Jurisdiction

1. Department Level: The department chair shall have jurisdiction over complaints of academic dishonesty and adjudicate the case if the student accepts responsibility for the violation. In a case where the student does not accept responsibility for the violation, the chair shall review the complaint of alleged academic dishonesty and decide if there are sufficient grounds to formally charge the student with a violation of this code. When social misconduct is also an incident of academic dishonesty, the chair in consultation with the Coordinator of Student Judicial Affairs may charge the student with all violations. All charges shall be adjudicated according to the procedures for academic dishonesty.

2. College Level

a. Each Dean has the responsibility for the formal resolution of charges against a student. For the purpose of administering this code, the Graduate Dean shall operate at the level of other Deans.

b. Charges of falsifying information on application for admission shall be adjudicated by the Director of Records and Registration who, for the purpose of administering this code, shall operate at the level of other Deans.

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B. Informal Resolution

1. Informal Hearing: In cases where the student admits a violation of this code relating to academic dishonesty, the violation may be adjudicated at the department level. An informal hearing discussion between the instructor and the student shall be held. If the student admits to a violation of this code, the instructor shall inform the department chair and the student whether a sanction will be assigned for the violation, the instructor will assign a sanction for the work and/or course. The instructor shall also inform the chair any other sanction that may be imposed, V.B.2. The chair shall meet with the instructor and the student to receive the acknowledgement of responsibility from the student and receive the recommendation from the instructor, and the student of the sanction.

2. Sanctions: The Chair shall consider the full disciplinary history of the student in determining sanctions. Sanctions may be imposed when the student accepts responsibility. The sanctions and conduct are as follows:

- a. The instructor may assign the student a failing grade for the work and/or course.
- b. The student may be placed on disciplinary probation.
- c. The student may be suspended from the class for the remainder of the semester.
- d. Any combination of the above.

The department Chair may recommend to the Dean that the student be suspended from the university. If the Dean accepts the recommendation of the Chair, he/she will refer the recommendation to the Coordinator of Student Judicial Affairs for final determination. The Coordinator of Student Judicial Affairs will make a decision regarding university suspension after consultation with the Provost and Vice Chancellor. The department Chair shall also inform the student in writing that a disciplinary suspension is recommended as the appropriate sanction for the student's violation of this code.

If the student elects to challenge the severity of the recommended suspension, the student may request an informal hearing on the proposed sanctions before the Dean. The student must submit a request in writing for an informal hearing on the proposed sanctions within 5 days of receipt of the chair's recommendation if the recommendation is personally served on the student or 7 days from

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date of the decision if it was mailed to the student at the last known address. In such cases the Dean or his/her designee shall meet with the student, the instructor and/or instructor and apprise the student of the sanctions.

3. Notification: The department Chair shall send written verification of the sanctions to the student. Such notification normally be sent within 5 days of the meeting with the student and the student.

4. Appeal: The student may appeal the severity of the sanction or failure to follow prescribed procedure, pursuant to the Student Conduct Code. The student may not appeal the question of responsibility.

C. Formal Disciplinary Procedures

1. Initiation of a Complaint: Any member of the campus community may initiate disciplinary proceedings by filing a complaint within 20 days of discovery of an alleged violation of the Student Conduct Code.

a. The complaint must be made in writing with a copy of available evidence attached.

b. The complaint shall be filed with the department Chair of the unit in which the violation is alleged to have occurred.

c. The complaint may include a recommendation concerning the appropriate sanctions to be imposed. Following formal adjudication, the student is found in violation of this code.

d. In any case initiated by an instructor, the complaint shall state whether or not the instructor will assign a failing grade for the work and/or course if, following formal adjudication, the student is found in violation of this code in the manner alleged in the complaint. In any such case, the instructor shall assign an "Incomplete" in lieu of a letter grade pending formal adjudication and final resolution of the complaint.

2. Formal Charges: The department Chair shall review the complaint and, within 10 days, determine whether there are grounds to believe a violation may have occurred.

a. If the chair finds sufficient grounds to believe a violation may have occurred, within 5 days of such determination the Chair shall notify the student in writing of the violation with which the student is charged.

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chargeA copy of the charges shall be submitted to the appropriate academic Dean.

b. If the chair finds no grounds for disciplinary action, the complainant shall be notified. If the complainant wishes to proceed with a disciplinary charge, a written request must be submitted to the appropriate academic Dean within 5 days. The Dean shall review the request, the complaint, and the department Chair decision and decide whether to allow the complainant to pursue formal charges of the alleged violation set forth in the complaint.

3. Formal Adjudication: In cases of alleged academic misconduct where guilt is disputed by the student, the case will be adjudicated at the Dean's level with a formal hearing. The Dean shall notify the student in writing regarding the date, time, and place of the hearing. The notification will be considered delivered if the notice is sent to the current local address of the student as provided to Records and Registration by the student. Thus, failure to notify the university of a change of address could result in a hearing being held in the student's absence.

a. The student has the right to

1) be apprised of all evidence and view any and all supporting documents on the alleged violation;

2) decline to offer evidence which may be self-incriminating;

3) advisory assistance (The responsibility for selecting an advisor is placed on the charged student. The advisor may be any individual except a principal in the hearing. The advisor shall be limited to advising the student and shall not participate directly in the hearing except by permission of the hearing agent and then only when the hearing agent finds special circumstances such as a party's inability or difficulty communicating.);

4) an open or closed hearing;

5) hear and question available witnesses;

6) have witnesses testify in his/her behalf. While sworn statements will be accepted from those persons unable to attend the hearing,

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they may not constitute the sole form of evidence offered. The student must provide, in addition to such sworn statements, substantial corroborating evidence, either in the form of testimony by live witness or in the form of circumstantial evidence. Character witnesses may be excluded by the hearing agent.

7) receive a written decision specifying judicial actions;

8) appeal the decision, pursuant to V.C.8.

b. Hearing Agent: The charged student may submit preference for a hearing before a judicial board or Dean or his/her designee. The Dean shall decide hearing agent.

4. Judicial Hearing Board

a. A judicial board shall be composed of 7 members. A quorum required to conduct a hearing shall be 5 members. A decision shall be reached by majority.

b. Membership

1) Student members shall meet the following standards:

a) be full-time as defined by the Director of Records and Registration;

b) be in good disciplinary standing since matriculation;

c) have a minimum grade point average of 2.5 (undergraduate) or 3.0 (graduate), or be in good standing (professional student).

Full-time university employees who are enrolled in classes may not serve as student members. Graduate assistants and student workers in the department in which the incident occurred shall be excluded from the judicial board.

2) Faculty members may be any person with faculty appointment, excluding administrators.

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3) All appointments shall be reviewed by Student Judicial Affairs to ensure that candidates meet the minimum requirements list of judicial board members may be obtained from the Dean.

c. Administrative Advisors: Each judicial board shall have an administrative advisor from Student Judicial Affairs. The advisor's role shall be limited to providing guidance and clarification. The advisor shall sit with the panel in both open and executive sessions.

d. Terms: Each judicial board shall be in session for twelve weeks during the fall and spring terms and for four weeks during the summer term. A board is not expected to meet during the first two nor the last two weeks of a term. Disciplinary cases shall be adjudicated by an administrative hearing officer designated by the Dean when a board is not in session or is defunct.

e. Powers: A judicial board shall make a decision of In Violation or Not in Violation and shall recommend appropriate sanctions to the Dean.

5. Judicial Hearings

a. Time limitations

1) A student electing formal adjudication shall be notified of the hearing date, which will occur no sooner than 5 days after receiving notice of a scheduled hearing or 7 days from the date of a mailed written notice.

2) A student shall have 7 days after receiving notification of the decision in which to submit an appeal.

b. Failure to appear: Initial jurisdiction hearings shall be held in the student's absence when the charged student fails to appear. An appeal shall be dismissed when the student fails to appear.

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c. Tape recordings: All formal judicial hearings shall be tape recorded. After the appeal period has expired, the tape may be erased. Copies of hearing tapes will be made available to the charged student upon his/her request and at his/her expense.

d. Challenge for cause: A student may challenge panel members for cause. The decision to remove a panel member will be made by majority vote of the other panel members.

e. Confidentiality: All evidence, facts, comments and discussion at a closed hearing and all executive sessions shall be held in strict confidence. Failure to maintain confidentiality may result in removal of judicial board members by the Dean.

6. Sanctions: A student's disciplinary history shall have a bearing on the question of In Violation or Not In Violation; however, a student is found to be in violation of this code, his disciplinary history shall be considered in determining the appropriate sanction. The academic Dean shall request the student's disciplinary record from Student Judicial Affairs. The academic Dean and the Coordinator of Student Judicial Affairs shall maintain lines of communication to keep each other apprised of disciplinary history, for this purpose. Sanctions which may be imposed are as follows:

- a. The student may be assigned an educational sanction.
- b. The student may be assigned a failing grade for class work and/or course.
- c. The student may be placed on disciplinary probation.
- d. The student may be suspended from the class for the remainder of the semester.
- e. The student may be suspended from the college.
- f. The Dean may recommend to the Coordinator of Student Judicial Affairs that the student be suspended from the university. The Coordinator of Student Judicial Affairs will make the decision regarding university suspension after consultation with the Provost and the Chancellor.
- g. The student may be expelled from the college.
- h. The Dean may recommend to the Coordinator of Student Judicial Affairs that the student be expelled from the university.

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Student Judicial Affairs that the student be expelled from the university. The Coordinator of Student Affairs will make the decision regarding university expulsion after consultation with the Provost and Chancellor.

i. any combination of the above.

The Dean and Vice Chancellor and Provost must communicate the finding and sanction(s) imposed by the Coordinator of Student Judicial Affairs.

7. Notification: The Dean shall send written notification of the results of the hearing and the sanctions to be imposed on the student. Such notification will normally be sent within 7 days of receipt of the judicial board's recommendation or within 7 days of the administrative hearing.

8. Appeals

a. Request for appeal must be submitted in writing within 7 days after receiving notification of the decision of a formal adjudication.

b. Failure to request an appeal in a timely manner constitutes a waiver of any right to appeal.

c. Appeals must be submitted in writing to the Vice Chancellor for Student Affairs in cases of social misconduct or the Provost in cases of academic misconduct.

d. The basis of an appeal will be limited to the following grounds:

1) there was a procedural error which substantially affected the outcome of the hearing;

2) there is no evidence in the record to support a finding of violation of this code;

3) there is new or newly discovered evidence which may substantially affect the outcome of the hearing;

4) the sanction is excessively severe.

e. An appeal is not a rehearing. It is a procedural safeguard.

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f. In an appeal, the burden of proof is shifted from the university to the student charged with the violation of the Student Conduct Code.

g. A student may appeal the decision for the Vice Chancellor, only with regards to suspension or expulsion, to the Advisory Review Board. The appeal must be in writing and must be submitted within seven days of receipt of the Vice Chancellor's decision. The Advisory Review Board shall act as an advisory body to the Chancellor. The Advisory Review Board may review cases involving suspension or expulsion. The Advisory Review Board shall consist of 8 voting members: 2 faculty members, 2 staff members (1 from the Office of General Counsel and 1 Civil Service), 2 undergraduate students, and 2 graduate or professional students. A non-voting representative from the Office of General Counsel shall sit on the board and act as the board's advisor. The members of the Advisory Review Board shall be appointed by the Chancellor. The members of the Advisory Review Board shall elect a faculty member to serve as chair of the board. In accordance with Board of Trustees policy, a student will not be eligible to graduate while an appeal is pending.

9. Implementation of Sanction

a. The disciplinary sanction shall be implemented if the student has waived or exhausted the right of appeal, or the appeal period has expired.

b. If an appeal is filed, a sanction shall take effect as soon as the Vice Chancellor has issued his/her decision. On sanctions less severe than suspension from the university, the appropriate Vice Chancellor's decision shall be the final decision at the campus level.

c. The sanction shall be specified by the final adjudication agent. However, when the sanction is the assignment of a grade, the instructor has responsibility for assigning the grade. In a case where an "Incomplete" was assigned for a course, pending adjudication of charges of academic dishonesty against the student, the instructor shall immediately change the "Incomplete" to an appropriate letter grade.

d. A student separated from the university for disciplinary reasons is subject to the normal guidelines for tuition and fee refunds, grades, and financial penalties for terminating a housing contract.

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e. Following the implementation of the sanction, records relating to the case will be filed with Student Judicial Affairs.

VI. PROCEDURES APPLICABLE TO SOCIAL MISCONDUCT

A. Jurisdiction: A case may be resolved informally by a university official in a department as authorized by the Coordinator of Student Judicial Affairs or his/her designee, pursuant to VI.B.1. All cases in which responsibility is disputed shall be referred to Student Judicial Affairs. The Coordinator of Student Judicial Affairs has initial jurisdiction over social misconduct not handled by informal resolution.

B. Informal Resolution

1. Informal Hearing: In cases where the student accepts responsibility for the social misconduct, the matter may be resolved and adjudicated at the department level. An informal discussion between the university official and the student shall be held. If the student accepts responsibility for the social misconduct, the university official shall recommend a sanction to the Coordinator of Student Judicial Affairs.

2. Sanctions: The full disciplinary history of the student shall be considered in determining the sanction. The university official may recommend to the Coordinator of Student Judicial Affairs either educational sanction, disciplinary reprimand or censure.

3. Notification: The Coordinator of Student Judicial Affairs shall send written verification of the sanction to the student within 10 days of the receipt of the recommendation.

4. Appeals: The student may not appeal the sanction if the sanction is either disciplinary reprimand or disciplinary censure. A student may not appeal the question of guilt.

C. Formal Disciplinary Procedures

1. Judicial Hearing Agents

a. The administrative hearing officer will be the Coordinator of Student Judicial Affairs or his/her designee.

b. Campus Judicial Board

1) The Campus Judicial Board may handle alleged violations of social misconduct under this code.

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2) Size

The Campus Judicial Board shall be composed of 7 members. A quorum required to conduct a hearing shall be 5 members. A decision shall be reached by majority vote.

3) Membership

a) Student members shall meet the following standards:

- 1) be full-time as defined by the Director of Records and Registrar;
- 2) be in good disciplinary standing since matriculation;
- 3) have a minimum grade point average of 2.5 (undergraduate) or 3.0 (graduate) and be in good standing (professional student).

Full-time university employees who are enrolled in classes may also be members.

b) All appointments shall be reviewed by Student Judicial Affairs. All candidates must meet the minimum requirements. A list of Campus Judicial Board members may be obtained from Student Judicial Affairs.

4) Campus Judicial Board Operating Paper: The board may review and amend its own operating paper to ensure consistency with the provisions of the Student Judicial Code. Amendments to the operating paper are subject to the approval of Student Judicial Affairs.

5) Administrative Advisors: The Campus Judicial Board shall have one administrative advisor from Student Judicial Affairs. The advisor's role is limited to providing guidance and clarification. The advisor may be present in both open and executive sessions only at the request of the board.

6) Terms: The Campus Judicial Board shall be in session for 12 weeks during the fall and spring terms and for 4 weeks during the summer term. The board is expected to meet during the first 2 nor the last 2 weeks of a term. Cases shall be adjudicated by an administrative hearing officer during a board session or is defunct.

7) Powers: The Campus Judicial Board shall make a decision on cases of In Violation and shall recommend the sanction to the appropriate authority.

2. Initiation of a Complaint

a. Any member of the university community or law enforcement may initiate disciplinary proceedings by filing a complaint and/or docket with Student Judicial Affairs within 20 days of the discovery of an alleged violation of the Student Conduct Code. The complaint must be in writing with supporting evidence attached.

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b. The Coordinator of Student Judicial Affairs, or designee, shall review of the complaint. If there are no grounds for disciplinary complaint should be processed under another policy, the complaint. If the complainant wishes to proceed with a disciplinary request must be submitted to the Vice Chancellor for Student Affairs of the receipt of the Coordinator's notification. The Vice Chancellor of Student Affairs shall review the request, the complaint, and the decision of the Student Judicial Affairs and decide whether to pursue for

3. Formal Charges: In cases of alleged social misconduct when disputed by the student, the case will be adjudicated at the appropriate formal hearing. The Coordinator of Student Judicial Affairs, or the student in writing regarding:

- a. the charges made against the student,
- b. available evidence against the student,
- c. the relevant provisions of the Student Conduct Code,
- d. the witnesses, if any, who shall testify,
- e. as well as the date, time, and place of hearing.

f. The student may elect to acknowledge the violation and may accept the sanction imposed by the Coordinator of Student Judicial Affairs. If the student chooses, the student may appeal only the severity of the sanction. If the student does not accept responsibility for the violation, the Coordinator of Student Judicial Affairs may elect to refer the matter to a formal hearing.

The university will consider the notification delivered if the notification is sent to the current local address of the student provided to Records and Registration Services. Thus, failure to notify the university of changes of address at the time a hearing being held in the student's absence.

4. Formal Adjudication

a. The student has the right to

- 1) be apprised of all evidence and view any and all supporting evidence of the alleged violation;
- 2) decline to offer evidence which may be self-incriminating;
- 3) receive advisory assistance (The responsibility for selecting an advisor shall be that of the charged student. The advisor may be any individual except a hearing agent at the hearing. The advisor shall be limited to advising the student and shall not participate directly in the hearing except by permission of the hearing agent. Then only when the hearing agent finds special circumstances such as physical disability or inability or difficulty communicating.);

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- 4) an open or closed hearing;
- 5) hear and question available witnesses;
- 6) have witnesses testify in his/her behalf. While sworn statements from those persons unable to attend the hearing, they may not be in the form of evidence offered. The student must provide, in addition to statements, substantial corroborating evidence, either in the form of a live witness or in the form of circumstantial evidence. Witness selection at the discretion of the hearing agent.
- 7) receive a written decision specifying judicial actions;
- 8) appeal the decision, pursuant to V.C.8.

b. Hearing agent: The charged student may submit a preference for a hearing before a judicial board or the Coordinator of Student Judicial Affairs. The Coordinator will decide the hearing agent. Factors to be considered by the Coordinator include but are not limited to privacy and reasonable access to a judicial board.

5. Judicial Hearings

a. Time limitations

- 1) A student electing formal adjudication shall be notified of the date the hearing will occur no sooner than 7 days from the date of a meeting with the Coordinator.
- 2) A student shall have 7 days after notification of the decision to file an appeal.

b. Failure to appear: Initial jurisdiction hearing shall be held in the absence when the charged student fails to appear. An appeal shall be held when the student fails to appear.

c. Tape recordings: All hearings shall be tape recorded. After the hearing has expired, the tape may be erased. Copies of hearing tapes will be provided to the charged student upon his/her request and at his/her expense.

d. Challenge for cause: A student may challenge a judicial board member. The decision to remove a judicial board member will be made by the Coordinator of Student Judicial Affairs or designee.

e. Confidentiality: All evidence, facts, comments, and discussions and all executive sessions shall be held in strict confidence. Failure to maintain confidentiality may result in administrative removal of the judicial board member by the Coordinator of Student Judicial Affairs.

6. Sanctions: A student's disciplinary history shall have no bearing on a determination of In Violation or Not In Violation. If, however, a student is found to be in violation of this code, full disciplinary history shall be considered in determining the appropriate sanction.

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The Coordinator of Student Judicial Affairs or designee shall receive disciplinary records from the academic Dean. The academic Dean and the Coordinator of Student Judicial Affairs shall develop lines of communication. Each other apprised of the student's disciplinary history for this which may be imposed are

- a. Educational Sanctions
- b. Disciplinary reprimand
- c. Disciplinary censure

Disciplinary probation

- e. Disciplinary suspension
- f. Expulsion

7. Notification: The Coordinator of Student Judicial Affairs shall provide notification of the results of the hearing and the sanctions to be imposed on the student. Such notification will normally be sent within 5 days of the judicial board's recommendation or within 5 days of the administrative hearing.

8. Appeals: Any disciplinary determination or sanction involving a student may be appealed as set forth in V.C.8.

9. Implementation of Sanction

a. The disciplinary sanctions shall be implemented when the student's right of appeal or the appeal period has expired.

b. If an appeal is filed, a sanction shall take effect as soon as the administrator has issued his/her decision. On sanctions less severe than suspension from the university, the appropriate Vice Chancellor's decision is the final decision at the campus level.

c. The sanction shall be as specified by the final adjudicating authority.

d. A student separated from the university for disciplinary reasons shall follow normal guidelines for the tuition and fee refunds, grades, and financial aid, and terminating a housing contract.

e. Any type of disciplinary separation from the university may include a condition which bars the student from university property.

VII. AMENDING PROCEDURES

A. The Student Conduct Code shall be reviewed in its entirety annually. The Chancellor of Southern Illinois University Carbondale shall appoint a committee consisting of 2 undergraduate students, 1 graduate or professional student, and 1 faculty member.

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faculty members, 1 academic Dean, 1 representative from University representative from Student Judicial Affairs, and 1 representative from the General Counsel. The student and faculty members shall be selected from their respective constituencies. The Vice Chancellor for Student Affairs shall be the chair for the committee, who may be one of the members listed below.

B. At any time prior to the next five-year review of the Student Conduct Code, the Provost and Vice Chancellor, or the Vice Chancellor for Student Affairs may request a review of portions of the Student Conduct Code. Any request must stipulate in writing the specific portion(s) of the Code to be reviewed and sound reason(s) for the request. The Chancellor shall not authorize the review unless he or she states in writing sound reasons for the request.

C. All Student Conduct Code review committees shall make recommendations to the Chancellor. The Chancellor may propose amendments of the Code to the President of Southern Illinois University. Due consideration shall be given to the recommendations of the committee provided for in VII.A.

Following approval of any amendments by the President, the Chancellor shall give notice in the *Daily Egyptian* that the Student Conduct Code has been amended and is available in its entirety on the Student Affairs website (www.siu.edu/staffair/). Paper copies of the Student Conduct Code shall be available at the office of Student Judicial Affairs and the office of the Vice Chancellor for Student Affairs. Any amendment of the Student Conduct Code shall be effective after such notice has been given to the campus community.

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For questions contact: University Communications - MC 6819 -| Phone: (618) 453-2276: **Webmaster**

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