

**File 1**

INDIANA STATE UNIVERSITY

FACULTY SENATE, 2013-2014

**EXECUTIVE COMMITTEE**

April 8, 2014

3:30pm, HMSU 227

**Agenda**

1. Administrative Reports: President D. Bradley, Provost R. Williams
2. Chair Report: S. Lamb
3. Approval of the Executive Committee Minutes of March 25, 2014 **(File 2)**
4. Fifteen-Minute Open Discussion
5. FAC Item, Recommended Revisions to the Constitution of the Diversity Council **(File 3)**
6. FAC Item, Motion in Response to the Charge to Consider the Role of Regular Faculty in Hiring EAP Staff Whose Duties Include Regular Teaching Assignments, D. Hantzis **(File 4)**
5. SAC Item, Revisions and Updates to the Student Code of Conduct, J. Buffington **(Files B-E)**
6. SAC Item, Report Concerning Increasing the Number of Ex-Officios on the Student Affairs Committee, J. Buffington **(File F)**
7. SAC Item, Report Concerning Investigating the Desirability of Adopting a Medical Amnesty Policy, J. Buffington **(Files G-J)**
8. Executive Session

INDIANA STATE UNIVERSITY

FACULTY SENATE, 2013-2014

**EXECUTIVE COMMITTEE**

April 8, 2014

3:30pm, HMSU 227

**Minutes**

Members Present: C. MacDonald, B. Guell, A. Anderson, T. Hawkins, B. Kilp, C. Olsen, V. Sheets, K. Yousif

Members Absent: S. Lamb

Ex-Officio Present: Provost R. Williams

Ex-Officio Absent: President Dan Bradley

Guests: J. Buffington, C. Enyeart, D. Hantzis

1. Administrative Reports: President D. Bradley, Provost R. Williams
  - a. R. Williams: I have no formal report; and President Bradley has left today for an alumni tour.
2. Chair Report: C. MacDonald
  - a. C. MacDonald:
    - i. We are coming near the end of the year and we have appreciated the degree the administration has been willing to work with us, and though we disagree, we are still able to get things done.
    - ii. We have elected officers for next year's Senate: R. Guell is Chair, S. Lamb is Vice-Chair and I am Secretary.
    - iii. For those of you who will serve on the Senate next year, voting is open for the rest of the Executive Committee. Voting will be open until April 14 at 4:15pm.
3. Approval of the Executive Committee Minutes of March 25, 2014: A. Anderson, V. Sheets 8-0-0
4. Fifteen-Minute Open Discussion
  - a. R. Guell: I have one issue, but given the length of the agenda I will push it to the end.
  - b. B. Kilp: I have already heard many faculty who reported that at the end of the semester they have to write another report. I understand it's for the institution, to

measure activity, but people feel they are being reported to death, especially this time of year when there is so much going on.

- i. C. MacDonald: I'm on the Digital Measures Task Force...S. Powers was unable to attend that meeting but we wanted to talk with her about changing the amount of input needed or change the deadline.
  - ii. C. Olsen: I was in Arts and Sciences Chairs Council this morning, and they're not doing anything about it; they were told the data won't be used for a year and a half.
  - iii. C. MacDonald: I think there may be some annual reports that may be pulled administratively. We will have to look into it and report back.
  - iv. R. Williams: The point is to not have as many reports in Digital Measures. If we do it in the fall, to ask chairs to do it then would be too much. We will look into changing some things. We haven't had the definition of Senate Bill 180 from last year, and although they haven't defined that for us, we don't want to wait. We want to capture the work you all are doing in case we are asked.
  - v. C. MacDonald: I would like to relay to the faculty to not panic just yet.
5. FAC Item, Recommended Revisions to the Constitution of the Diversity Council, D. Hantzis B. Kilp, T. Hawkins Vote: 8-0-0
- a. D. Hantzis: I think it's clear we had a couple of concerns, though the primary charge was to look at the composition of the council. With all the changes that had occurred it had kind of grown into a committee but not what was stipulated in the Handbook. J. Powers was also serving on FAC at the time this was originally drafted. We thought they should have an assignment and an annual report in the Handbook. The data breakdowns that allow us to check progress doesn't happen anymore. We went through membership and made minor changes but we wanted to include a broad representation. Currently the council membership indicated on its webpage that there are also community members on the council. Though we do see the advantages of including community members as ex-officio, it should be up to the chairs if desired. The representation on the webpage is not what is covered in the Handbook. We also agreed that Staff Council is the governance unit of both monthly and biweekly employees.
    - i. R. Guell: Is it going to be clear that on a standing committee only faculty would get to vote? Is there any place where there is voting by non-ISU employees?
    - ii. D. Hantzis: We didn't look at that since they asked us to look at the language only.
    - iii. R. Guell: I don't have a problem with community members who vote on all-University committees, but not elsewhere.

- iv. A. Anderson: What about the IRB? They typically have community members.
  - v. R. Guell: But that's not a standing committee.
  - vi. K. Yousif: Are we sure the community members are voting on IRB?
  - vii. D. Hantzis: We didn't investigate it since the current language didn't permit it. We didn't create membership by community members in that case.
  - viii. A. Anderson: Speaking of that, is Student Affairs mentioned as that, or is it different?
  - ix. D. Hantzis: It's supposed to be represented on the council.
  - x. K. Yousif: There is a community member on the IRB but it says representative. I'm not sure if they have voting rights or not. There are also several alternates from the community.
  - xi. D. Hantzis: I'm not sure that we changed anything in terms of the array of members from the current language.
  - xii. C. MacDonald: Is that something that needs to be added?
  - xiii. D. Hantzis: There is a VP for Student Affairs that would have a place through the executive, administrative and professional staff.
  - xiv. R. Guell: The University Athletics Committee has alumni members.
  - xv. D. Hantzis: But these are not policy-making bodies.
  - xvi. R. Guell: Because it's in 270 I think the Council on Diversity can have community members just like the Athletic Committee. Policy is not being violated.
  - xvii. D. Hantzis: We were asked to look at the language. We didn't comment on anything else. We would not have recommended community members. We also felt that should be up to the leadership on the council.
  - xviii. R. Williams: Was E. Ervin consulted about these issues?
  - xix. C. MacDonald: She came to us asking for clarity regarding how they were assigned.
  - xx. R. Guell: The only real changes you're recommending are a change to the Handbook, specifically how the faculty get there, and the governing bodies rather than VP...
  - xxi. D. Hantzis: The Staff Council is supposed to be fully represented but not walked around. Certainly everyone should be represented by a body of their own members.
  - xxii. R. Guell: R. Williams, are you concerned that E. Ervin would reject this?
  - xxiii. R. Williams: I am comfortable with what you are doing. It's okay with me.
6. FAC Item, Motion in Response to the Charge to Consider the Role of Regular Faculty in Hiring EAP Staff Whose Duties Include Regular Teaching Assignments: D. Hantzis.  
Motion to Table: C. MacDonald, B. Kilp. Vote: 8-0-0

- a. D. Hantzis: The change recommended is that if someone is hired into an EAP then a faculty member should be on the search committee if they are expected to teach.
  - i. K. Yousif: A faculty member from their field?
  - ii. D. Hantzis: Yes, and that EAP who teach should have their effectiveness reviewed comparable to that of faculty on temporary appointment, such as a temporary lecturer. It would move forward to the supervisor of the EAP staff member. It would be a peer review but go to their supervisor.
  - iii. V. Sheets: I agree with the idea they should be evaluated just like everyone else. How often are EAP hired with the expectation to teach rather than find out later?
  - iv. D. Hantzis: There's a point where we talk about EAP who are already in the cycle. It's happening more often rather than less often.
  - v. R. Guell: It happened all in one big lump with University College advisors; they teach UNIV 101.
  - vi. D. Hantzis: I know of five positions total in Student Media who have teaching experience. Three are not paid extra and two are. They may or may not be issued a part-time lecturer contract. They may get zero pay—they may not be reviewed at all.
  - vii. C. Olsen: I'm surprised that people are teaching without review. I think it's a big distinction to have the experience to teach with no additional pay. I have an EAP who is reviewed. We need to make a distinction among those who are hired with teaching in their contract, and I think faculty should be on those search committees.
  - viii. D. Hantzis: There's so much diversity in what they are being told. Some are told they will teach, some are told they may teach.
  - ix. C. Olsen: But if teaching is part of their contract, they should have faculty representation at hire.
  - x. D. Hantzis: We need to examine why it is or isn't. It's not standardized across campus—pay, evaluations, none of it.
  - xi. R. Williams: In 2008-2009 Dr. Bradley went through budget cuts. EAPs were not to be compensated. Talking with M. Green this morning, I don't think EAPs who are Associate Deans are getting compensated either. If they are it's part of their role. The Deans that did teach were compensated. We don't really know if there is a problem. This was brought up in the charge in the fall; everybody from Adjunct to Lecturer to EAP has a student evaluation. It was a little shocking to them.
  - xii. D. Hantzis: If you like I can give you specific names. I had a difficult time getting information but I did enlist the help of R. Guell and L. Ferguson.
  - xiii. R. Williams: They won't know who has been evaluated.

- xiv. R. Guell: Why is it only a problem if a certain threshold number of these folks aren't evaluated? Shouldn't it be in the Handbook across the board?
- xv. R. Williams: The question is how big are we going to make our Handbook? Do we need to add more language? Is it really an issue, or an isolated event?
- xvi. R. Guell: While proctoring an exam I was able to come up with scads of people who have taught in the past. All University College advisors teach, M. Green, E. Kinley, C. Tillery, the Writing Center Director taught, etc. The notion that we are expanding electrons by a few more electrons is not grounds for not creating the principle statement that they should have reviews by peers.
- xvii. R. Williams: But if you do it for every isolated event on campus the Handbook will be a few thousand pages. What needs to be in the Handbook and what needs to be in the hands of the Chairs and Deans?
- xxviii. R. Guell: If it only affected a small number of people, it would be a problem. This is a principle issue, that people who teach should be evaluated by their peers. The principle should be upheld and indisputable.
- xix. R. Williams: So every Instructor must have student evaluations? Would we need these three paragraphs?
- xx. C. MacDonald: I think there is room for that. The Task Force is coming up with some language regarding evaluations, and it could cover everyone who teaches.
- xxi. T. Hawkins: Student evaluations are not effective in themselves. They should be evaluated by their peers.
- xxii. R. Williams: Then three words should be used instead of three paragraphs.
- xxiii. C. Olsen: Should we add something for Part-Time Lecturers? Anyone who teaches for credit?
- xxiv. D. Hantzis: If everyone with an EAP was issued a contract, it wouldn't be an issue, but they are just given a course assignment.
- xxv. C. Olsen: But even if it's zero pay, still evaluate them.
- xxvi. K. Yousif: Having contracts for all of those would eliminate the issue.
- xxvii. D. Hantzis: If everyone who taught was issued a contract then they would cycle in. This provides for that to happen. FAC's concern was that we were clearly trending toward classes being taught by people who are not faculty. I personally taught 11 years as Associate Dean without review.
- xxviii. R. Guell: I understand that Administration would like this tabled, and I think some of the issues that are coming out of the Departmental Success Task Force can be folded into this. There's nothing of immediacy here. Though this has been a fruitful conversation, this should be tabled until fall.

- xxix. C. Olsen: Academic Affairs can direct people to put contracts out in the fall. We think teaching should be evaluated.
  - xxx. B. Kilp: What if someone has been on a few years and then are hired to teach? What do you do?
  - xxxi. D. Hantzis: If we know the position description says they will teach, a faculty member should be on the search committee.
7. SAC Items, Revisions and Updates to the Student Code of Conduct and Report Concerning Investigating the Desirability of Adopting a Medical Amnesty Policy: J. Buffington A. Anderson, K. Yousif. Vote: 8-0-0
- a. J. Buffington: I believe we should consider the Code of Conduct and Medical Amnesty Policies together.
    - i. J. Buffington: This is not the first time we were here with the Code of Conduct, and there were a number of objections raised, and we have reworked it. We approved that reworked code and when we disseminated it to this body it turns out one felt we hadn't addressed the Passive Participation issue. It was too rigorously defined. C. Enyeart and R. Guell worked Saturday to resolve this issue in a just and reassuring way. The other issues that come up at SAC were adequately addressed before. We included some heavy artillery in the form of a review from a nationally accredited body. Early on we decided to treat the Medical Amnesty part of the policy as a procedural issue rather than a disciplinary issue. This is due to a law?
    - ii. C. Enyeart: The Indiana Lifeline Law.
    - iii. J. Buffington: We got together with M. Sacopulos.
    - iv. C. Enyeart: It is state law that if one reports a violation they are exempt. We felt it was necessary for the campus to have this too.
    - v. K. Yousif: I hope they pass this. it looks like a lot of work. I appreciate all the work that went into this.
    - vi. R. Guell: I thank C. Enyeart and J. Buffington for mollifying me on the Passive Participation issue. I had a particular sensitivity to that issue. I have a question as regards the Medical Amnesty: you get your one "Get Out of Jail Free" card, but you are denied it on the second or third offense? Is it wise? Is that also Indiana law? Should they have to weigh the administrative repercussions against their health?
    - vii. C. Enyeart: The state of Indiana didn't want someone constantly playing the "Get Out of Jail Free" card. The SGA actually wanted that in as well, to make sure students didn't have that loophole as a consistent way to get out of those situations. The Good Neighbor policy helps as well. The SGA wanted it tuned specifically to alcohol.

- viii. J. Buffington: I think the change to the language on Passive Participation was necessary.
  - ix. V. Sheets: Being one who sits on these panels, I appreciate the clarification. Judgments in this realm are hard.
  - x. R. Guell: The Code of Conduct needs to have something for the animal who eggs on a drunk person in the assault of another person. They're not doing the harming, but should be disciplined. There needed to be a line drawn.
8. SAC Item, Report Concerning Increasing the Number of Ex-Officios on the Student Affairs Committee: J. Buffington. A. Anderson, T. Hawkins. Vote: 8-0-0
- a. J. Buffington: This started when C. Tillery came to us about seven years ago. One of the things she asked was about SAC and representation on the committee. I invited her to be more or less a permanent guest. A couple of years ago, with the advent of University College, we began inviting L. Maule as a guest. The contributions from these people who deal very intimately with student affairs—I would like very much to elevate them to Ex-Officio. They are integral to the committee. The reservation is that the committee becomes Ex-Officio top heavy, but the voting members won't make that happen. Their opinions and knowledge are indispensable.
9. Continuation of Fifteen-Minute Open Discussion:
- a. R. Guell: Last year at this time, the Senate passed an adjustment to the summer compensation policy for teaching. For example, if I have four classes in various forms on my summer agenda, one is over the 20 number and one is over the 10 or 11 number, and two are sitting in the high single digits, some made for low-end money and some for high-end. Whenever paperwork has gone through, whatever the chairs and secretaries have done, is when it got to a magic number, the paperwork went through. We have had to claw back paychecks. Now we have three different breaking points, and I can see that I as the faculty member will call Payroll and get embroiled in this argument about what day, what magic moment is the snapshot for how I will be paid.
    - i. C. Olsen: We asked about this last year and said we'd pick it up next year.
    - ii. R. Guell: I would like you all to figure out some rule so we know what is fair.
    - iii. R. Williams: I will look into that. That might not have been on the radar.
    - iv. C. Olsen: I thought it was the first day of enrollment.
    - v. R. Guell: It can be a significant difference in what one is paid.
    - vi. V. Sheets: At the time this was raised at Senate, the question was raised about those courses that have a cap, especially those which include clinical supervision. Does this mean it was our understanding that I would continue to pay them the normal scale, even though the cap is below those



numbers? Is that understood by the people who are going to process payroll?

- vii. R. Guell: I have been talking to my wife about this, and they're not talking about it in Business Affairs. Their position is "pay what they tell us to pay." You have an understanding with the Dean, the Dean has an understanding with the Provost, etc.
- viii. R. Williams: I will get with M. Green and D. McKee and C. Rogers and run it back by Senate officers, and then bring it here.

10. Enter Executive Session 4:25pm

11. Exit Executive Session 4:45pm

Motion to Adjourn 4:45pm

### File 3

Faculty Affairs Motion in response to the Charge to review the constitution of the Diversity Council (approved March 17, 2014)

The Faculty Affairs Committee recommends the following revisions in the policy governing the constitution of the Diversity Council to ensure appropriate committee composition and process of appointment. Recommended revisions update the status of the colleges, specify authority of governing bodies to make nominations, and clarify the need for the membership of the council to reflect the profile of the faculty, staff, student bodies. FAC further stipulates the requirement that the annual report of the Diversity Council be produced early in each fall term and that the Annual Report includes the data specified in a FAC motion approved by the EC December 6, 2011. The motion approved in fall 2011 responded to the charge assigned to FAC “to seek a regular format and reporting cycle for an administrative report on the gender and race profile of faculty by rank and tenure status for the University and for each College.” FAC identified the annual report of the Diversity Council as the appropriate format. That identification was based on the 2010-2011 Annual Report and on the assumption that the report would continue to be produced and made accessible as it had been. The motion requested changes in the data report as well.

FAC members are concerned to note that the annual report of the Diversity Council since 2010-2011 has failed to include the stipulated changes data and has not been serving as the source for information deemed crucial to the University’s commitment to recruiting and retaining quality faculty through, at least in part, diversifying the faculty. If the annual report will not provide the needed data, we ask that FAC be charged, again, with solving the need for ongoing data collection, review, and action.

Changes:

1. Require the annual report (with data stipulated in motion adopted by EC December 6, 2011).
2. Membership: regular faculty from CAS, COB, COE, CNHHS, COT, CPGS, Library, and UC; three EAP staff at least two who do not hold academic rank; three support staff; four students (total: 18)
3. All nominations will be submitted by appropriate governing bodies (rather than VP nominating EAP staff)
4. Revised language mandating membership demographic profile
5. Clarified terms of service; omit statement about reappointment (allows it but doesn’t encourage it)

Recommended Revisions:

270.1 Council on Diversity. The Council on Diversity confers with the Director of Equal Opportunity regarding the review of the Equal Opportunity and Affirmative Action Policy, the implementation of the Policy, and the conduct of studies related to the improvement and strengthening of the University's commitment to affirmative action. ***The Council on Diversity publishes an annual report documenting the current and historic data describing the composition of University faculty, staff, and students***

***broadly and in significant detail; the annual report will be reviewed by the appropriate office of the University and by the governing bodies of the faculty, staff, and students.***

270.1.1 Membership. The committee consists of one Regular Faculty member from each College and the Library, three full-time Executive, Administrative, and Professional staff members, at least two of whom do not hold academic rank, three full-time support staff members, and four (4) student members (two undergraduate and two graduate students).

270.1.2 Nomination. The governing bodies of each College and the Library, the Staff Council, and the Student Government Association will nominate at least two (2) individuals for each open seat. Nominations will be forwarded to the President no later than May 1, annually.

270.1.3 Appointment. Committee members will be appointed by the University President from among the nominees. Appointments will ensure that the composition of the Council reflects the diversity of the faculty, staff, and student bodies of the University. In addition to other factors of diversity, Faculty appointments will include pre-tenured and tenured faculty and Instructors.

270.1.4 Term. Faculty and staff members serve three-year terms; student members serve one-year terms.

270.1.5 Ex-Officio Members. An Associate Vice President for Academic Affairs, Director of Equal Opportunity, and Assistant Vice President for Human Resources serve as ex-officio members.

#### Current Language

270.1 Council on Diversity. The Council on Diversity confers with the Director of Equal Opportunity regarding the review of the Equal Opportunity and Affirmative Action Policy, the implementation of the Policy, and the conduct of studies related to the improvement and strengthening of the University's commitment to affirmative action.

270.1.1 Membership. The committee consists of fifteen members including seven (7) faculty with representation from each academic area, three (3) members from administrative/professional staff, three (3) members from support staff, and two (2) student members (one undergraduate and one graduate student).

270.1.2 Nomination. Governance bodies from the College and each of the five (5) professional schools forward names of two (2) faculty nominees for each available opening. Vice presidents forward names of two (2) nominees from administrative/professional staff for each available opening. The Support Staff Council forwards names of two (2) nominees from support staff for each available opening. The Student Government Association forwards names of two (2) undergraduate student nominees and two (2) graduate student nominees (in consultation with the Dean of the College of Graduate and Professional Studies).

270.1.3 Appointment. Committee members will be appointed by the University President from the nominees after consulting with constituent groups and considering the proportion of women and minorities on the Committee.

270.1.4 Term. Membership on the Committee begins September 1 of each year. All appointments of

faculty, administrative/professional staff, and support staff are for three-year staggered terms.

270.1.5 Reappointment. Members may be reappointed for an additional term.

270.1.6 Student Members. Students are appointed for one-year terms and may be reappointed for an additional term.

270.1.7 Ex-Officio Members. In addition, an Assistant/Associate Vice President for Academic Affairs, Director of Equal Opportunity, Diversity Officer and Assistant Vice President for Human Resources serve as ex-officio members.

**Reference: FAC response to the annual report of the Diversity Council**

FAC (2011-2012) acted on the following charge: Seek a regular format and reporting cycle for an administrative report on the gender and race profile of faculty by rank and tenure status for the University and for each College; Consider whether the goals of the opportunity hire program are sufficiently explicit and whether the data on these hires show that the program's processes are effective in meeting those goals.

**In response, FAC drafted a motion 11-14-11, which was sent to EC 11-29-11 and passed unanimously by the EC 12-6-11.**

**December 6, 2011 MOTION TO APPROVE RECOMMENDATIONS OF FAC** (Bolinger/T. Sawyer; Vote: Unanimous)

Motion One (1). *The annual report of the Council on Diversity should be accepted as the administrative report on the gender and race profile of the faculty by rank and tenure status for the university and for each college with the condition that the report be revised to include disaggregated data representing African American faculty in all relevant tables and including tenure eligibility status as a field in tables that describe faculty populations. This data should continue to be collected and distributed annually in the fall with the report produced prior to the scheduled meeting of the Board of Trustees each October*

Motion Two (2). *Table Six of the annual report of the Council of Diversity should be revised to include documentation of the number and profile of Opportunity Hire recommendations forwarded by each Dean to the Provost*

Motion in response to the charge to consider the role of Regular Faculty in the hiring and annual review of Executive, Professional, and Administrative staff whose duties include regular teaching assignments. (presented March 3 approved unanimously March 17, 2014)

The Faculty Affairs Committee asserts that Regular Faculty should be involved in the hiring and review of EAP staff whose duties include teaching. (Hiring) New EAP positions. At least one (1) Regular Faculty

member from the department(s) and/or program(s) that house the course(s) an EAP staff member is most likely to be assigned to teach should serve as a member of the search committee for the position. Current EAP staff member. The personnel committee of the department/program in which a current EAP staff member is directed to teach will conduct a review of relevant materials submitted by the staff member prior to a current EAP staff member beginning a teaching assignment . (Annual Review) A department/program level review of teaching should be included in the annual review of any EAP staff member who does not hold academic rank and teaches classes and the biennial review of EAP staff members who hold academic rank and teach classes.

### Background

There has been a clear and consistent increase in the assignment of course teaching as a regular duty to EAP staff members who do not hold academic rank, have not been and are not reviewed as Regular Faculty or by faculty peers, and who were hired without review of credentials relevant to the assessment of potential success in course teaching. Our commitment to excellence and to fostering a powerful faculty community focused on effective teaching and learning supports accountability in the hiring and review of those assigned teaching as a part of their positional responsibilities. We do not utilize a practice of including a review of teaching records by Regular Faculty in the process of hiring EAP staff (who do not hold academic rank). We do not include a review of teaching performance in annual review of EAP staff members who teach classes as a part of their positional responsibilities.

Note: Teaching performance by EAP staff members who teach in accordance with an appointment as a Lecturer is already reviewed annually; EAP staff who teach as a part of their regular workload do not undergo review of teaching effectiveness.

Another area of concern: We need a clear statement explaining the impact of EAP acting as faculty on the calculation of department SCH production and of FtoS ratio. Common practice in area studies programs that regularly employ faculty from other departments to field their courses appears to be that the SCH productivity follows the faculty member. Where are SCH generated by EAP staff credited? We assume SCH produced by EAP staff who hold academic rank is credited to the department in which the staff member holds rank. Are EAP staff “counted” on par with part-time Lecturers in the F to S ratio calculations?

FAC recommends revisions to the By-Laws of the Faculty requiring:

1. A member of the Regular Faculty from an appropriate department/program be appointed to any search committee for a position that is likely to include teaching duties

2. EAP staff members who teach courses as a part of their regular duties to undergo annual review at the department level comparable to that of Temporary Faculty on a part-time appointment (part-time Lecturer). The departmental statements (peer review committee and chairperson) will be submitted to the EAP supervisor.

FAC recommends the following revisions in the By Laws of the Faculty

305.11 Appointment, Evaluation and Renewal of Regular Non-Tenure Track and Temporary Faculty.

305.11.2 Temporary Non-Tenure Track Faculty (Lecturers).

*305.11.2.5 Appointment and Annual Review of EAP staff regularly assigned teaching duties*

*305.11.2.5.1 At least one (1) Regular Faculty member from the appropriate department will serve on the search committee for any EAP staff position that will or may include teaching responsibilities. Candidates will be expected to submit materials documenting teaching experience and effectiveness.*

*305.11.2.5.1.1 EAP staff members will submit materials documenting teaching experience and effectiveness for review by faculty in the department/program in which the EAP staff member pursues a teaching assignment prior to the commencement of teaching. EAP who hold academic rank and whose teaching is in the department in which they hold their degree will not undergo an additional review of teaching materials.*

*305.11.2.5.2 EAP staff members whose duties include classroom teaching will be reviewed annually in accordance with the review of Temporary Faculty on a Part-Time Appointment (part-time Lecturer).*

**File B Report to Faculty Senate Executive Committee**  
**On Revisions and Updates to the Code of Student Conduct**

**University Student Affairs Committee**

**Jim Buffington, Chair**

**March 21, 2014**

**The Charge:** Investigate proposed revisions and updates to the Code of Student Conduct

**Background:** During the course of the December 12, 2013 meeting of the University Student Committee, Craig Enyeart, Assistant Dean of Students and an ex-officio member of SAC, informed the Committee that the Office of Student Conduct and its partners are drafting proposed changes to ISU's Code of Student Conduct. Because oversight of the Code of Student Conduct clearly falls within the purview of SAC as described in the University Handbook, this Committee requested that it become a party to the proposed modifications.

Because President Bradley asked that the proposal be prepared in advance of the February 21 Meeting of the Board of Trustees, SAC agreed at its January 17 meeting to take action prior to the next SAC meeting, also scheduled for February 21. It was agreed that Mr. Enyeart's draft proposal would be circulated among all SAC members, including its nine ex-officios and four student representatives, and feedback on the proposal would be entertained during a ten-day period. Following this ten-day period, a one-week window was opened for electronic voting on the issue.

Feedback on the proposal indicated a consensus that the proposal was sound—needed additions were made and clarity was enhanced. However, three reservations were expressed:

- 1) The proposal contains this provision: "The Board of Trustees has delegated approval of any amendments and/or recommendations to alter the Code of Student Conduct to the President. The President will have the authority to set the day for which any amendments become effective for the University. Approved amendments will be provided to the Board of Trustees for review at which time amendments may be permanently accepted or rejected" SAC understands that the Board of Trustees is fully within its rights to grant such power. SAC also realizes that shared governance often operates at frustratingly glacial speed. To address this issue of shared governance, the following was added to the proposal: "Code recommendations made by the Policy Review Committee will be provided to the Student Affairs Committee (SAC) for review and comment prior to submission for approval."
- 2) The proposal short circuits the usual shared governance procedure: the deliberation by the Faculty Senate Exec Committee and by the Faculty Senate of SAC recommendations is eliminated. To be fair, the Code of Student Conduct empowers the Faculty Senate as one of the entities which can propose amendments to the Code. However, SAC is concerned enough with this issue that copies of this memo and of the proposed Code are being forwarded to the Faculty Chair.

- 3) An already lengthy document (some 26 pages) has become even lengthier. Western civilization has struggled for 3,000 years to observe ten simple commandments. Even though there is no concrete evidence to suggest that few students bother to read the Code, SAC suspect that even fewer will read the lengthier document. However, SAC consensus is that the increased length is justified for the enhanced clarity and for addressing changing conditions. SAC realizes that the primary benefit of the Code is to ensure that clear and consistent justice is administered.

In spite of these three reservations, all voting members of SAC responded to the electronic voting by the end of the February 13 due date. The vote to endorse the proposed modifications to the Code of Student Conduct was 7-0-0.

At the February 25 Executive Committee Meeting, additional concerns were about the proposed Code were raised: in particular, concerns about 1) What is covered by University Computing Policy (e.g., a student's private smart phone), 2) How is "Passive Participation" defined, and 3) How to re-state the Code in light of shared governance procedures. File C is the proposed revision of the Code of Student Conduct; the highlighted revisions on pp. 7, 8, and 14 address each of these concerns.

File D contains detailed information on the review process by the Office of Student Conduct and Integrity (SCI), beginning in May, 2013.

File E is the endorsement of this newest revision of ISU's Code of Student Conduct from Dr. D. Matthew Gregory, External Consultant Reviewer. Dr. Gregory's opinion is that the revised Code "appears to be a model institutional Code of Student Conduct."

**SAC Recommendation:** At its March 21, 2014 Meeting, SAC discussed the extent to which the proposed Code addressed the concerns. The motion to approve the revised Code passed unanimously (5-0-0, Maule, Hauser).

## **Introduction**

The *Code of Student Conduct* (Code) contains policies governing the behavior of all students and student organizations at Indiana State University. The Code outlines the rights and responsibilities of students, behavioral expectations, prohibited conduct, and an overview of the conduct process. Definitions for terminology as well as acronyms used throughout the Code may be found in Appendix A.

Indiana State University strives to foster an atmosphere of learning and informed decision-making wherein students can be successful with an understanding of expectations, process, rights, consequences and opportunity for success. One pathway to creating this atmosphere of learning is through educational reflection.

Students and student organizations are expected to conduct themselves in accordance with these policies while aspiring to the "Sycamore Standard" (Appendix B). Aside from personal responsibility, students and student organizations are responsible for the actions of their guests and/or associates.



This Code addresses prohibited conduct that takes place on University premises and addresses off-campus conduct when the behavior may have or has had an adverse impact upon the University community. This Code also applies to University sponsored events (e.g. activities, trips, banquets) which may occur off campus.

The Board of Trustees has approved these regulations and has empowered the President of the University and his/her designees to enforce the regulations, adjudicate allegations, and assign appropriate conduct resolution outcomes. The Code will be provided annually to all members of the University community via electronic means.

Students agree to abide by these policies as a condition of admission and are expected to know the regulations of the University and conduct themselves in harmony with these regulations.

## **1.0 Student Rights, Responsibilities, and Expectations**

### **1.1 Student Rights**

- All students have the same rights and responsibilities.
- A student has the right to participate in a free exchange of ideas and peaceful assembly in accordance with applicable federal, state, and local laws.
- Each student has the right to be free from discrimination; including but not limited to harassment, on the basis of race, sex, gender, 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/procedure.
- The rights to fair and equitable procedures determining when and upon whom consequences for violation of campus policies should be imposed.

### **1.2 Student Conduct Procedural Rights**

Students will be given every reasonable opportunity to present information. Student rights related to the conduct process are as follows:

- The right against self-incrimination.
- The right to a University Advisor (See 4.2.7)
- The right to fair, equitable, and timely procedures.
- The right to provide witnesses (See 4.2.6).
- The right to appeal decisions of the hearing (See 6.0).

### **1.3 Student Responsibilities**

- All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the University community are respected. Upon acceptance of admission to ISU, each student agrees to abide by the policies of the University and to conduct her/himself on- and off-campus in a manner consistent with its educational mission.

- A student has the responsibility to be knowledgeable with the published *Code of Student Conduct* in its entirety and to comply with the policies as well as all federal, state, and local laws.
- Academic units and administrative departments have policies specific to their areas. It is the responsibility of each student to be familiar with his/her college's University policies and procedures.
- Students are expected to have University issued identification at all times.

#### **1.4 Student's Relation to University Community**

Indiana State University, as an institution of higher education, 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 University 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.

#### **1.5 Student 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. Students shall conduct themselves responsibly in the community, respecting the personal and property rights of all community members.

#### **1.6 Student Employee/Leader Responsibilities**

When students commit acts that potentially violate this Code while in their capacities as employees, leaders, student athletes, or members of a recognized University group, the University reserves the right to review those potential conflicts with the standards outlined in the Code. When viewed as appropriate, the University may pursue resolution of those conflicts under this Code in addition to any other personnel action that may be taken against the student's other University roles. \*The Vice President for Student Affairs or 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.

#### **1.7 University E-Mail Communication and MyISU**

The University will communicate important information to you through your University e-mail account and MyISU. It is through MyISU that you will view your grades, update your contact information, register for classes, and communicate with faculty and other University personnel. It is your responsibility to use and check this account to conduct your University business.

#### **1.8 Good Neighbor Exemption:**

Students are encouraged to call 911 (or X5555 on campus) for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. The Good Neighbor Exemption provides students the opportunity of an exclusion from University disciplinary action if a student risked revealing one's own violation of the Code of Student Conduct in order to seek medical or other emergency assistance for another person in distress. The decision to provide the exception shall be at the discretion of the designated hearing officer. The Good Neighbor Exemption does not apply to any criminal charges that may be incurred as a result of an offense.

### **Medical Amnesty (Appendix C):**

In 2013, the Indiana State University Student Government Association took the lead in creating a student approved response to the 2012 Indiana Lifeline Law (IC7.1-5-1-6.5). In summary of the Indiana State University Medical Amnesty, a student who seeks for another and the student in need of medical assistance may be exempt from a University conduct process on the following conditions: 1) the student cooperates and provides detailed information regarding the incident and 2) the student successfully completes an alcohol education/awareness program. Repeat offenders are likely not eligible for this exemption. This exemption does not apply to any criminal charges that may be incurred as a result of an offense.

## **2.0 Academic Policies**

### **2.1 Defining Academic Integrity Misconduct**

Academic integrity is a cornerstone of the University's commitment to the principles of free inquiry; students are responsible for learning and upholding professional standards in research, writing, assessment, and ethics. In the academic community the high value of honesty mandates a corresponding intolerance of dishonesty. Written or other work which students submit must be the product of their own efforts and must be consistent with appropriate standards of professional ethics. Any academic integrity violation(s), which includes cheating, plagiarism, and other forms of dishonest or unethical behavior, is prohibited.

A summary of behaviors that constitute academic integrity misconduct appears below. Examples of each policy can be found in the Faculty Guide to Academic Integrity as well as the Student Guide to Academic Integrity. Questions regarding these policies or requests for additional clarification should be directed to the Office of the Provost, Student Affairs, or to the office of Student Conduct and Integrity (SCI).

#### **2.1.1 Cheating**

Cheating is using or attempting to use materials, information, notes, study aids, or other assistance not authorized by the instructor during an examination or evaluation.

#### **2.1.2 Plagiarism**

Plagiarism is intentionally or carelessly presenting the work of another as one's own. It includes submitting an assignment purporting to be the student's original work which has wholly or in part been created by another. It also includes the presentation of the work, ideas, representations, or words of another without customary and proper acknowledgement of sources. Students must consult instructors for clarification in any situation in which documentation is an issue. Students will be considered to have

plagiarized whenever their work is improperly cited.

### **2.1.3 Falsification, Forgery, and Obstruction**

Falsification is the intentional and unauthorized fabrication or invention of any information or citation in an academic exercise.

*Falsification* includes knowingly reporting data, research, or reports so that the resulting process or product is different from what actually occurred.

*Forgery* is the imitating or counterfeiting of images, documents, signatures, class absence notes, attendance sign-in sheets and the like.

*Obstruction* is any behavior that limits the academic opportunities of other students by improperly impeding their work, their access to educational resources, or disrupting instruction.

### **2.1.4 Multiple Submission(s)**

Multiple submissions are the submission of all or part of the same or substantially the same work for credit in two or more courses. Multiple submissions include the use of any academic work previously submitted for academic credit at this or another institution, including high school work. Multiple submissions shall not include those academic exercises when written approval by the current course instructor authorizes use of prior academic work. When multiple submissions are allowed, instructors will specify the expected academic effort applicable to their courses.

### **2.1.5 Facilitating Academic Dishonesty**

Intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty are examples of facilitating academic dishonesty. Facilitating academic dishonesty also includes behavior that may not directly benefit the accused but assists another student in achieving an unfair academic advantage.

### **2.1.6 Violation of Professional Standards in Research and Creative Endeavors**

Misconduct in research is a serious deviation from accepted professional practice within a discipline or from the policies of the University in carrying out, reporting, or exhibiting the results of research or in publishing, exhibiting, or performing creative endeavors. It includes but is not limited to, plagiarism, fabrication, or falsification of data as well as misrepresentation of scientific or creative works. Misconduct in research does not include honest error or honest disagreement about interpretation of data.

### **2.1.7 Misuse of Academic Resources**

Misuse of academic resources involves the intentional use, misuse, or alteration of University materials or resources to make them inaccessible to others. Such misuse includes the unauthorized or inappropriate use of computer accounts, alteration of passwords, violation of library procedures, other intentional misuse or destruction of educational materials, recording a lecture or other classroom interaction, selling class notes, or being paid for taking class notes, without the permission of the instructor or Disability Services staff.

### **2.1.8 Misuse of Intellectual Property**

Misuse of intellectual property is the improper use of copyright materials, trademarks, trade secrets, or intellectual property (e.g. thoughts, ideas or works of another).

### **2.1.9 Violation of Ethical and Professional Standards**

Students shall adhere to the standards, guidelines, and/or codes associated with the ethics and conduct established for academic programs and courses.\* This policy applies to all student experiences involving academic credit (e.g., on-campus and distance education courses, internships, practicum, and thesis/dissertation) and is one of the regulations for student ethical behavior referenced in the Indiana State University Code of Student Conduct.

### **3.0 Non-Academic Policies and Prohibited Conduct**

Students at Indiana State University are expected to conduct themselves in a respectful and civil manner. Personal conduct and communication, either directly or indirectly with other students as well as faculty and staff, should conform to the University's community values and standards. As members of the at-large community, students are encouraged to resolve disagreements through informal, frank, and open discussion. Often conflicts can be lessened, if not resolved, by clearing up misperceptions and misunderstandings. Students are strongly encouraged to resolve any related concerns in this manner. However, the University also recognizes that occasionally more formal processes are needed. All such activities, whether informal or formal, must be carried out by all participants within a framework of good faith and general respect for one another. Students are encouraged to contact SCI for assistance or guidance in resolving any concerns or conflicts. Conflicts may be resolved through established disciplinary procedures and/or conflict resolution strategies.

It is an expectation of the University that students have a reasonable knowledge of and adhere to the following prohibited conduct and policies:

#### **3.1 Misconduct Against Persons**

**3.1.1 Violence/Abusive Behavior** refers to physical abuse/violence or conduct that threatens or endangers the health or safety of any person;

**3.1.2 Threatening/Intimidating Behavior** refers to behavior (reoccurring or singular extreme act) that involves an expressed or implied threat, which includes, but is not limited to the use of words verbal, written, or electronic (e.g. Facebook, Instagram, Snapchat, Vine, Twitter) 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.

**3.1.3 Stalking** refers to willfully, maliciously, repeatedly or continuously following or harassing another person in a manner, including electronically, that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested is prohibited.

**3.1.4 Sexual Violence** is much broader than the traditional concept of rape. Sexual Violence is prohibited and involves but is not limited to, sexual acts or sexual contacts with others that can involve compelling a victim to submit to sexual acts or contacts by force or threat of force, use of intoxicants to impair the victim's power to give consent, engaging in such acts when there is reasonable suspicion to believe the other person suffers from an incapacitated state which renders him or her incapable of understanding the

nature of the contact, provide informed consent, or when the victim is a minor. Refer to the Sexual Violence and Response website for additional information regarding processing of complaints as well as definitions: "<http://indstate.edu/svp/>."

**3.1.5 Sexual Harassment** refers to the unwelcome imposition of sexual attention often in the context of a relationship of unequal power. The policy applies to men and women equally with regard to both opposite sex and same sex harassment. Sexual harassment is any conduct, physical or verbal, that is sexual in nature and which has the effect of unreasonably interfering with an individual's or group's educational or work performance or which creates an intimidating, hostile, or abusive educational or work environment. Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature from a work or educational setting. Refer to the Office of Equal Employment Opportunity for additional information regarding the processing of complaints and/or policy questions: "<http://www.indstate.edu/aaol/>;

**3.1.6 Hazing** is prohibited in connection with the activities of students and student organizations. Hazing shall be defined as any conduct which subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may abuse, degrade, or intimidate the person as a condition of association with an organization or group (formal or informal), regardless of the person's consent or lack of consent.

**3.1.6 Restricting Movement** refers to any activity that limits or restricts a person(s) against his/her own will and/or restricts his/her freedom of movement.

### **3.2 Misconduct Against the University Community:**

**3.2.1 Disruption of University Business** includes disruption or obstruction of teaching, research, administration, or other University activities including public service functions;

**3.2.2 Falsification** refers to furnishing false information to the University and/or the forgery, unauthorized alteration, or unauthorized use of any University document or instrument of identification.

**3.2.3 Failure to Comply** with verbal and/or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, and/or failure to identify oneself to these persons when requested to do so. Students are expected to have University issued identification with them at all times and provide identification upon request.

**3.2.4 Non-consensual Recording** refers to Videotaping, audiotaping, or photographing members of the University community without permission and/or when a reasonable expectation of privacy exists.

### **3.3 Misconduct Disrupting Order/Disregarding Health and Safety**

**3.3.1 Weapons** on University owned property are prohibited. Violation of the University Weapons Policy includes, but is not limited to the following:

**3.3.1a** Firearms such as handguns, shotguns, rifles, tasers or electronic stun guns, as well as airsoft, BB, pellet, paintball and/or items using compressed air;

**3.3.1b** Explosives such as bombs, grenades, blasting caps, fireworks, ammunition;

**3.3.1c** Other equipment, material, and devices (e.g. knives, metal knuckles, tear gas, chemical substances, replica, simulated, toy) that could be or have been used to cause harm or the fear of harm.

**3.3.2 False Reporting** refers to intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.

**3.3.3 Drug Related Behavior** refers to drug violations, including, but is not limited to being in the presence of, under the influence of, possessing, manufacturing, exchanging, distributing, purchasing, using, or selling unlawful drugs or any controlled substance/narcotic, such as, but not limited to, marijuana, synthetic cannabinoids, inhalants and intoxicants, misuse of over-the-counter drugs and/or prescription drugs, or possessing paraphernalia for drug related use on University premises

**3.3.3a** In the Presence of/Failure to Report

**3.3.3b** Possession of unlawful drug or controlled substance(s);

**3.3.3c** Possession of drug paraphernalia

**3.3.3d** Use of unlawful drug or controlled substance(s);

**3.3.3e** Purchase of unlawful drug or controlled substance(s);

**3.3.3f.** Misuse of over-the-counter drugs or prescription drugs;

**3.3.3g** Manufacturing of unlawful drug or controlled substance(s);

**3.3.3h.**Distribution and/or sale and/or delivery of unlawful drug or controlled substance(s).

**3.3.3i** Reasonable suspicion of unlawful drug use (odor); and/or

**3.3.3j** Behavior while under the influence of any item covered under this section.

*\*See Appendix F for Parental Notification related to behavior associated with this policy.*

**3.3.4 Alcohol Related Behavior** refers to any violation of the University Alcoholic Beverage Policy:

**3.3.4a** Sale, purchase, consumption, or possession of alcoholic beverages by persons who are younger than 21 years of age;

**3.3.4b** Sale, purchase, consumption, or possession of alcoholic beverages by persons of legal age in a manner inconsistent with University policy;

**3.3.4c** Furnishing alcoholic beverages to persons younger than 21 years of age; and/or

**3.3.4d** Behavior while under the influence of an alcoholic beverage.

*\*See Appendix F for Parental Notification related to behavior associated with this policy.*

**3.3.5 Arson** refers to igniting or burning materials in a manner that reasonably could or actually does cause a fire.

**3.3.6 Fire and Emergency Safety** refers to unauthorized use, activation, or alteration of firefighting equipment, fire safety, or other emergency equipment. Failure to comply with the instructions of emergency personnel and/or established emergency protocol (e.g. failure to leave a building during an active fire alarm).

**3.3.7 Gambling** refers to engaging in gambling, wagering, or other games of chance in violation of the law.

**3.3.8 Disorderly Conduct** refers to disrespectful, lewd, indecent, or obscene acts are considered disorderly under any circumstance in which the conduct tends to cause or provoke a disturbance or disrupts the normal operations of the University.

**3.3.9 Sales and Solicitation Violation** refers to engaging in solicitation of any type on University property without appropriate authorization. (See Appendix D)

**3.3.10 Posting of Notices Violation** refers to posting University related and/or personal materials inconsistent with the University Policy on Posting Notices. (Appendix E)

### **3.4 Misconduct Against Property:**

**3.4.1 Theft** of property or services or knowingly possessing stolen property as well as wrongful taking and/or use of others' property.

**3.4.2 Vandalism** is the intentional and/or reckless destruction or damage of University property or the property of others.

**3.4.3 Unauthorized Use/Entry** refers to the unauthorized use, entry, occupancy, or possession of University or private facilities, structure, or property.

**3.4.4 Unauthorized Use of Access Device** refers to unauthorized possession, duplication, or use of keys, entry codes or devices to any University premises.

### **3.4.5 University Computing Policies**

Theft or other abuse of University computer facilities and resources, including but not limited to:

**3.4.5a** Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;

**3.4.5b** Unauthorized transfer of a file;

**3.4.5c** Use of another individual's identification and/or password. This includes, but not limited to, use of technology to obtain passwords or private information (e.g. use of specialized keyboards to obtain faculty specific information or passwords);

**3.4.5d** Use of computing facilities and resources to interfere with the work of others;

**3.4.5e** Use of computing facilities and resources to send obscene or abusive messages;

**3.4.5f** Use of computing facilities and resources to interfere with normal operation of the Indiana State University computing system;

**3.4.5g** Use of computing facilities or resources in violation of copyright laws.

**3.4.5h** Violation of all other University Computer policies not specifically described in the Code.

### **3.5 Violation of State, Federal or Local Laws not specifically Identified in the Code.**

Alleged violations of federal, state and local laws may be investigated and addressed under the Code regardless of where the incident occurred.

The University conduct process will usually proceed notwithstanding any criminal complaint that may arise from the same incident.

The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint.

### **3.6 Disruption of the Conduct Process**

**3.6.1 Interference** refers to attempts to discourage a person's proper participation in, or use of, the conduct process including harassment or intimidation of a University official, witness, complainant, or member of a conduct committee.

**3.6.2 Failure to Comply with Sanction** refers to a student's failure to successfully complete any sanction(s) imposed under the Code. Upon notification of any incomplete sanction, a conduct hold may be placed on the student's record.



### **3.7 Policy on Guests and/or Associates or Passive Participation**

#### **3.7.1 Guests/Associates**

Students are responsible for the actions of their guests and/or associates while on University premises and at functions sponsored by the University and/or a registered student organization. Students are expected to educate their associates on University policies and encourage all associates to interact positively with all members of the University community.

#### **3.7.2 Passive Participation**

Students passively participating in or assisting others in to committing acts prohibited by the University may be sanctioned to the same extent as if one had committed the prohibited act.

### **3.8 Violations of Residential Life Community Standards and Policies**

Students provided University housing are expected to have knowledge of and adhere to all policies outlined in the Residence Hall Handbook. Student and nonstudent guests are expected to follow these policies under the guidance of their host. (See 3.2.7 Policy on Guests and/or Associates or Passive Participation)

**3.9 Other University Policies** refers to the violation of other published University policies not specifically described in this Code including but not limited to traffic and parking regulations, Residential Life housing contract, University Handbook, published academic departmental policies, employment guides.

## **4.0 Student Rights and Complaint Resolution Procedures**

### **4.1 Purpose**

This document establishes complaint resolution procedures (CRP) 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 fair inquiries concerning alleged violations of the Code;
- To determine whether any individual student is responsible or not responsible for violation(s) outlined in the Code as well as the possibility charges are unfounded;
- To allow for consideration of extenuating or mitigating factors where a violation has been found to exist; and
- To determine a conflict approach/outcome that will be appropriate and will also help the student involved make a positive contribution to the University community.

The established complaint resolution processes and rights are afforded to student organizations involved in conduct complaints.

## **4.2 Student Rights and Due Process in the CRP**

### **4.2.1 Right to a Complaint Resolution Procedures**

Students alleged to have violated the Code will be afforded the opportunity to resolve the allegation within the established CRPs.

### **4.2.2 University Conduct Advisor**

All involved students have the right to a University conduct advisor. The conduct advisor must be a member of the University community (student, faculty, administrator, staff, coach, recognized University affiliate). The advisor must have experience or knowledge of the University conduct system. 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. This person may not address the hearing officer or hearing board or ask questions of any witnesses. For assistance in securing an advisor, contact SCI.

### **4.2.3 Witnesses**

Witnesses are permitted to participate in the complaint resolution proceedings. A list of witnesses must be submitted to the appropriate conduct officer no later than two (2) days prior to the administrative conference. Witnesses may present information on behalf of the student or the complainant. It is the responsibility of the student or the complainant to secure witnesses or witness statements. Witnesses may be questioned by the conduct officer or conduct 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. Witness statements should be submitted to SCI no later than two (2) business days prior to the hearing for consideration by the board members.

**4.2.4 Standard of Proof** is "more likely than not" that University policy has been violated (also referred to as preponderance of the evidence). Proof needs to 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 officer's mind the belief that what is sought is more likely true than not true (Journal of College and University Law).

### **4.2.5 Violation of Policy**

A student is considered to have violated the Code when the student:

1. Admits responsibility for a violation, or
2. Is found responsible for one or more violations of the Code determined by the University standard of proof.

#### **4.2.6 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 conduct board members,
- Student accused of violating University policy,
- University conduct advisor,
- Complainant, and
- Witnesses (witnesses will remain only for the duration of their own statement).

#### **4.3 Initiation, Investigation, and Disposition of Complaints**

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

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

be reported in the following manner:

- A report may be filed with Indiana State University Police;
- A report may be filed with the Office of Residential Life;
- A report may be filed with SCI; and/or
- A report of Sexual Violence/Harassment may be filed with the Title IX Coordinator. The Title IX Coordinator for Indiana State University is located in the Office of Equal Opportunity. To file a complaint with the Title IX Coordinator, please go to: "<http://www.indstate.edu/ao/policy-procedure.htm>".

Any student, faculty, staff member, or guest of Indiana State University may officially report an alleged violation of University policy as outlined in the Code.

### **4.3.2 Notification and Process**

Notwithstanding uncontrollable circumstances, the Director of SCI or his/her designee will notify the accused student within ten (10) working days of receipt of the complaint. This notification will include:

- The nature of the alleged inappropriate behavior,
- The date, time, and place of the alleged inappropriate behavior,
- The process in which to review all information relevant to the situation,
- The date, time, and place of the hearing,
- The fact that at the time of the administrative conference, students will be provided an opportunity to present and review relevant statements, information and documentation,
- The sanction(s) applicable if found responsible for a violation of the Code,
- 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. Failure to appear may be a factor when determining conduct process outcomes.

## **4.4 Complaint Resolution Procedures**

### **4.4.1 Conduct Authority**

The Director of SCI is charged with the development and administration of the Indiana State University conflict resolution procedures (CRP). The Director of SCI or designee is responsible for the training of University Conduct Officers (UCO). The following individuals have been granted authority as University Conduct Officers over the execution of conduct proceedings:

- Associate Director of SCI,
- Executive Director of Residential Life,
- Associate/Assistant Directors of Residential Life,
- Additional staff members in the University community as deemed appropriate and as trained by the Director of SCI or designee, and
- University Conduct Board.

The aforementioned individuals may conduct administrative conferences with students who may have violated any University policy, including those found in the *Code of Student Conduct*, ISU Residence Hall Handbook and ISU student organization policies.

The Director of SCI may refer a complaint the University Conduct Board (See 4.4.3) in matters involving academic misconduct, sexual violence, and/or as necessary to address University community concerns.

#### **4.4.2 Administrative Conference**

An Administrative Conference (AC) is intended to enhance a student's awareness of University expectations; although educational, formative and/or disciplinary action may be a necessary result. An AC is a one-on-one meeting between the accused student and a University Conduct Officer (UCO). During an Administrative Conference, the UCO will schedule an opportunity to meet with the accused student and discuss the alleged violation(s), documentation, and witness statements relevant to the complaint. The UCO may also discuss relevant conduct history, academic progress, extracurricular activities, prior community service, and relevant criminal proceedings.

#### **4.4.3 University Conduct Board (UCB)**

This board is comprised of one student in good standing with ISU, one University faculty member, one University staff member, and the Director of SCI or his/her designee to serve as the advisor to the board. These individuals are appointed by the President and trained by the Director of SCI. When the UCB is convened, the Director of SCI or his/her designee will convene the board as stated above by members of the University hearing board pool:

- Six students (undergraduate and/or graduate),
- Six faculty members, and
- Six staff members.

The UCB will hear all cases involving academic integrity violations, sexual violence or cases referred to SCI from the Office of Equal Opportunity. On a case-by-case basis, a University Conduct Board may be offered as an option for complaint resolution.

#### **4.4.4 Conflict of Interest**

No member of the conduct board or no conduct officer who has a conflicting interest in a particular case may participate in a conduct hearing for said situation. Conduct 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 University Conduct Board or University Conduct Officer in writing with the Director of SCI. In cases where the Director of SCI's involvement is questioned, the challenge would be forwarded to the Vice President for Student Affairs.

#### **5.0 Conduct Process Outcomes**

Conduct process outcomes are meant to be educational and positively influence the decision-making skills of a student by creating awareness of consequences and the potential for higher-level sanctions should future violations occur. Conduct process outcomes that may be taken when a student is found in

violation of University regulations range from charges dropped up to and including permanent separation from the University. The conduct process outcome(s) assigned will be based upon the student/student organization being found responsible for violation(s), the severity of the violation, the degree of involvement of the student, the individual circumstances of each case, prior conduct history, and academic progress.

### **5.1 Formative Outcomes**

- Conversation with University Partner
- Meeting with University Administrator
- Written Assignments
- Letter of Apology
- Hall/Floor Programs
- Workshops

### **5.2 Referral Outcomes**

- Alcohol Education
- Drug/Substance Education
- Voluntary Counseling
- Psychological Assessment

### **5.3 Administrative Outcomes**

- Conduct Discussion
- Conduct Warning (No more than two)
- Housing Relocation
- On-Campus Housing Probation
- Account Hold

### **5.4 Loss of Privilege Outcomes**

- Loss of Extra-Curricular Privileges
- Separation from Campus Housing
- Ban from an Area of Campus
- Trespass from University Property
- No Contact Order

### **5.5 Disciplinary Status Outcomes Applied to Students**

• **Conduct Probation** is defined as a specified period of observation and evaluation of a student's conduct. Any violation of University or residence hall policy committed by a student on Conduct Probation is a serious violation and may result in separation from the University. Failure to complete discretionary sanctions while on Conduct Probation may result in separation from the University. No more than one Conduct Probation status shall be imposed on a student prior to the student being removed from the University community. While a student is serving a Conduct Probation, he/she is not in good conduct standing with the University, may not be permitted to hold elected office, nor represent the University in an official capacity.

- **Temporary Separation (Suspension)** involves removal of the student from the University for a definite period of time (minimum of one semester), after which the student is eligible to return, and a permanent notation on one's transcript. Conditions for readmission may be specified.

- **Permanent Separation (Expulsion)** refers to the removal of the student from the University. If assigned permanent separation, a student at no time will be permitted to reenroll in classes at Indiana State University, and a permanent notation will be made on one's transcript.

- **Emergency Action** – The University has identified two types of Emergency Action: **Emergency Housing Separation** and **Emergency University Separation**. The Director of SCI or designee has been granted the authority by the University to remove a student from the University for a temporary period pending complaint resolution or other formal proceedings. The student is denied access to all property owned, operated, or controlled by the University; is denied attendance and/or participation in classes; and is banned from attendance and/or use of University activities and facilities while under this status. If the student violates these conditions, he/she will be subject to arrest and prosecution for criminal trespass.

Emergency Housing Separation removes the student from all residential facilities; however, they student will continue to have access to all other areas of the University. The decision to pursue an Emergency Housing Separation involves a collaborative conversation between SCI and the Office of Residential Life. Appeals for Emergency Housing Separation must be directed to the office responsible for imposing this action for consideration.

Either Emergency Action shall become immediately effective without prior notice whenever there is evidence that the continued presence of the student at the University poses a substantial and immediate threat to others or to the stability and continuance of University functions.

Emergency Action may be lifted by the University at any time should information become available demonstrating the specific student is no longer considered a continued risk.

Under this action, a student(s) shall be given a prompt opportunity to appear personally before the Director of SCI or a designee in order to discuss the following issues only:

- a. The reliability of the information concerning the student's conduct, including the matter of his or her identity, and/or
- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to others or the stability and continuance.

A hearing with the University Conduct Board will be conducted no later than ten (10) business days from the imposition of this action. The student will be allowed to attend this hearing and is afforded the process established by the University for formal adjudication of alleged violations.

## **5.6 Disciplinary Status Outcomes Applied to Student Organization**

- **Conduct Warning** may occur when an organization is notified that conduct of its members has not been in keeping with the expectations of the University. A thorough explanation of University policies is given. The student officers and University advisor of the organization are instructed that further violations of University policies could be cause for additional disciplinary action.

- **Probation** is a formal status during which the organization will have certain restrictions placed on it for a period of time. The organization is removed from good standing with the University for no less than the equivalent of one full semester. Restrictions and provisions of the probation are individualized to the particular needs of the organization; these may include restrictions on social events, on use of University facilities, or on participation in campus-wide events (e.g., Homecoming or Spring Week). Charges for any damages or costs incurred as a result of a violation may also be assessed. Any further violation of University regulations or probation restrictions while on probation means that an organization subjects itself to further disciplinary action. University officials with responsibility for adherence to restrictions placed on the organization will be notified, as well as the persons responsible for registration of student organizations. Additionally, national offices of affiliated student organizations will be notified.

- **Temporary Separation (Suspension)** involves the recognition/registration status of an organization being temporarily terminated with the University for an indefinite period of time (no less than the equivalent of one semester). Additional conditions may be specified.

- **Revocation of Recognition/Registration of Student Organization** action indicates that an organization's standing as a registered student organization of the University is permanently terminated.

## 6.0 Appeals

Students found responsible for a violation of the *Code* may appeal. An appeal from any decision, either conference, administrative hearing or University conduct board, must be made in writing within five business days following the date the hearing record notification is assigned and notice is received by the student. Students may file one (1) appeal per case. In the event multiple students are involved in one case, each student pursuing an appeal must do so individually. Submitting an appeal does not guarantee a meeting with the administrator responsible for deciding the appeal outcome. For that reason, it is important all information for consideration be made clear in the written appeal.

Under Title IX of the Education Amendments of 1972 and the Violence Against Women's Act, the complainant in cases of sexual violence have the identical rights as the charged student which includes the right to appeal.

### 6.1 Format of Appeal

To assist with the filing of an appeal, an appeal cover sheet has been created and must accompany the written 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/student organization's rights were violated as a result of failure of due process (specify right believed to have been violated),
- Significant new evidence is available that could change the outcome.

### 6.2 Office Responsible for Appeal Review

Appeals must be submitted to the Vice President for Student Affairs office. The Vice President for Student Affairs or designee will be responsible for the review and timely response to all appeals



submitted.

The appeal decision is final.

### **6.3 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 Vice President for Student Affairs or designee, 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.

### **6.4 Appeal Review Process**

The appellate officer will review the written letter of appeal from the student and determine if one of the bases 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, and
- Materials presented at the original hearing.

Appeals shall be decided upon the record of the original proceedings and upon the written responses 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 address 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; or
- 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.

### **7.0 Student Conduct Records**

These records are considered "educational records," in accordance with the Family Rights and Privacy Act (Public Law 93-380). These records are private and may not be disclosed in whole or in part except

as provided by law or by written authorization from the student. Conduct records are separate from a student's academic records. Students have the right to inspect and review the materials contained in their conduct record subject to office procedures. Those notified of your status are the Executive Director of Residential Life, Director Public Safety, and the Dean of Students Office.

### **7.1 Maintenance of Records**

Indiana State University is responsible for the maintenance of student conduct records. These records are maintained for a period of seven (7) years from date of the successful completion of the most recent University assigned sanction. Recordings of hearings will be maintained until the final decision of the University appellate process or the failure of the student to file appeal within the deadline specified by the University.

### **7.2. Right to Review Conduct Record**

The Family Education Rights and Privacy Act (FERPA) affords students and eligible parents the right to "inspect and review the education records of the student." (section 99.10 (a). Disciplinary records maintained by the University are considered education records as defined by this law. Parents of a dependent student as defined by the Internal Revenue Code will receive notification of sanctions of certain violations of the Code of Student Conduct (See section III of the Code of Student Conduct, subsection D. "Types of Disciplinary Action" for details.)

All materials in the disciplinary record are the property of Indiana State University. This includes, printed summaries, audio recordings of hearings, written recommendations or decisions reflecting findings of responsible or not responsible as well as the conduct process outcome(s) assigned to those students found in violation. The University will not release these materials to any party, unless compelled to do so through a court order. Students may request an opportunity to review those records by scheduling an appointment with the SCI.

SCI has established guidelines in order to afford students and eligible parents access to the disciplinary record, while exercising the institution's responsibility to privacy required by law. A dependent student who desires that his/her parent review his/her disciplinary record must provide written consent to SCI.

Materials provided an accused student (e.g. complaint, witness statements, charges) become the property and the responsibility of the accused student.

### **7.3 Right to Amend Conduct Record**

In the event that the student believes his or her records to be inaccurate, misleading, or otherwise in violation of his or her expectation of privacy, he or she may challenge the information that is contained in his or her educational records by contacting the University official responsible for the particular educational record in question. The student may then request informal meetings and discussions to resolve his or her concerns. The University official may decide that the student has sufficiently demonstrated that the challenged material should be deleted or modified, and the change will subsequently be made. Otherwise, the student may insert a statement into his or her record to explain any such material from his or her point of view, or a formal hearing may be requested in writing through SCI and/or the Vice President for Student Affairs office. This right to challenge information contained in the student's educational records does not extend to grades unless a grade assigned by a professor was inaccurately recorded. Individuals, agencies, or organizations shall not have access to the student's personally identifiable educational record without his or her written consent except for the following:

- University personnel who require access with a legitimate educational interest;
- Officials of other schools in which the student may seek or intend to enroll; provided that the student has the opportunity to receive a copy of such records if he or she desires;
- Authorized representatives of the government when release of such data is necessary in connection with the audit and evaluation of federal- or state-supported educational programs, or in connection with the enforcement of legal requirements that relate to such programs;
- In connection with the student's application for, or receipt of, financial aid;
- State and local officials or authorities to which such information is specifically required to be reported or disclosed;
- Organizations conducting studies for, or on behalf of, the University for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;
- His or her parents, if he or she is dependent student as defined by the Internal Revenue Service Code, which means that he or she receives more than one-half of his or her financial support from his or her natural or adoptive parents;
- In connection with emergency, if the knowledge of the student's information is necessary to protect his or her health or safety or that of other persons; and
- In compliance with a legal order or pursuant to any lawfully issued subpoena provided that the student is notified of any such order or subpoena before his or her information is released. A log is maintained for student's inspection of those individuals, agencies, or organizations listed above (other than University personnel) who have had access to or been provided personally identifiable information from the student's file.

## 8.0 Interpretation and Revision

**8.1 Interpretation**--Any question of interpretation or application of the Code shall be referred to SCI.

### 8.2 Amendments and Review

Amendments may be proposed by the Indiana State Student Government Association (SGA), Residence Hall Association (RHA), University Senate, administrative staff, or by the Board of Trustees. A committee, under the direction of the Director of SCI, will be formed to review any proposed amendments. The committee will include, but is not limited to: SGA, RHA, University Police, Residential Life, and Student Activities and Organizations, Academic Affairs. A response from the committee must occur 30-calendar days from submission of the proposal. The committee may approve, amend, request a 30-day extension or reject any proposal. Failure to respond may be cause of the initial proposal to be submitted for consideration without comment from the committee.

Recommendations made by the Policy Review Committee will be provided to the Student Affairs Committee (SAC) for review and comment and proceed to Faculty Senate prior to submitting the recommendations for approval.

The Board of Trustees has delegated approval of any amendments and/or recommendations to alter the *Code of Student Conduct* to the President. The President will have the authority to set the day for which any amendments become effective for the University. Approved amendments will be provided to the Board of Trustees for review at which time amendments may be permanently accepted or rejected.

In addition, the *Code of Student Conduct* shall be reviewed at least every two years under the direction of the Director of SCI or other University official designated by the Vice President for Student Affairs. The aforementioned committee will assist in the bi-annual review. Updates may be made to the *Code of Student Conduct* as necessary depending on legal updates and campus needs. Recommendations stemming from the review will be submitted to the President and Board of Trustees for approval.

University Community members will be notified of all approved amendments, as well as effective date, via electronic notification ( e.g. e-mail, MyISU Portal announcement, Communications Today).

## **Appendix A: Definitions and Acronyms**

The following **definitions** will be used in this Code:

- The term “University” means Indiana State University.
- The term “student” includes all persons whom have applied and been accepted by the University as eligible to enroll in courses, both full-time and part-time, non-degree and degree seeking, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than Indiana State University and who reside in University residence halls. Students who are not officially enrolled for a particular term or terms (up to two years after the last active enrollment) are defined as having a continuing relationship with the University and are considered “students.”
- The term "student organization" refers to any number of students which has obtained recognition through the Student Activities and Organizations following specific University guidelines. It is understood that all policies and prohibited conduct may be applicable to student organizations if individuals act in part or on behalf of any student organization.
- The term “faculty member” means any person hired, appointed, or assigned by the University to conduct classroom activities.
- The term “University official” includes any person employed by the University performing assigned administrative or professional responsibilities. This term includes student employees (e.g. student workers, resident assistants, community service officers).
- The term “member of the University community” includes any person who is a student, faculty member, university official, or any other person employed by the University.
- The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- The term "sanction" refers to a conduct outcome where active participation from the accused student is required. Sanctions are intended to be educational to promote personal and/or community growth and betterment.
- The term "stipulation" refers to a conduct outcome that will likely result in a higher disciplinary outcome if violated but may be a passive requirement. For example, a stipulation may be that the student is to refrain from further conduct violation. There is no activity involved to successfully complete this requirement.
- The term “University Conduct Board” or “University Conduct Officer” means any person or persons authorized by the president of the University or his/her designee(s), pursuant to policies established by the University, to determine whether a student or student organization has violated the Code of Student Conduct and to impose appropriate sanctions, including separation of the student from Indiana State University or revocation of registration or recognition.
- The term “shall” is used in the imperative sense.
- The term “may” is used in the permissive sense.
- The Director of SCI is the person designated by the President of the University to be responsible for administration of the Code.
- The term “policy” is defined as the written regulations of the University as found in, but not limited to, the Code of Student Conduct, the Residence Hall Handbook, The University Handbook, and the Graduate and Undergraduate Catalogs.

The following **acronyms** will be used in this Code:

- AC – Administrative Conference
- CRP – Complaint Resolution Process
- SCI – Office of Student Conduct and Integrity
- UCB – University Conduct Board

- UCO – University Hearing Officer

### **Appendix B: “Sycamore Standard”**

Adopted by SGA in 2002; Adapted Policy Review Committee 2013

All members of Indiana State University will learn and apply essential life lessons related to: self-awareness, communication, civility and respect, integrity, forgiveness, patience and trust. As a member of Indiana State University:

*I will practice personal responsibility and academic integrity;*

*I will aspire towards truth and learning;*

*I will foster an environment conducive to mine and other’s health, wellness, and safety;*

*I will avoid acts that promote intolerance of individuals or groups;*

*I will conduct myself in a manner that brings honor to me and the University community; and*

*I will discourage behaviors by others that are differing to these standards and expectations of the Code of Student Conduct.*

Awareness of the common good leads us to make individual choices in light of how they affect, or may affect, other people and the ISU community as a whole. Accepting certain social conditions allows people, either as groups or individuals, to reach their full holistic development.

### **Appendix C: Medical Amnesty**

#### **ISU Alcohol Health Procedures: Alcohol Safety and Assistance Program**

The utmost concern of Indiana State University is the care and well-being of our student body. Alcohol-related illness poses significant dangers to students. The university community understands that the risk of university discipline can deter a student from making the call that could save the life of someone who has consumed too much alcohol. In alcohol related emergencies, ISU ASAP seeks to mitigate deterring consequences for the intoxicated student as well as one student seeking medical attention on behalf of the intoxicated student. The purpose of ISU ASAP is not to exonerate students from disciplinary action; rather the ISU ASAP favors educationally-based, reformation-minded University responses to these frightening incidents. The proposed procedure will foster a culture in which individuals feel comfortable calling for help on behalf of those in need of assistance, thereby saving lives.

1. Any student who requires medical assistance due to an alcohol-related illness may be exempt from university disciplinary sanctions when all of the following has taken place:
  - a. The proper authorities are notified; and
  - b. The student completely cooperates with all authorities involved and provides all requested information, i.e. the provider of alcohol, the person/organization that owns the property where the incident occurred, etc.; and

- c. After the offense, the student remains compliant with the prescribed Alcohol Education and Assessment Initiative issued by the Office of SCI.
2. One (1) student who assists the ill individual may be exempt from university disciplinary sanctions related to this incident when all of the following has taken place:
  - a. The proper authorities are notified;
  - b. The student completely cooperates with all authorities involved and provides all requested information; and
  - c. The student remains with the ill individual until the authorities arrive to the scene.
3. The decision to provide the exception from university disciplinary sanctions shall be the judgment of the SCI office. *NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense. Vice versa, a student may still be exempt through the University process even if criminal charges are pursued by legal channels.*
4. Repeat offenses may not receive the immunity that this procedure offers.

#### **Appendix D: Sales and Solicitations**

Sales and solicitations may be conducted on campus by an officially registered or recognized student organization. Off-campus charitable, not-for-profit, and commercial enterprises offer programming opportunities that often include sales. Such programs may be brought onto campus under the sponsorship of a registered or recognized student organization. All sales and solicitations must comply with University regulations and policies, as well as local, state, and federal laws and ordinances.

1. Sales or solicitations in residence halls must be approved by Residential Life.
2. Sales or solicitations conducted anywhere on campus except in the residence halls must be approved by Student Activities and Organizations. In addition, use of a facility for the purpose of sales or solicitations must be approved by the person charged with primary responsibility for use of that facility. (Names of such persons are available in Student Activities and Organizations.)
3. Individual students who wish to sell or solicit on campus may do so by renting space in the Hulman Memorial Student Union or by conducting the sale in the privacy of their own residence hall rooms or University Apartments residence, provided such sales have been specifically approved in accordance with the Residential Life guidelines.

#### **Appendix E: Policies for Posting Notices**

The University provides facilities for the posting of University related and private notices under the following criteria:

1. Notices must have the name, address, and telephone number of an authorized organization representative (or individual if not affiliated with an organization) clearly printed on the back of the notice.
2. The notice cannot promote any activity in violation of University regulation or policy, or federal, state, or local law or statute.
3. Hulman Memorial Student Union and Residential Life have limitations on the size of notices. Users should contact the directors of those facilities concerning these limitations. In all other areas, posted notices may be no larger than 18 inches by 24 inches.

4. Outdoor displays cannot be nailed to trees or other structures or objects. The use of string, tape, or wire is suggested. No stakes or postholes may be used without the written permission of Facilities Management.
5. Chalking with water soluble chalk is restricted to flat, horizontal walkways in open areas that will allow rain to eventually wash the chalk away. Chalking is prohibited on benches, walls, or other vertical surfaces. Chalking is not allowed on the brick paver walkways.
6. Posters may not be attached to the sides of buildings. Banners may be hung from buildings if approved by the building supervisor and Facilities Management. Posters and notices may not be placed on glass (entry) doors or windows.
7. Private parties may post notice of meetings and services as long as the above criteria are followed. Posters are removed after two weeks or at the end of the effective date of the posted message, whichever comes first.
8. Priority is given to those notices posted by University departments and by registered/recognized student organizations.

*\*The University may remove and discard any outdated notice, or any notice posted in violation of the criteria outlined above.*

## **Appendix F: Student Rights Under FERPA/Parental Notification**

### Background

Congress amended the Family Educational Rights and Privacy Act (FERPA) in late 1998 to permit colleges and universities to notify the parents or guardians of students about violations of campus alcohol and drug policies, regardless of age. For specifics regarding FERPA, please visit <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

### Purpose

It is the goal of Indiana State University to expand the partnership with parents/guardians in encouraging students to make reasonable, responsible, and healthy decisions about alcohol and other drugs. In addition, we know that there is a strong association between a declining academic performance and the illegal/abusive use of alcohol and other drugs by our students. By notifying parents/guardians of violations of this nature, we have the opportunity to work together to aid in the academic success and healthy social integration of our students.

### Details of Notification

If a student under the age of 21 is found responsible violating 3.3.3 *Drug Related Behavior* and/or 3.3.4 *Alcohol Related Behavior* of the Code of Student Conduct, SCI will notify the student's parents/guardians in writing.



Written notifications will not include specific details of the incident(s), circumstances surrounding the violation(s), or *any* specifics of the case. If parents/guardians are interested in receiving more information are encouraged to discuss the case with their student. If questions remain, parents/guardians are encouraged to contact SCI.

#### Additional Information

Notification is designed to inform parents/guardians a violation has occurred and to encourage an educational discussion between parents/guardians and their student. Notifications will be sent for repeat violations of 3.3.4- Alcohol Related Behavior and for first time/repeat violations of 3.3.3- Drug Related Behavior.

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.

When there is reason to believe that a student's health and well-being are at risk or they have placed other members of the community at risk, the Dean of Students or his/her designee may contact the parents/ guardians directly.

## **File D Memorandum: Code of Student Conduct Review and Proposal**

### **Purpose:**

In interacting with students, faculty and staff regarding student expectations and University Conduct process, the office of Student Conduct and Integrity (SCI) concluded revisions to the *Code of Student Conduct* (Code) should be considered. The focus for revisions centered on aligning the conduct process to enhance learning, providing clear expectations, ensuring all rights of the students are clearly identified, as well as adjust prohibited behavior to align with national and technological changes. The current Code used terminology deeply rooted in a legalistic system (i.e. plea agreements, court, justices). Alterations to wording were necessary to assist the students in understanding the criminal and University processes are separate.

### **Review Process:**

In May of 2013, the office of Student Conduct and Integrity requested permission from the Vice President for Student Affairs to undertake a lengthy review process. Student Conduct and Integrity, as charged by the Board of Trustees, has direct oversight of the University conduct process as well as adjudication of conduct matters. Assistant Dean of Students/Director, Student Conduct and Integrity, Craig Enyeart, lead this review. Craig Enyeart has over 12 years of experience working in the area of student conduct, is a certified diversity professional and has over 150 hours of conflict resolution and restorative justice training. Craig Enyeart currently serves as the State of Indiana Coordinator for the Association for Student Conduct Administration.

An intensive review process proceeded beginning with the review of 22 institutions consisting of other Universities within the State of Indiana as well as others identified as peer institutions across the nation (listed at the end of this document). These institutions were utilized in considering common Code language as well as reviewing how other institutions have integrated recent legislation.

To ensure best practice, Dr. Matthew Gregory, Associate Dean of Students at Louisiana State University and President for the Association for Student Conduct Administration, has graciously served as an external reviewer. His comments and recommendations have been incorporated into the existing Code proposal. Dr. Gregory is a leading authority in student rights, restorative justice and conflict resolution. During this time, University Police and the Office of Residential Life were consulted for comment and recommendations.

In December 2013, the Code proposal was provided to the Faculty Senate/Student Affairs Committee (SAC) for review and recommendations outlined in the University Handbook 245: Constitution of the Faculty of Indiana State University (specifically, 245.2.3: Advisory Authority).

On January 23, 2014, Student Conduct and Integrity convened a Policy Review Committee including the following: Amanda Knerr (Executive Director, Residential Life), Dr. Virgil Sheets (faculty and faculty justice), Student Government Association, Residence Hall Association, Brooks Moore (Associate Dean of Students for Student Activities and Organizations), Joseph Newport (Chief of Police, Indiana State University Police Department), Kourtney Barrett (Associate Director for Student Conduct and Integrity), and Zachariah Mathew (Associate Director, International Affairs).

On January 16 and January 30, 2014, Vice President Tillery presented the Code proposal to her cabinet for review and comment. All recommendations were considered for inclusion in the Code proposal.

On January 17, 2014, SAC discussed the proposal and all members were charged with review and comment on the Code proposal.

On January 28, 2014, Student Conduct and Integrity met with the President's Cabinet to discuss the Code proposal and receive feedback and/or recommendations. Of note, this is the first interaction the office of Student Conduct and Integrity had with President Bradley regarding revisions to the Code.

On January 28, 2014, President Bradley requested a letter from SAC stating they have had the opportunity to review the Code proposal and inform him if SAC is supportive, or not, of the proposal.

On February 13, 2014, having received no recommendations from any SAC members, the chair of SAC opened an electronic vote. On February 14, 2013 all voting members signified 'aye' in support of the proposal with a vote of 7-0-0.

On February 21, 2014 the Code Proposal was on the agenda for passage by the Board of Trustees. Faculty Senate requested the item be removed from the agenda citing concerns of the shared governance on the topic. Vice President Tillery and President Bradley agreed to withdraw the item.

On February 25, 2014, Faculty Senate Exec. voted to remand the Code proposal back to SAC for further review and recommendation.

Based on comments made during Faculty Senate Exec, the language for passive participation has been altered. The past version read: "Students passively participating in or assisting others in to committing acts prohibited by the University will likely be sanctioned to the same extent as if one had committed the prohibited act." In the current version, "will likely" has been changed to "may." Currently, the Code has one sentence regarding aiding and abetting by your presence and/or knowledge. This policy was discussed with several students, who stated it was much clearer than what is currently in the Code and the location is such that they are more likely to read the policy.

One concern discussed during Faculty Senate Exec. was the issue of computing policy not including personal devices. The language was not altered due to concern of privacy and basic human rights. The University should not be concerned with what is personally owned; however, can address the use of University services regardless of property rights of a device. An addition was made to include violation of all other computing policies not specifically described in the Code.

8.2 Amendments to the Code no reads: "Recommendations made by the Policy Review Committee will be provided to the Student Affairs Committee (SAC) for review and comment and proceed to Faculty Senate prior to submitting the recommendations for approval."

**Reviewers:**

Matthew Gregory, Ph.D., Associate Dean of Students, Louisiana State University/President, Association for Student Conduct Administration.

Carmen Tillery, Ph.D., Vice President for Student Affairs and Dean of Students

Craig Enyeart, Assistant Dean of Students/Director, Student Conduct and Integrity

Kourtney Barrett, Assistant Director, Student Conduct and Integrity

Brooks Moore, Associate Dean of Students for Student Activities and Organizations

Kenneth Chew, Psy.D., Director, Student Counseling Center

Stephanie Jefferson, Ph.D., Director, C.E.Brown African American Cultural Center

John Lentz, Director, Student Recreational Sports

Al Perone, Associate Dean of Students/Ombudsperson

Aimee Janssen-Robinson, Assistant Dean of Students for Student Advocacy  
Amanda Knerr, Executive Director, Residential Life  
Joseph Newport, Chief of Police, Indiana State University  
Melony Sacopulos, General Counsel for Indiana State University  
Shelbie Schomber, Student  
President's Cabinet  
Student Government Association  
Residence Hall Association  
Student Affairs Committee (SAC) - All members including ex-officio and guests (i.e. Dr. Josh Powers, Dr. Linda Maule, student guests)

**Institutions Reviewed:**

Illinois State University, Ball State University, Central Michigan University, East Carolina University, Indiana University of Pennsylvania, University of Northern Colorado, Louisiana Tech University, East Tennessee State University, Bowling Green University, Cleveland State University, Eastern Illinois University, Idaho State University, Tennessee State University, UNC Charlotte, University of Akron, University of Arkansas—Little Rock, University of Missouri (Kansas and St. Louis), UNC Greensboro, University of South Alabama, University of South Dakota, Wichita State, Wright State

# D. Matthew Gregory, PhD

## EXTERNAL CONSULTANT REVIEW – INDIANA STATE UNIVERSITY

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To: Craig Enyeart, CDP  
Assistant Dean of Students  
Director, Student Conduct and Integrity  
Indiana State University

From: D. Matthew Gregory, PhD  
Consultant, Higher Education

Date: March, 21, 2014

RE: Proposed Code of Student Conduct Review

Mr. Enyeart,

Again, thank you for the opportunity to visit Indiana State University on November 7<sup>th</sup> and 8<sup>th</sup> for the purpose of conducting an external review of the ISU Code of Student Conduct, a review of Student Conduct and Integrity, and to provide staff training on conflict resolution to ISU staff.

I recently had the opportunity to read the proposed Indiana State University: Code of Student Conduct. As you may recall, I provided recommendations in advance of my November and following my November visit that were intended to represent what I perceive to be recommended practice nationally and in-line with recent guidance form the Department of Education (2011 Dear Colleague Letter, 2013 UM Resolution Agreement). Upon my review, I feel my feedback was taken into consideration and appears, in the majority of instances, to have been incorporated into the proposed version of the Code of Student Conduct. Additionally, and upon subsequent review, I am of the opinion that the proposed version of the Code of Student Conduct is in-line with national recommended practice for student conduct processes and procedures.

At this time, I have no essential recommendations to offer. Congratulations on the culmination of what appears to be a model institutional Code of Student Conduct.

Sincerely,



D. Matthew Gregory  
Consultant, Higher Education  
<http://www.nchemr.org/consultants/d-matthew-gregory/>

**File F Report to Faculty Senate Executive Committee  
on increasing the number of SAC Ex-Officios  
University Student Affairs Committee  
Jim Buffington, Chair  
March 21, 2014**

**The Charge:** Investigate the desirability of increasing SAC ex-officios to include the Office of the Dean of Students and the Office of University College.

**Background and Rationale:** This charge originated with the SAC Chair. The primary impetus was a concern that there are two offices which should routinely participate in SAC discussions. Shortly after the current Dean of Students assumed her position at ISU, she contacted the SAC Chair and asked to be included in SAC discussions. Later, when University College was created, the SAC Chair invited the University College to send a delegate to SAC meetings. Both of these offices are included on SAC mailing lists, and both offices have made very significant contributions to review of student issues.

Currently, the Handbook provides for these administrative representatives on SAC:

**246.9.1.2 Administrative Representation.** One (1) representative from each of the following areas: Academic Affairs, Registration and Records, Admissions, Financial Aid, Student Academic Services, Leadership, Student Activities and Greek Life, Residential Life, Hulman Memorial Student Union, Intercollegiate Athletics.

SAC discussed changing this section of the University Handbook as follows:

**246.9.1.2 Administrative Representation.** One (1) representative from each of the following areas: Academic Affairs, Registration and Records, Admissions, Financial Aid, Student Academic Services, Leadership, Student Activities and Greek Life, Residential Life, Hulman Memorial Student Union, Intercollegiate Athletics, **Division of Student Affairs, and University College.**

**SAC Recommendation:** At the March 21, 2014 Meeting, SAC unanimously approved this revision (5-0-0, C. Blevens, A. Arrington-Bey).

**File G Report to Faculty Senate Executive Committee  
On Revisions to Medical Amnesty Policy  
University Student Affairs Committee  
Jim Buffington, Chair  
March 21, 2014**

**The Charge:** Investigate the desirability of ISU's adopting a Medical Amnesty Policy

**Background:** On August 27, 2013 SAC received notification from the Student Government Association about a proposed Medical Amnesty Policy (File I). At the December 4 SAC Meeting, SAC received word

that Melany Sacopulos, ISU General Counsel, suggested the proposal be submitted as a procedural update rather than a policy requiring Board of Trustee approval (File J). That Medical Amnesty Policy is File H.

At the January 17, 2014 SAC Meeting, Craig Enyeart (Director, Student Conduct and Integrity), reported that "In January, this new procedure will be utilized by Student Conduct and Integrity as we process conduct complaints/reports. Students will be notified of the procedural change through the marketing efforts of SGA, several social media postings, an email through Communications Today and several other avenues. Student Conduct and Integrity is currently reviewing the *Code of Student Conduct* and intends to include ISU ASAP as part of the updated Code which will require Board of Trustee approval. The conduct management software currently allows for tracking of any case identified to fit the ISU ASAP criteria. The Assistant Dean of Students for Student Advocacy will also be involved to ensure compliance with any educational requirements students must successfully complete as part of ISU ASAP. His staff has already applied the amnesty policy twice in recent weeks."

**SAC Recommendation:** At its February 21, 2014 Meeting, SAC discussed the Policy, noting that a determination had been made to incorporate the Medical Amnesty Policy as part of the discussion on the Revised Code of Student Conduct to the Board of Trustees for their May meeting. However, because the policy is a procedural update, not that of the University Handbook, no action by SAC is needed. L. Valentine, SGA President, reported that the policy is operational and has been already used. By consensus, this report is being forwarded to the Executive Committee as an information item.

### File H Proposal for: ISU Alcohol Health Procedures Alcohol Safety and Assistance Program (ASAP)

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The utmost concern of Indiana State University is the care and well-being of our student body. Alcohol-related illness poses significant dangers to students. The university community understands that the risk of university discipline can deter a student from making the call that could save the life of someone who has consumed too much alcohol. In alcohol related emergencies, ISU ASAP seeks to mitigate deterring consequences for the intoxicated student as well as one student seeking medical attention on behalf of the intoxicated student. The purpose of ISU ASAP is not to exonerate students from disciplinary action; rather the ISU ASAP favors educationally-based, reformation-minded University responses to these frightening incidents. The proposed procedure will foster a culture in which individuals feel comfortable calling for help on behalf of those in need of assistance, thereby saving lives.

5. Any student who requires medical assistance due to an alcohol-related illness may be exempt from university disciplinary sanctions when all of the following has taken place:
  - a. The proper authorities are notified; and
  - b. The student completely cooperates with all authorities involved and provides all requested information, i.e. the provider of alcohol, the person/organization that owns the property where the incident occurred, etc.; and
  - c. After the offense, the student remains compliant with the prescribed Alcohol Education and Assessment Initiative issued by the Office of Student Conduct and Integrity.

6. One (1) student who assists the ill individual may be exempt from university disciplinary sanctions related to this incident when all of the following has taken place:
  - a. The proper authorities are notified; and
  - b. The student completely cooperates with all authorities involved and provides all requested information; and
  - c. The student remains with the ill individual until the authorities arrive to the scene.
7. The decision to provide the exception from university disciplinary sanctions shall be the judgment of the Student Conduct and Integrity office. *NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense. Vice versa, a student may still be exempt through the University process even if criminal charges are pursued by legal channels*
8. Repeat offenses may not receive the immunity that this procedure offers.

**Associate Director for Wellness** \_\_\_\_\_

**Director of Student Conduct and Integrity** \_\_\_\_\_

**Chief of Police** \_\_\_\_\_

**Assistant Chief of Police** \_\_\_\_\_

**Vice President of Student Affairs** \_\_\_\_\_



## SGA and Proposed Medical Amnesty Policy

August 27, 2013

Dear Mr. Buffington,

My name is Olivia Finley and I am the Director of Governmental Affairs for the Student Government Association here at Indiana State. I am contacting you to inform you about the Medical Amnesty Procedure that SGA has been working to implement on our campus.

First, I will explain what Medical Amnesty is and what it will do for ISU's campus. Medical Amnesty is the idea that grants amnesty of conduct sanctions if a person is sick from too much alcohol consumption and they call for medical help to receive the assistance they need. This amnesty also applies to one other person that remains with them during their time of need. However, Medical Amnesty is only granted once for an individual. By making Medical Amnesty a policy on campus, we believe that it will help guide students to make the right choice when the consequences of underage drinking becomes dangerous and even life-threatening.

Medical Amnesty has been passed through the Student Senate. Myself and the rest of SGA are ready to make Medical Amnesty a policy here at ISU. We believe that implementing Medical Amnesty on this campus will be extremely beneficial for the student body. We are very interested in getting Medical Amnesty on the agenda for the Faculty Senate to hopefully get one step closer to making it a policy on our campus.

I would like to know if Medical Amnesty could be placed on the Faculty Senate agenda and how much time it may take to actually get it on the agenda. I am also curious as to what committee Medical Amnesty would be placed in. I ask this because I would really like to set up a meeting with the chairperson of the committee it will be placed in. As previously stated, the SGA team is anxious and determined to help progress Medical Amnesty to become a policy in order to continue improving our campus. I hope to hear back from you soon.

Thank You,

Olivia Finley

Director of Governmental Affairs

Student Government Association

621 HMSU

Terre Haute, IN 47809

[ofinley@sycamores.indstate.edu](mailto:ofinley@sycamores.indstate.edu)

## Medical Amnesty Policy Update

December 4, 2013,

As requested I am providing an update on the ISU Medical Amnesty (ISU ASAP) proposal submitted for consideration by the Student Government Association. During an SGA discussion with ISU General Counsel, Melony Sacopulos, it was suggested the proposal be submitted as a procedural update rather than a policy requiring Board of Trustee approval. The procedural change would affect how conduct matters are processed at Indiana State University which is the primary responsibility of Student Conduct and Integrity. In January, this new procedure will be utilized by Student Conduct and Integrity as we process conduct complaints/reports. Students will be notified of the procedural change through the marketing efforts of SGA, several social media postings, an email through Communications Today and several other avenues.

Student Conduct and Integrity is currently reviewing the *Code of Student Conduct* and intends to include ISU ASAP as part of the updated Code which will require Board of Trustee approval.

The conduct management software currently allows for tracking of any case identified to fit the ISU ASAP criteria. The Assistant Dean of Students for Student Advocacy will also be involved to ensure compliance with any educational requirements students must successfully complete as part of ISU ASAP.

Please let me know if there are any questions regarding this update. I am happy to clarify or comment if necessary. Thank you.

*Craig R. Enyeart*

Craig R. Enyeart, CDP

Assistant Dean of Students

Director, Student Conduct and Integrity

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**F**ortitude

**I**ndependence

**R**etention

**S**uccess

**T**eamwork